

Form #2

FILED

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA BOARD OF OSTEOPATHY

**FEEES FOR SERVICES RENDERED BY THE
WEST VIRGINIA BOARD OF OSTEOPATHY**

Title 24, Series 5

SUMMARY OF PROPOSED RULE

The purpose of this rule is to provide one, consolidated reference for all fees charged by the West Virginia Board of Osteopathy. The principal effect of the proposed amendments is to increase the fees charged for licenses, educational permits, and corporation and PLLC registrations, as well as incidental services for documentation and verification. In addition, this proposed rule specifies the costs assessed for the copying of public records pursuant to the Freedom of Information Act.

WEST VIRGINIA BOARD OF OSTEOPATHY

FEES FOR SERVICES RENDERED BY THE WEST VIRGINIA BOARD OF OSTEOPATHY

Title 24, Series 5

STATEMENT OF CIRCUMSTANCES FOR PROPOSED RULE

Several factors have contributed to a recent increase in the expenses of the West Virginia Board of Osteopathy. These are primarily due to the costs of litigation in the Board's role of enforcement of the standards of professional conduct for osteopathic physicians and surgeons. These include the costs of transcripts, compensation of hearing examiners and, most substantially, the cost of legal services provided to the Board.

The Board of Osteopathy also intends to move its office from Weirton, West Virginia, to the seat of government in Charleston during the 2010 fiscal year. The Board is undertaking this move for several reasons: to conform to Constitutional requirements for an office at the seat of government, to provide greater availability and visibility to the public, and to facilitate more interaction with other state agencies. Along with this move, the Board intends to change the position of its Executive Secretary from a part-time to a full-time position. These changes will bring increase costs due to the payment of higher rent and higher compensation for personnel. Other operating expenses are likely to be higher in the new location as well.

In addition, the Board has received a request to apply a portion of its fees to maintain a Physician's Health Program for the monitoring of physicians in treatment and rehabilitation for substance abuse problems. The Board recognizes the importance of such a program and believes that some level of support is necessary to ensure the viability of the program.

The Board has estimated that the annual, additional costs for these changes will amount to \$130,000 to \$140,000. Because the Board operates from a special revenue account and derives all of its operating funds solely from fees charged for the services it renders. The Board is required by law to set its fees in amounts sufficient to maintain a positive budget balance and to maintain a sufficient reserve to cover extraordinary costs when they arise. Therefore, the Board has proposed increases to several of the fees that it charges for its services to the osteopathic community and to the general public. These changes have been calculated after considering the numbers of licenses, permits and registrations regularly provided by the Board and comparison with the charges for similar services provided by other agencies and by other states.

The Board has not previously requested any increase in fees since the original schedule of fees was established ten (10) years ago.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees for Services Rendered by the West Virginia Board of Osteopathy

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: West Virginia Board of Osteopathy

Address: 334 Penco Road
Weirton, WV 26062

Phone Number: 304-723-4638 Email: bdosteo@mail.wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The proposed amendments to the rule (an increase in fees) will not have any fiscal impact on the general revenues of the State. However, these amendments would bring in an average of \$136,500 annually into the special revenue account for the WV Board of Osteopathy.

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	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	126,500.00	146,500.00	136,500.00

Rule Title: _____

Rule Title:

Fees for Services Rendered by the West Virginia Board of Osteopathy

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

All operating funds for the Board of Osteopathy come from fees charged for services rendered by the Board. The proposed fee increases will bring an average annual amount of \$136,500 over the current revenues in the special revenue account.

The greatest source of revenue is in the issuances of professional licenses. These licenses last for two years before they must be renewed. However, there is an uneven distribution of licenses that are to be renewed in each calendar year. Because fewer licenses are due to be issued/renewed in 2010, the first year of implementation, the estimated revenue amount is lower.

In the following year, a greater number of licenses are due to be renewed and, therefore, the revenue generated will be correspondingly higher.

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.

The rule is being amended to increase fees charged by the agency for services rendered by it. These increases are calculated to offset increased costs that the agency is incurring and expected to incur in the current and subsequent fiscal years.

Date: 6/1/09

Signature of Agency Head or Authorized Representative



FILED

TITLE 24
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OSTEOPATHY

2009 JUN -1 PM 1: 03

SERIES 5
FEES FOR SERVICES RENDERED BY
THE BOARD OF OSTEOPATHY

OFFICE WEST VIRGINIA
SECRETARY OF STATE**§24-5-1. General.**

1.1. Scope. -- This legislative rule establishes the fees charged by the Board of Osteopathy for services rendered. ~~The fees in this rule supercede the fees contained in the Board's Rule Licensing, Disciplinary and Complaint Procedure Osteopathic Physician, 24CSR1.~~

1.2. Authority. -- WEST VIRGINIA CODE §§ 29B-1- 3(5), 30-1-4, 30-1-6, 30-14-4 and 31B-13-1304.

1.3. Filing Date. --

1.4. Effective Date. --

§24-5-2. Schedule of Fees For Services Rendered By the West Virginia Board of Osteopathy for Physicians.

The West Virginia Board of Osteopathy charges fees for the services it performs in connection with the licensing of osteopathic physicians, physician corporations and professional, limited liability companies. The services are listed below with the corresponding fee for each service.

~~2.1 Examination - \$100.00 above the board's cost of preparing & processing the exam~~

~~2.2 2.1 Reciprocity or Endorsement Application for Licensure - \$200.00~~ \$400.00

~~2.11 2.2 Osteopathic Physician Biennial Renewal of License - \$200.00~~ \$400.00

2.3. Osteopathic Physician Corporation Application Fee - \$500.00

2.4. Osteopathic Physician Corporation ~~Registration~~ Biennial Renewal - ~~\$250.00~~ \$400.00

2.5. Osteopathic Physician Endorsement or Written Licensure Verification - ~~\$25.00~~ \$35.00

2.6. Osteopathic Physician State Board Scores - \$10.00

2.7. Late renewal fee - ~~\$50.00~~ \$100.00

2.8. Osteopathic Physician Duplicate Wallet License - ~~\$10.00~~ \$30.00

2.9. Osteopathic Physician Wall Certificate - ~~\$20.00~~ \$50.00

2.10 Osteopathic Physician Educational ~~Training~~ Permit - ~~\$50.00~~ \$100.00

2.11 Annual Registration of a Professional, Limited Liability Company \$200.00 per year.

§24-5-3. Schedule of Fees For Services Rendered For the General Public.

The West Virginia Board of Osteopathy charges the following fees for the production of records and copies provided to the public, pursuant to the West Virginia Freedom of Information Act, W. VA. CODE §29B-1-1 et seq.

3.1. Record Search Fee- \$30.00

3.2. Copying public records – no charge for ten (10) pages or less, \$0.75 for each page in excess of ten (10) pages.