

Form #3

SECRET

Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 31, 2009

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Board of Osteopathy

334 Penco Road

Weirton, WV 26062

LEGISLATIVE RULE TITLE: Fees for Services Rendered by the Board of Osteopathy

1. Authorizing statute(s) citation W. Va. Code §§29B-1-3(5), 30-1-4, 31B-13-1304

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 1, 2009

b. What other notice, including advertising, did you give of the hearing?

Copies of the rule were sent to all osteopathic physicians and surgeons licensed by the WV Board of Osteopathy.

c. Date of Public Hearing(s) *or* Public Comment Period ended:

July 1, 2009

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

Attached X

No comments received

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

July 31, 2009

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

Cheryl Schreiber, Executive Secretary

West Virginia Board of Osteopathy, 334 Penco Road, Weirton, WV 26062

t. 304-723-4638 F - 304-723-6723

- g. **IF DIFFERENT FROM ITEM 'f',** please give **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)

Doren Burrell, Senior Assistant Attorney General

Office of the Attorney General

State Capital, Room E-26

Charleston, WV 25305

T- 304-558-2522 F - 304-558-2525

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.

N/A

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

WEST VIRGINIA BOARD OF OSTEOPATHY

**FEES 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



TITLE 24
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OSTEOPATHY

SERIES 5
FEES FOR SERVICES RENDERED BY
THE BOARD OF OSTEOPATHY

RECEIVED
2009 JUL 31 PM 5:03
SECRETARY OF STATE
STATE OF WEST VIRGINIA

§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.

2.12. Annual Permit to Dispense / Prescribe Controlled Substance - \$15 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.

WEST VIRGINIA BOARD OF OSTEOPATHY

FEES FOR SERVICES RENDERED BY THE WEST VIRGINIA BOARD OF OSTEOPATHY Title 24, Series 5

AGENCY'S RESPONSES TO PUBLIC COMMENTS

The West Virginia Board of Osteopathy has received written comments from twenty-one individuals regarding the changes to the fees as proposed in the rule, Title 24, Series 5.

Of these individuals, sixteen expressed support for the Board's proposed increase in fees. Many of them specifically referred to the increase in the biennial fee for a license to practice osteopathic medicine and surgery, expressing support for applying a portion of this increase to support a Physician's Health Program.

Three persons questioned the justification for increasing the license fee from \$200 to \$400 for a two-year license.

One person appears to ask the agency to proceed cautiously to determine what the anticipated costs may be as a result of legislation that was considered during the 2009 Regular Session of the Legislature.

The individual comments are attached and addressed on the following pages.

COMMENTS OF: R. Curtis Arnold, Russell T. Holbert, Steven L. McCormick, Ronni Rittenhouse, Melissa Lee Warner, P. Bradley Hall, Marlene D. Barker-Hall, Lester E. Holmes, Wilma G. Homes, Edward Eskew, Bruce W. Cannon, Dennis J. Henry, David L. Rader.

All of these individuals expressed support for the Board's proposal to raise licensing fees for Osteopathic Physicians and Surgeons, and specifically approved of using a portion of this increase to fund a Physicians Health Program to monitor licensed physicians pursuing a program of recovery with substance abuse and addiction issues.

BOARD'S RESPONSE:

The Board is grateful for the support of the proposed fee increase.

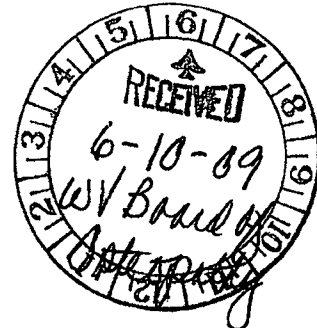
June 5, 2009

R. Curtis Arnold D.P.M.

417 D ST.

South Charleston WV 25303

Cheryl Schreiber
Executive Secretary
WV Board of Osteopathy
344 Penco Road
Weirton, WV 26062



RE: Proposed Rule

Dear Ms. Schreiber,

I am writing to you regarding the WV Board of Osteopathy's recent "Proposed Rule change" for the increase in licensure fees. It is my understanding that of the \$200 bi-annual fee increase, \$150 will go to the Board of Osteopathy and the remaining \$50 to the WV Medical Professionals Health Program (the Board of Osteopathy's recognized Physicians' Health Program). It is also my understanding there has not been an increase in the licensure fee for approximately 10 years. Furthermore, the proposed licensure fee increase will bring the Osteopathic bi-annual licensure renewal fee to the equivalent fee of the Allopathic licensure board. Without such licensure fees, the licensure boards cannot effectively full-fill their mission of protecting the public they serve. I am writing to you to specifically express my support of the licensure fee increase and associated distribution of this increase to the WV Board of Osteopathy and the WV Medical Professionals Health Program.

As a second generation podiatrist born and raised in West Virginia, I have always been in support of changes which benefit our state and its residents. I am well aware of the public safety benefit of the Board of Osteopathy and trust its judgment as to the necessity of a licensure fee increase, as well as, its recommendation to the utilization of such funds. As the "sick physician" was recognized in the early 70's, I fully support the development of a physicians' health program which allows for the early detection of illness and associated evaluation, treatment and monitoring of illnesses in the medical profession. Obviously, this too provides benefit to the public as all chronic diseases can be treated and monitored prior to progression to a more disabling or impairing later stage.

The continued financial well-being of the WV Board of Osteopathy is necessary to continue its mission of protecting the public. As part of this mission is support of the WV Medical Professionals Health Program, I support that as well. The ability for healthcare professionals to seek assistance when they themselves become ill, in a voluntary-confidential respectful manner, will allow the continued early detection of potentially impairing conditions and associated protection of the public which results. As healthcare professionals are themselves able to experience being the patient, they too will likely become better physicians because of this experience. Lastly, the long term relationship between the WV Medical Professionals Health Program and the "sick physician" further protects the public as they get well.

I commend the WV Board of Osteopathy in its role in the development of a physicians' health program thereby fulfilling its mission to protect the public.

Respectfully,

A handwritten signature in black ink, appearing to be 'R. Curtis Arnold', written in a cursive style with a long horizontal stroke extending to the right.

R. Curtis Arnold D.P.M.

June 9, 2009

Cheryl Schreiber
Executive Secretary
WV Board of Osteopathy
344 Penco Road
Weirton, WV 26062

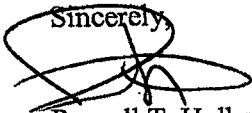
Dear Ms. Schreiber,

Please accept this letter in support of the WV Board of Osteopathy's recent "Proposed Rule change" for the increase in licensure fees and the associated distribution of this increase. It's my understanding that of the \$200 bi-annual fee increase, \$150 will go to the Board of Osteopathy and \$50 to the WV Medical Professionals Health Program (the Board of Osteopathy's recognized Physician's Health Program).

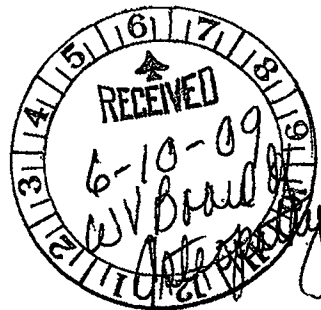
The continued financial well-being of the WV Board of Osteopathy is necessary to continue its mission of protecting the public. As part of this mission is support of the WV Medical Professionals Health Program, I support that as well. The ability for healthcare professionals to seek assistance when they become ill, in a voluntary-confidential respectful manner, will allow the continued early intervention of potentially impairing conditions and associated protection of the public which results. Early intervention not only protects the public, but also assists the healthcare professional in their time of need with proper guidance from the PHP.

I commend the WV Board of Osteopathy in its role with the development of a physicians' health program thereby fulfilling its mission to protect the public.

Sincerely,



Russell T. Holbert, RN, EMT-P, CCEMT-P
PO Box 385
Hepzibah, WV 26369



ASSOCIATED CARDIOLOGY OF CHARLESTON, PLLC

John L. Goad, M.D., FACC Steven L. McCormick, M.D., FACC James J. Pettit, II, M.D.
Stephen A. Lewis, M.D., FACC Donald R. Lilly, M.D., FACC S. Shawn Groves, M.D., FACC

2930 Chesterfield Avenue
Charleston, WV 25304

Phone: (304) 343-9923

Fax: (304) 343-9925

June 8, 2009

Cheryl Schreiber
Executive Secretary
West Virginia Board of Osteopathy
344 Penco Road
Weirton, WV 26062

RE: Proposed Rule

Dear Ms. Schreiber:

I am writing in regard to the proposed rule change increasing licensure fees.

I am currently the Chief of Staff here at Charleston Area Medical Center. Literally in the past three months, I have been involved in two cases where members of our medical staff had to take part in the Physician's Health Program. In both cases, there were issues of psychiatric illness which led to disruptive behavior.

I cannot tell you how impressed I have been with the program and particularly its director, Dr. Brad Hall. In the first case, the physician has already completed his inpatient care and is returning to our community. In addition to a significant impact on his life and practice, at this point, it appears that it has also helped his family and their relationships.

As you may be aware, in fact, the medical staff of Charleston Area Medical Center has voluntarily assessed themselves to contribute to the Physician's Health Program and have challenged the hospital itself to meet our contribution. It is my understanding that they will do so.

I wish to convey my total and complete support of this program. I personally have absolutely no objections and am happy to participate by increasing my licensure fees. It is truly a refreshing opportunity to see some concrete benefit from the increase in fees.

Sincerely,



Steven L. McCormick, M.D., F.A.C.C.



SLM/dh

RONNI RITTENHOUSE, Ph.D.

LICENSED PROFESSIONAL COUNSELOR

LICENSED CERTIFIED SOCIAL WORKER

CERTIFIED CLINICAL ADDICTION COUNSELOR

June 5, 2009

Cheryl Schreiber
Executive Secretary
WV Board of Osteopathy
344 Penco Road
Weirton, WV 26062

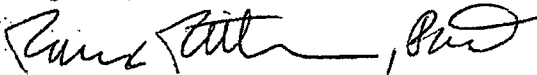
RE: Proposed Rule

Dear Ms. Schreiber,

I am writing to you regarding the WV Board of Osteopathy's recent "Proposed Rule change" for the increase in licensure fees. I am writing to you to express my unqualified support of the licensure fee increase and associated distribution of this increase to the WV Board of Osteopathy and the WV Medical Professionals Health Program.

I am the wife of a physician as well as being a Licensed Professional Counselor, Licensed Certified Social Worker and Certified Clinical Addiction Counselor. I am familiar with the work of the WV Medical Professionals Health Program as I am on the care committee and also see two participants for out-patient individual treatment. I think the work of the WVMPHP is very important and I commend the WV Board of Osteopathy in its role in the development of a physicians' health program thereby fulfilling its mission to protect the public.

Respectfully,



Ronni Rittenhouse, Ph.D., LCSW, LPC, CCAC-S



57 TABLE ROCK LANE, WHEELING, WV 26003
(304) 232-6803 / (304) 232-7033 fax / ronnridd@comcast.net

Williamsburg Place
®
The William J. Farley Center

June 10, 2009

Melissa Lee Warner, M.D.
5477 Mooretown Rd
Williamsburg, VA. 23188

Cheryl Schreiber
Executive Secretary
WV Board of Osteopathy
344 Penco Road
Weirton, WV 26062

RE: Proposed Rule

Dear Ms. Schreiber,

I am writing to you regarding the WV Board of Osteopathy's recent "Proposed Rule change" for the increase in licensure fees without such licensure fees, the licensure boards cannot effectively full-fill their mission of protecting the public they serve. I am writing to you to specifically express my support of the licensure fee increase and associated distribution of this increase to the WV Board of Osteopathy and the WV Medical Professionals Health Program.

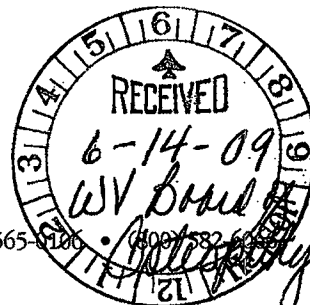
The AMA's Federation of State Physician Health Programs now documents a long, and well documented, history of successful intervention across the country. I fully support the development of a physicians' health program which allows for the early detection of illness and associated evaluation, treatment and monitoring of illnesses in the medical profession. Obviously, this too provides benefit to the public as chronic diseases can be treated and monitored prior to progression to a more disabling or impairing later stage.

The continued financial well-being of the WV Board of Osteopathy is necessary to continue its mission of protecting the public. As part of this mission is support of the WV Medical Professionals Health Program, I support that as well. The ability for healthcare professionals to seek assistance when they themselves become ill, in a voluntary-confidential respectful manner, will allow the continued early detection of potentially impairing conditions and associated protection of the public which results. As healthcare professionals are themselves able to experience being the patient, they too will likely become better physicians because of this experience. Lastly, the long term relationship between the WV Medical Professionals Health Program and the "sick physician" further protects the public as they get well.

I commend the WV Board of Osteopathy in its role in the development of a physicians' health program thereby fulfilling its mission to protect the public.

Respectfully,


Melissa Lee Warner, M.D.



June 5, 2009

P. Bradley Hall, M.D.
RR 1 - 200 Clemans Road
Flemington, WV 26347

Cheryl Schreiber
Executive Secretary
WV Board of Osteopathy
344 Penco Road
Weirton, WV 26062

RE: Proposed Rule

Dear Ms. Schreiber,

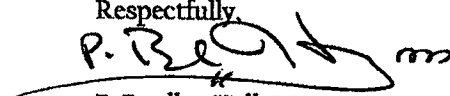
I am writing to you regarding the WV Board of Osteopathy's recent "Proposed Rule change" for the increase in licensure fees. It is my understanding that of the \$200 bi-annual fee increase, \$150 will go to the Board of Osteopathy and the remaining \$50 to the WV Medical Professionals Health Program (the Board of Osteopathy's recognized Physicians' Health Program). It is also my understanding there has not been an increase in the licensure fee for approximately 10 years. Furthermore, the proposed licensure fee increase will bring the Osteopathic bi-annual licensure renewal fee to the equivalent fee of the Allopathic licensure board. Without such licensure fees, the licensure boards cannot effectively full-fill their mission of protecting the public they serve. I am writing to you to specifically express my support of the licensure fee increase and associated distribution of this increase to the WV Board of Osteopathy and the WV Medical Professionals Health Program.

As a third generation physician born and raised in West Virginia, I have always been in support of changes which benefit our state and its residents. I am well aware of the public safety benefit of the Board of Osteopathy and trust its judgment as to the necessity of a licensure fee increase, as well as, its recommendation to the utilization of such funds. As the "sick physician" was recognized in the early 70's, I fully support the development of a physicians' health program which allows for the early detection of illness and associated evaluation, treatment and monitoring of illnesses in the medical profession. Obviously, this too provides benefit to the public as all chronic diseases can be treated and monitored prior to progression to a more disabling or impairing later stage.

The continued financial well-being of the WV Board of Osteopathy is necessary to continue its mission of protecting the public. As part of this mission is support of the WV Medical Professionals Health Program, I support that as well. The ability for healthcare professionals to seek assistance when they themselves become ill, in a voluntary-confidential respectful manner, will allow the continued early detection of potentially impairing conditions and associated protection of the public which results. As healthcare professionals are themselves able to experience being the patient, they too will likely become better physicians because of this experience. Lastly, the long term relationship between the WV Medical Professionals Health Program and the "sick physician" further protects the public as they get well.

I commend the WV Board of Osteopathy in its role in the development of a physicians' health program thereby fulfilling its mission to protect the public.

Respectfully,


P. Bradley Hall, M.D.



June 5, 2009

Marlene D. Barker-Hall
RR 1 - 200 Clemans Road
Flemington, WV 26347

Cheryl Schreiber
Executive Secretary
WV Board of Osteopathy
344 Penco Road
Weirton, WV 26062

RE: Proposed Rule

Dear Ms. Schreiber,

I'm writing to you to voice my support of the WV Board of Osteopathy's Proposed Rule for a licensure fee increase. I understand that this fee increase will continue to allow the Board of Osteopathy to fulfill its mission in protecting the public and that a portion of this fee will be allocated to support the WV Medical Professionals Health Program. As the WV Medical Professionals Health Program protects the public as well, I am very supportive of this program which was developed to support, provide direction to, monitor and advocate for healthcare professionals suffering from the chronic diseases. Additionally, another key of the WVMPPH is the education of healthcare professionals and the public on "What is a Physicians Health Program", physician health, the disease of addiction and substance abuse including prescription drug abuse which has increased significantly in recent years.

I fully support the licensure fee increase and the recommended distribution of these funds as deemed appropriate by the WV Board of Osteopathy to the WV Medical Professionals Health Program and the WV Board of Osteopathy itself.

Respectfully,

Marlene D. Barker-Hall
Marlene D. Barker-Hall



June 8, 2009

Lester E. Holmes
105 Fannie Street
Grafton, WV 26354

Cheryl Schreiber
Executive Secretary
WV Board of Osteopathy
344 Penco Road
Weirton, WV 26062

RE: Proposed Rule

Dear Ms. Schreiber,

I'm writing to you to voice my support of the WV Board of Osteopathy's Proposed Rule for a licensure fee increase.

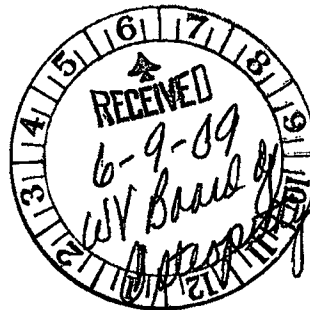
I am very supportive of the WV Medical Professionals Health Program which was developed to support, provide direction to, monitor and advocate for healthcare professionals suffering from chronic diseases and providing education of healthcare professionals and the public on the disease of addiction and substance abuse including prescription drug abuse and mental health issues. If the physicians can't get the medical help they need and deserve and be educated on the disease of addiction; then how can we expect them to be there to assist our family in their time of need?

I fully support the licensure fee increase and the recommended distribution to the WV Medical Professionals Health Program.

Sincerely,



Lester E. Holmes



June 8, 2009

Wilma G. Holmes
105 Fannie Street
Grafton, WV 26354

Cheryl Schreiber
Executive Secretary
WV Board of Osteopathy
344 Penco Road
Weirton, WV 26062

RE: Proposed Rule

Dear Ms. Schreiber,

I'm writing to you to voice my support of the WV Board of Osteopathy's Proposed Rule for a licensure fee increase.

I am very supportive of the WV Medical Professionals Health Program which was developed to support, provide direction to, monitor and advocate for healthcare professionals suffering from chronic diseases and providing education of healthcare professionals and the public on the disease of addiction and substance abuse including prescription drug abuse and mental health issues. If the physicians can't get the medical help they need and deserve and be educated on the disease of addiction; then how can we expect them to be there to assist our family in their time of need?

I fully support the licensure fee increase and the recommended distribution to the WV Medical Professionals Health Program.

Sincerely,

Wilma G. Holmes

Wilma G. Holmes



Edward W. Eskew, D.O.
3715 Washington Avenue
Charleston, West Virginia 25304
(304) 553-1555

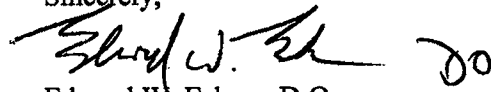
June 16, 2009

Cheryl Schreiber
Executive Secretary
WV Board of Osteopathy
344 Penco Road
Weirton, West Virginia 26062

Dear Ms. Schreiber,

I am writing to you to express my support of the medical licensure fee increase. I fully support the development of a physician's health program which allows for the early detection of illness and associated evaluation, treatment, and monitoring of illnesses in the medical profession.

Sincerely,


Edward W. Eskew, D.O.

cc: [illegible]
[illegible]
[illegible]
[illegible]



June 19, 2009

State of West Virginia
Board of Osteopathy
334 Penco Road
Weirton, WV 26062

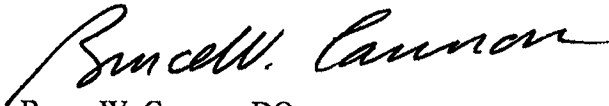
Dear Sirs/Maam:

I heartily endorse the Board's move to Charleston. I have reviewed the proposed changes and have few problems with the recommendations. Thank you for your diligence over the years in maintaining the Osteopathic Board.

I do have one question that relates to the policies and their changes: the fee for the annual controlled substance license. Under Title 24, Series 5 Fees for Services rendered by the Board of Osteopathy, I could not locate the fee charged (\$15) for the annual controlled substance license that is required. With the license renewal fee now doubled to \$400, could not this license and fee be waived? If not, could it be changed to a Biennial Renewal to match the main license renewal.

Thank you again for the opportunity for input to these changes.

Respectfully,



Bruce W. Cannon, DO
118 Forestview Drive
Beckley WV 25801-9572



Dennis J. McHenry, D.D.S.
RR1 Box 30
Gay, WV 25244

June 25, 2009

Ms. Cheryl Schreiber
WV Board of Osteopathy
344 Penco Road
Weirton, WV 26062

Re: Proposed Rule

Dear Ms. Schreiber:

I am writing to express my support of the proposed \$200.00 license fee increase and the allocation of \$50.00 to the WV Medical Professional Health Program (the Board of Osteopathy's recognized Physicians' Health Program). The financial well being of the WV Board of Osteopathy is essential in order to continue its mandate to protect the public. A significant element of this responsibility is supporting the WVMPPH in order to allow medical professionals to seek early evaluation and treatment of potentially impairing conditions and the associated protection of the public.

The WV Board of Osteopathy should be proud of the excellent Physicians' Health Program that ranks with the leading programs in the country. Its outstanding success rate is due to the knowledge, integrity, and dedication of Dr. Brad Hall and his staff. The W Board of Osteopathy should do everything possible to fund this necessary program adequately as it grows exponentially in the next few years.

Sincerely,



Dennis J. McHenry, D.D.S.



Robert L. Ghiz, MD
Chairman

David L. Rader
President

June 23, 2009

Cheryl Schreiber
Executive Secretary
West Virginia Board of Osteopathy
344 Penco Road
Weirton, WV 26062

Dear Ms. Schreiber,

On behalf of the Board of Directors of the West Virginia Mutual Insurance Company, I would like to add my support, for the record, for the proposed Rule change that would adjust the fees charged to Osteopathic physicians who are obtaining a West Virginia license.

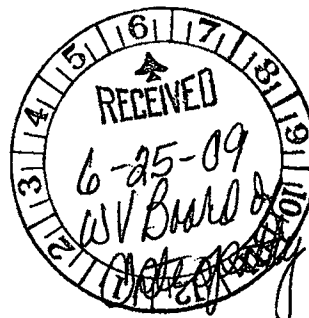
While I am always concerned about any cost increases to the physicians of West Virginia, I know that the proposal includes assistance to the West Virginia Medical Professionals Health Program (the Board of Osteopathy recognized Physicians' Health Program). This program is essential to the continuing deliverance of quality health services in our state and I commend you and the Board of Osteopathy for your leadership in this area.

If I can be of any service to you or the members of your Board, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Rader".

David L. Rader
President and CEO



COMMENTS OF: Bruce W. Cannon, D.O.

Dr. Cannon has inquired about the fee for a controlled substance prescribing permit.

BOARD'S RESPONSE:

This fee was inadvertently omitted from the schedule of fees. It has been added into the schedule.

The fee is for a yearly permit mandated by the Uniform Controlled Substances Act, but not all physicians obtain, or are required to obtain, this permit. Therefore, this fee cannot be waived or rolled into the fee for biennial licensing of osteopathic physicians and surgeons.

June 19, 2009

State of West Virginia
Board of Osteopathy
334 Penco Road
Weirton, WV 26062

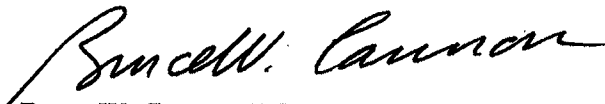
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I do have one question that relates to the policies and their changes: the fee for the annual controlled substance license. Under Title 24, Series 5 Fees for Services rendered by the Board of Osteopathy, I could not locate the fee charged (\$15) for the annual controlled substance license that is required. With the license renewal fee now doubled to \$400, could not this license and fee be waived? If not, could it be changed to a Biennial Renewal to match the main license renewal.

Thank you again for the opportunity for input to these changes.

Respectfully,



Bruce W. Cannon, DO
118 Forestview Drive
Beckley WV 25801-9572



COMMENTS OF: Rachel Leanne Johnson, D.O.

Dr. Johnson understands that expenses do increase over time, but she questions the amount of the increase in licensing fees.

BOARD'S RESPONSE:

In addition to the increased expenses that the Board is experiencing and anticipates, the Board has considered a request from the West Virginia Physicians Health Program for some funding of the operation of a physician monitoring program. Together these anticipated costs will be met by the increased fees requested by the Board.

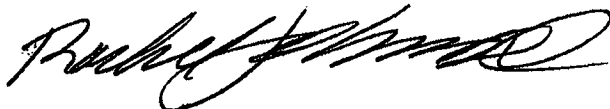
June 26, 2009

State of West Virginia
Board of Osteopathy
334 Penco Rd
Weirton, WV 26062

Dear WV Board of Osteopathy,

First let me state that I applaud the board's efforts on keeping us informed of all that is going on. However, I am very concerned about the increase in fees that is being proposed. I understand the need to try and bring in more money, but I disagree with the amount of increase in fees. We are already practicing in stressful times concerning money. For many, our revenues are down due to increasing overhead, and decreasing reimbursement rates by the insurance companies. The number of patients is down as well due to the economy in general. The increase you have proposed seems excess when looking at the overall picture. I feel that this increase will put an undue burden on many physicians. For example, an increase in the biennial renewal of license to \$300.00 would be easier to shoulder than an increase to \$400.00. The increase to \$400.00 is excessive even when compared to surrounding states as well.

Sincerely,



Rachel Leanne Johnson, D.O.
Robert C. Byrd Clinic
400 N. Jefferson St.
Lewisburg, WV 24901
License No. 2283

COMMENTS OF: Steven L. Maxwell, D.O.

Dr. Maxwell asks the Board to proceed with caution and consider alternatives to relocation of its office in order to reduce the costs giving rise to the increased fees. Dr. Maxwell also asks that the Board phase in the fee increases after actual expenses have been documented.

BOARD'S RESPONSE:

The Board is mandated by the Legislature to set fees in an amount to cover all annual expenses of the agency and to include a reserve to cover unanticipated costs. Due to the long time-line for the rule review process, the Board cannot assess fees within the same fiscal year as expenses occur. The rule-making process also makes it extremely difficult procedurally to "phase in" a fee increase.

INTERNAL MEDICINE ASSOCIATES, INC.

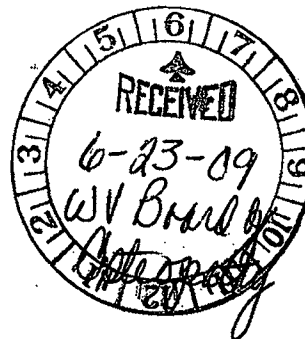
d.b.a. **AUGUSTA LUNG SPECIALISTS**

Critical Care Medicine Internal Medicine Pulmonary Diseases Sleep Medicine
GHASSAN H. KANJ, M.D., F.C.C.P. STEVEN L. MAXWELL, D.O., F.C.C.P.

June 08, 2009

West Virginia Board of Osteopathy
334 Penco Road
Weirton, WV 26062

RE: Recommended changes



Dear Sir or Madam:

I appreciate this opportunity to respond to the proposed increases in fees and the relocation to Charleston. Hopefully in the letter I will be able to convey that I believe that proposed changes would not be in the best interest of the people and especially the osteopathic physicians.

In regards to the relocation to Charleston, I understand it is with great sorrow that the present secretary is retiring and a new location needs to be procured. I also understand that Governor Manchin has requested that all licensing boards be in Charleston. I do know that relocating to Charleston will lead to a greater capital expenditure due to property and rental values. Being mindful of the present economic climate, which we are in and the easy accessibility to Charleston via the interstate, I believe the board should reconsider and look for a location near Charleston but not necessarily in Charleston that can meet the needs of the board as well as that of the states. The board may be able to find a place that is close enough to Charleston to appease the Governor while at the same time will not have to pay the higher rental fees. An example may be looking in Summersville or any other area within a reasonable driving distance of Charleston. Thus the executive secretary could get to Charleston fairly easily if necessary.

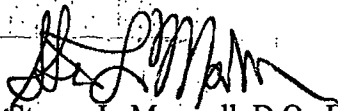
In regards to the proposed increase in fees, I understand that this is being done mainly to offset the proposed increases related to renting a place in Charleston. I would hope that the board will keep in mind that our economy has gone through a contracture. So far West Virginia has been blessed in not feeling major effects from this contracture. However there are economists that are predicting there is going to be further contractures and if this does occur, it will have great implications on the economy in West Virginia. This in turn would have an effect on the physicians in which the board is dependent upon paying fees to maintain the functionality of the office. I believe the board should keep this in mind in these difficult times to be thrifty as well as economically wise or as some people would say fiscally responsive. Given this the fees should be gradually increased based upon the information of their proposed expenses over two years. This should include better data on rent, utilities and employee salaries. The osteopathic board should not be looking at trying to have the fees parody with the allopathic board unless this can be justified.

06/08/2009

Page 2

In conclusion I think it would be very important for the osteopathic board to look for an office in an area around Charleston where office rate can be obtained at a good cost. If this cannot be done then look about sharing an office with another corporate to keep our overhead down. This as well as slowing the escalation of fees are important in these economic times.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. L. Maxwell', written over a horizontal line.

Steven L. Maxwell, D.O., F.C.C.P., D, ABSM
Pulmonary, Sleep and Critical
Care Specialist

SM/HR

COMMENTS OF: Suzanne L. Williams, D.O.

Dr. Williams asks that the Board consider any potential move or consolidation and also to weigh the possible effects of some legislation that was considered during the 2009 Regular Session of the Legislature as resulting in possible reductions in the costs the Board has forecast.

In particular, Dr. Williams has expressed some concern about a hypothetical consolidation of functions between the Board of Osteopathy and the Board of Medicine.

BOARD'S RESPONSE:

Not all of the legislation cited by Dr. Williams has become law and, therefore, is of no help in reducing the Board's expenses.

The Board does not anticipate or plan any consolidation or overlap of its functions with those of the Board of Medicine. Therefore, this has not been a factor in the Board's consideration of its budget and anticipated expenses.

Re: Series 5 "Fees for Service Rendered by the Board of Osteopathy", proposed changes:
Comments.

<Definitions: The Board meaning the Board of Osteopathy

Board of Medicine meaning Allopathic Board meaning M.D.s

CME meaning Continuing Medical Education

<The Executive Secretary has been a Part-time position for approximately 2 years.

<While it has been convenient for the Executive Secretary to maintain her practice as a CPA across the hallway in the same building as the Board, and be employed by the Board, this has only delayed the inevitable.

<The Board had to have been aware of the Executive Secretary nearing retirement age.

<The salary for the dedicated attorney for the Board of Osteopathy is \$180,000 as of April 30, 2007

<The Board reports its budget in short form at least three times yearly. That report has reflected a consistent downward trend, despite the decrease in hours (and presumably salary) of the Executive Secretary, an increase in revenue from 104 new licensees since September 13, 2007 (with numbers likely to be larger since January of 2006). Naturally, this increase in revenue has been inadequate to cover the salary of their dedicated attorney.

<The Board, by virtue of the location of their dedicated attorney, state government and the West Virginia Health Care Providers Programs (among others) being in Charleston, has long been aware of the benefit to relocating its offices. If nothing else, the fact that since at least 2007, their dedicated attorney maintains some portion of Complaint files at his office (inconsistent with Board Rules and/or State Code) while other records are in Penco, West Virginia should have made the benefit of a move abundantly clear.

< The fact that few to none of the Board members are geographically close to the location of the Board office in Penco, West Virginia should have made the move years ago abundantly clear.

<Requesting an increase in licensure fees to "hire staff", cover letter from Dr. Ernie Miller, President of the Board says nothing as to what staff, for what purpose etc. Presumably more staff will be needed to keep up with the existence of Temporary

Permits (see Comments re Series 1) and their CME hours along with those CME credits for out-of-state licensure candidates needing Osteopathic CME hours (see Comments re Series 1) seems to be justifying the hiring of new staff in order to keep up with needs not yet applicable since Series 1 is not yet a passed Rule.

< The fact that Legislation pending (House Bill 2539 "General Provisions Applicable to State Boards – Combining board staff functions" which is due to pass on July 17, 2009 may provide the Board opportunity to combine its staff with that of the Board of Medicine. Therefore, an increase in fees for Licensure/Permits should be deferred until the Board makes it known to its currently Licensed Physicians if staff shall, in fact, be shared with that of the Board of Medicine.

<The increase in fees proposed in Series 5 says nothing about the fees to be charged for those who apply for a "temporary permit". (Please see comments Re Series 1.)

<Fees to be charged to PLLCs: Board meeting minutes reflect the fact that, between February of 2008 and April of 2009, while it was known that numbers of PLLCs had not paid their fees, no collection of fees from these entities is noted. The first need is to collect fees and then see what need for increased fees might exist.

<Increasing fees for services rendered seems to be paying for services that will continue to be inadequate. The estimated increase in revenues does not address the need for expenses incurred for: the creation of a website that is informative and useful (such as what Osteopathic Boards have in at least five states having a Board distinct from the Allopathic Boards, a means of addressing the complaints with regard to Reporting on Doctor Disciplinary Action reflected in the report of "Public Citizen" in November of 2006 ranking the Board 63rd out of 65 Allopaths-combined-with-Osteopaths Boards and the few remaining stand-alone Osteopathic Boards, a line item for contributing to the West Virginia Health Care Providers Program, an effective use of counsel's time reflected in the backlog of Complaints dating to at least 2002.

< The likely passage of SB 429/HB 2885 allowing for a Combined Credentialing Service (a responsibility of the Board) would seem to allow for Osteopaths to be credentialed by an organization also credentialing Allopaths, with the Board continuing to request stand-alone existence

< If Bills 2885 and 2539 pass, it would appear that current income from current fee services (without Temporary Permits and associated fees – see Series 1 comments) may, in fact, be sufficient to maintain the stand-alone status of the Board.

< Further, if Bills 2885 and 2539 pass, and the Board in fact combines staffing with the Allopathic Board and an organization is created to provide credentialing, the reasons for a stand-alone Osteopathic Board becomes insufficient to justify its existence, even with its current income. The effect of the passage of Bills 2885 and 2539 is unclear as to how it might deal with the current backlog of Complaints, nor how it might assist the dedicated attorney the Board in their Complaint backlog, nor the length of time their dedicated attorney is required to work given to be the lack of a timeline by which the Board is mandated to complete Complaint investigations, nor how it might assist the Board in providing services the Board might render. Again, the justification for having a stand-alone Board is unclear at best.

Given the process by which changes in Rules must be addressed, it is my understanding that the Board will respond to my objections and include my objections and their responses in the file that will go to the appropriate Review Committee for their review and recommendations to the Board. I am

Sincerely,

Suzanne Williams D.O.

Suzanne Williams D.O.

Graduating Class of 1992 from the West Virginia School of Medicine

WEST VIRGINIA BOARD OF OSTEOPATHY

**FEES FOR SERVICES RENDERED
BY THE BOARD OF OSTEOPATHY**

Title 24, Series 5

AMENDMENT TO PROPOSED RULE

In response to a comment received during the comment period, the WV Board of Osteopathy has added an additional fee to the schedule. This fee was inadvertently omitted from the original list. The Board does not propose to increase the amount of this fee, currently set at \$15 per year.