

**WEST VIRGINIA LEGISLATURE**  
*Legislative Rule-Making Review Committee*

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**Senator Mike Ross, Co-Chairman**  
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**Debra A. Graham, Counsel**  
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**Rita Pauley, Associate Counsel**  
**Teri Anderson, Administrative Asst.**

September 12, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Cheryl Schreiber  
Osteopathy, WV Board of  
334 Penco Road  
Weirton, WV 26062

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Licensing Procedures, Osteopathic Physicians, 24CSR1**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule  
(a) as originally filed  
(b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule;  
a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with  
certain amendments; amendments and a statement of reasons  
for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as  
modified with certain amendments; amendments and a  
statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement  
of reasons for such recommendation is attached.

OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA  
SEP 13 11 35 AM '00  
FILED

**SCANNED**

ANALYSIS OF PROPOSED LEGISLATIVE RULES

**Agency:** West Virginia Board of Osteopathy

**Subject:** Licensing Procedures, Osteopathic Physicians, 24CSR1

PERTINENT DATES

Filed for public comment: June 29, 2000

Public comment period ended: July 31, 2000

Filed following public comment period: August 7, 2000

Filed LRMRC: August 7, 2000

Filed as emergency:

Fiscal Impact: None

OFFICE OF THE ATTORNEY GENERAL  
SECRETARY OF STATE

AUG 21 2 25 PM '00

FILED

ABSTRACT

The proposed rule amends a current legislative rule. The proposed rule deletes provisions regarding disciplinary procedures against licensees. These provisions have been moved to a new rule designated 24CSR6. The proposed rule would also require that a photograph taken within the previous 60 days accompany the application, the current rule allows a photograph from the previous 12 months. Finally, the proposed rule would allow paying a fee by personal check.

AUTHORITY

Statutory authority: W.Va. Code, §30-1-4, which provides as follows:

Every such board shall adopt an official seal which shall be affixed to all licenses or certificates of registration issued by it, and shall make such rules and regulations, not inconsistent with law, as are necessary to regulate its proceedings and to carry out the purposes and enforce the provisions of this chapter applicable to such board.

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.