

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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FILED
JUL 9 11 10 AM '98
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: West Virginia Board of Osteopathy TITLE NUMBER: 24

CITE AUTHORITY §30-14

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

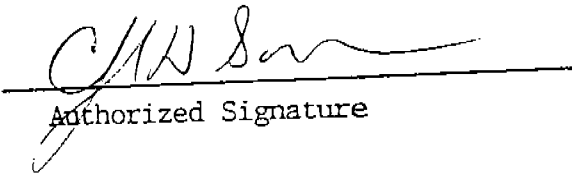
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 5

TITLE OF RULE BEING PROPOSED: Fees for Services Rendered By the
Board of Osteopathy

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

\$3.20

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 8, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

334 Penco Road

Weirton WV 26062 (304)723-4638

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

1. Authorizing statute(s) citation W.Va. Code §30-14-4, 14-6, 14-7, 14-9a, 14-9b,
14-10, 14-12.

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

May 8, 1998

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

Newsletters were sent to all West Virginia licensed
osteopathic physicians and the West Virginia Society of
Osteopathic Medicine.

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

June 10, 1998 at 4:30 P.M.

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 10, 1998

- 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 (304)723-4638

- 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)

N/A

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:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A



STATE OF WEST VIRGINIA
BOARD OF OSTEOPATHY

JOSEPH E. SCHREIBER, D.O.
SECRETARY

334 PENCO ROAD
WEIRTON, WV 26062

TELEPHONE
304-723-4638

The facts and circumstances constituting the emergency are as follows. The filing of the rules on an emergency basis is necessitated by several factors:

The West Virginia Board of Osteopathy has determined that the rule should be filed on an emergency basis. HB4605 removed all fees from our Code Section §30-14. The Board is to set fees by rule. The Board does not have fees listed in our rules. Physician licenses expire on June 30 and we need to renew these licenses so our physicians can continue to practice. Our fees had not been updated in more than 10 years, and our current funds are almost depleted. If we do not adjust our fees, we will not be able to maintain our mandated functions to the public, our licensees, and our financial obligations in so doing. With this rule our fees shall be comparable to the Board of Medicine's fees.

DATE: May 7, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Board of Osteopathy

EMERGENCY RULE TITLE: Fees for services rendered by the Board of Osteopathy

1. Date of Filing May 7, 1998
2. Statutory authority for promulgating emergency rule:
§30-14
3. Date of filing of proposed legislative rule: May 7, 1998
4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?
This emergency rule adopt new language and repeals fees listed in §24-1-4.2.5 dated April 5, 1994.
5. Has the same or similar emergency rule previously been filed and expired?
No.
6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.
·H_B4605 states Board will set fees by rule. Currently ^{it is} not done
this way, so Board will have no fees unless approved emergency rule.
Board must collect fees to carryout mandated state functions. Board
does not receive state funds.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

N/A

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

Without adequate funding we probably cannot maintain the
level of services law requires that we provide and to preserve
the public health.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees for services rendered by the Board of Osteopathy

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: West Virginia Board of Osteopathy

Address 334 Penco Road

Weirton WV 26062

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

No increase in state funding will be needed.

3. Objectives of these rules:

To fulfill HB 4605, passed on March 12, 1998. All relating to board of osteopathy; permitting license, registration, examination, and other such fees to be set by board rules.

Rule Title: Fees for services rendered by the Board of Osteopathy

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Not aware that there will be any.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

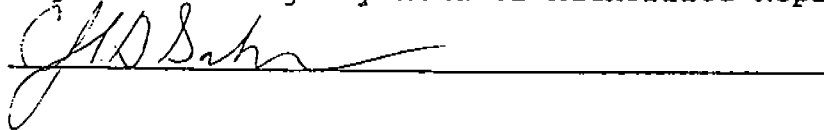
It will mainly impact licensed Osteopathic Physicians, who will be responsible for paying fees to maintain their license.

C. Economic Impact on Citizens/Public at Large.

Not aware that there will be any.

Date: May 7, 1998

Signature of Agency Head or Authorized Representative



**TITLE 24
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OSTEOPATHY**

FILED

JUL 9 11 10 AM '98

**SERIES 5
FEES FOR SERVICES RENDERED BY
THE BOARD OF OSTEOPATHY**

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§ 24-5-1. General.

- 1.1. Scope. - this legislative rule establishes the fees to be charged by the Board of Osteopathy for services rendered.
- 1.2. Authority. - W.Va. Code §30-14-4,14-6,14-7,14-9a,14-9b,14-10,14-12.
- 1.3. Filing Date. -
- 1.4. Effective Date. -
- 1.5. This rule repeals the application fee listed in §24-1-4.2.5 dated April 5, 1994.

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

- 2.1. Examination - \$100.00 above the board's cost of preparing & processing the exam
- 2.2. Reciprocity or Endorsement Application - \$200.00
- 2.3. Osteopathic Physician Corporation Application Fee - \$500.00
- 2.4. Osteopathic Physician Corporation Annual Registration - \$250.00
- 2.5. Osteopathic Physician Endorsement or Written Licensure Verification - \$25.00
- 2.6. Osteopathic Physician State Board Scores - \$10.00
- 2.7. Late renewal fee - \$50.00
- 2.8. Osteopathic Physician Duplicate Wallet License - \$10.00
- 2.9. Osteopathic Physician Wall Certificate - \$20.00
- 2.10. Osteopathic Physician Educational Training Permit - \$50.00

**Granite State Osteopathic Physicians
Nate DeLisi, D.O.**

51 Goffstown Road
Manchester, NH 03102
(603)626-7900
May 20, 1998

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

RE: Comment concerning renewal fee increase

Greetings,

I was rather shocked to find the proposed increase in fee of \$145. As you note this will bring the current fee for renewal to \$200. There is no discussion as to the amount or how long the term would be relative to the fee that is charged. Currently the state of New Hampshire has an annual fee of \$100 for the license renewal. Ohio has recently made a change in its fee structure that would still make the fees and service charge through West Virginia to be much higher and less equitable than else where available.

My personal knowledge to these states is secondary to the fact of holding active license within the three states. I would like to propose that either the term be lengthen to two to three years or that an active but non practicing licensed be issued at a reduced fee for the same terms.

Your action will decrease the number of licensed physicians and or create hardship for those wishing to maintain a license within the state though at present they are not actively practicing within the state.

Please review your policies and procedures to provide an equitable and reasonable fee structure for the services provided.

Sincerely,

Nate DeLisi, D.O.

NIJ/gml



STATE OF WEST VIRGINIA
BOARD OF OSTEOPATHY

JOSEPH E. SCHREIBER, D.O.
SECRETARY

334 PENCO ROAD
WEIRTON, WV 26062

TELEPHONE
304-723-4638

June 1, 1998

Doctor Nate DeLisi
Granite State Osteopathic Physicians
51 Goffstown Road
Manchester, NH 03102

Dear Doctor DeLisi,

Thank-you for the comments on proposed fee increases.

We would like to clarify your questions to our proposed fees. Our fees have not been raised in 10 years and term of our renewal is for 2 years. Thus, making our fees comparable to the states of New Hampshire and Ohio.

As you know we are not funded by State. Our only means of revenue is through renewals. If the fees are not increased, we would not be able to maintain, and preserve public health.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl D. Schreiber".

Cheryl D. Schreiber
Executive Secretary



Martin T. Smith, D.O.

100 Taylor Lane
Fairlea, West Virginia 24970

FAIRLEA IMMEDIATE CARE, INC.

Phone
(304) 645-7806

May 27, 1998

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

Dear Sirs,

This letter is in response to the proposed fee changes which you have filed with the office of Secretary of State.

In my opinion, it is absurd for you to want to charge me an individual solo practitioner, who happens to be the owner of an "S" corporation, \$450 every 2 years to renew my license for myself and my corporation. I would be more than happy to hear just a small amount of justification for these onerous fees. They do not even reflect the reasonable changes in the other schedule of requested fees. I will be notifying my legislatures of my feelings by copy of this letter and hope that you are not successful in raising these fees to onerous levels.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Smith D.O.", written over the word "Sincerely,".

Martin T. Smith, D.O.



STATE OF WEST VIRGINIA
BOARD OF OSTEOPATHY

JOSEPH E. SCHREIBER, D.O.
SECRETARY

334 PENCO ROAD
WEIRTON, WV 26062

TELEPHONE
304-723-4638

Response to Martin T. Smith, D.O.

Dr. Smith phoned the board after we had received his letter to ask if we received his letter and what our response was.

I explained to Dr. Smith that the code contains two different sections, one section that relates to individual physician license renewal and one related to corporations that practice osteopathic medicine and that they are two different entities. Our license renewal fee for individual physicians is still one of the lowest in the country even with the increase we have requested. Since he chooses to practice under the auspice of a corporation, it requires an additional fee for the corporation to renew its license also. The federal government and the state consider the corporation a separate entity and require a separate tax return for the corporation entity. The cost of a separate license renewal fee for the corporation is one of the costs of doing business under the corporate shield.

A handwritten signature in cursive script, appearing to read "Cheryl D. Schreiber".

Cheryl D. Schreiber
Executive Secretary