

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

Form #4

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2001 SEP 20 A 10:58

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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 RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

E. Clayton Hynes, OD
Authorized Signature

SCANNED

TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY

SERIES 5
SCHEDULE OF FEES

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2001 SEP 20 A 10: 59

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14-5-1. General.

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

1.2. Authority. -- W. Va. Code §30-8-3.

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 are payable to the West Virginia Board of Optometry by check, money order, or certified check.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Board of Optometry

Subject: Schedule of Fees, 14CSR5

PERTINENT DATES

Filed for public comment: June 11, 2001
Public comment period ended: July 16, 2001
Filed following public comment period: July 18, 2001
Filed LRMRC: July 18, 2001
Filed as emergency: June 11, 2001

Fiscal Impact: \$20,790 revenue increase.

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2001 JUL 25 A 9 10
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ABSTRACT

The proposed rule is new. The following is a section-by-section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 sets forth a schedule of fees of the Board. Some of the fees have been increased per the schedule attached to the rule by the Board.

AUTHORITY

Statutory authority: W.Va. Code, §30-8-3, which provides, in part, as follows:

...The board shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this

code, which are not inconsistent with any other provision or section of this article:

(a) For the proper performance of its duties;

(b) To govern the ethical practice of optometry for the safety, protection and welfare of the public; and

(c) To provide for examinations, licensure requirements, continuing education requirements, fees, and to further effectuate the provisions of this article, article one of this chapter, and any other provisions set forth in state or federal law.

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.