

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2008 JUL 29 AM 11:50

OFFICE 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 Exam. for Reg. Prof. Nurses TITLE NUMBER: 19

CITE AUTHORITY: W.Va. §§30-7-4, 30-7-8a and 30-1-4

AMENDMENT TO AN EXISTING RULE: YES NO

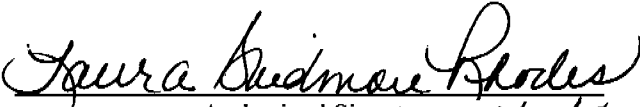
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 12

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board and Supplemental Fee for the Center for Nursing

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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 7/29/08

Laura S. Rhodes, M.S.N., R.N.
Executive Director

email: mboard@state.wv.us
web address: www.wvrnboard.com



TELEPHONE:
(304) 558-3596
FAX (304) 558-3666

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive, Suite 102
Charleston, WV 25311-1620

July 29, 2008

The Honorable Betty Ireland
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd
Charleston, WV 25305-0770

RE: Proposed Rule Revisions

Dear Secretary Ireland:

The West Virginia Board of Examiners for Registered Professional Nurses in session June 12, 2008 approved revisions to WV 19 CSR 12 Fees for Services Rendered by the Board and Supplemental Fee for the Center for Nursing. This letter serves to provide the required brief summary for the proposed changes.

The proposed revisions to fees will benefit the citizens of West Virginia by providing the Board with the financial resources necessary to continue and improve regulatory services, including but not limited to: 1) providing nursing continuing education offerings; 2) providing public education opportunities; 3) employing a professional staff member for practice matters; 4) improving services using technology and employing a staff member to manage those programs; 5) maintaining, updating and procuring equipment and services necessary to fulfill the Board's regulatory activities.

In preparing the proposed changes, a notice of the proposed renewal fee was published in the news magazine circulated to over 22,000 registered professional nurses. The news magazine included an alert for licensees to review the entire rule on the web site and provided information for offering comments to the Board. No comments were received by the Board.

Should you have any questions or desire more information please contact me.

For the Board,

A handwritten signature in cursive script that reads "Laura Skidmore Rhodes".

Laura Skidmore Rhodes, MSN, RN
Executive Director

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 29, 2008

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Examiners for Reg. Prof. Nurses
101 Dee Drive, Suite 102
Charleston, WV 25311
304-558-3596

LEGISLATIVE RULE TITLE: _____
Fees for Services Rendered by the Board and Supplemental
Fee for the Center for Nursing

1. Authorizing statute(s) citation W. Va. Code §§30-7-4, 30-7-8a and 30-1-4

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
July 29, 2008

b. What other notice, including advertising, did you give of the hearing?
The news magazine included information about the proposed changes. This magazine is mailed to all registered professional nurses with an active license and to interested parties such as the news media and WV AARP. A copy of the proposed rule was placed on the Board's web site.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 14, 2008

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached _____ No comments received 0

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

July 29, 2008

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

Laura Skidmore Rhodes, MSN, RN, Executive Director

WV RN Board
101 Dee Drive, Suite 102

Charleston, WV 25311

Phone: 304-558-3596 Facsimile: 304-558-3666 E-mail: rnboard@state.wv.us
Web site: www.wvrnboard.com

- 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)

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.

Notice of Comment Period filed June 13, 2008.

b. Date of hearing or comment period:

June 13, 2008 - July 14, 2008

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

July 29, 2008

d. Attach findings and determinations and reasons:

Attached

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Policies, Standards and Criteria for the Evaluation and Accreditation of Colleges, r

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Exam. for Reg. Prof. Nurses

Address: 101 Dee Drive, Suite 102
Charleston, WV 25311

Phone Number: 304-558-3596 Email: rnboard@state.wv.us

Fiscal Note Summary

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

This rule change will have no fiscal impact on costs and revenues of state government. The fees collected by the Board are not part of the general revenue for the state. The Board is a self sustaining agency.

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 | 0.00 | 0.00 | 0.00 |
| Current Expenses | 0.00 | 0.00 | 0.00 |
| Repairs & Alterations | 0.00 | 0.00 | 0.00 |
| Assets | 0.00 | 0.00 | 0.00 |
| Other | 0.00 | 0.00 | 0.00 |
| 2. Estimated Total Revenues | 0.00 | 385,501.00 | 390,551.00 |

Rule Title: _____

Rule Title: Policies, Standards and Criteria for the Evaluation and Accreditation of Colleges, E

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

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

The fee increases will assure support of the Board's current regulatory activities and planned improvements. The Board's funding source is fees. No funding comes from the State's General Revenue. Currently regulatory activities related to education and practice are managed by one professional staff person. The activities related to the Board's regulation of Nursing Education Programs have grown to require a full time position dedicated to nursing education. Therefore, the Board plans to hire another full time professional staff member to manage practice related matters. In order to continue to automate services and manage documents the Board wants to be able to fund an information technology position. The Board also wants to have the financial resources to provide education opportunities for nurses and to update equipment. The last renewal fee increase to the Board was in 1992. The last examination fee increase was before 1982. Based upon past business activities the increased fees will provide the following:

Renewal Fee increases to \$40.00 from \$25.00, an increase of \$15.00 x 23,000 renewals = \$345,000.00

Inactive Renewal Fee increases to \$40 from \$25.00, an increase of \$15.00 x 200=\$3,000.00

Initial Exam Fee increases to \$70.00 from \$51.50, and increase of \$18.50 x 700 = \$12,950.00

Repeat Applicant Exam Fee is a new fee of \$100.00. This is an increase of \$48.50 x 466 = \$22,601.00

Scheduled On Site Visits is a new fee x 2 visits per year = \$2,000.00

New Program Fee is a new fee. The receipt of this fee depends upon the number of new programs and may be zero or up to \$5,000.00 per year.

Total Increase: \$385,551.00 - \$390,551.00/FY

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 Board does not receive funds from the state's General Revenue.

Date: July 29, 2008

Signature of Agency Head or Authorized Representative

Jaura Sidmore Rhodes

TITLE 19
LEGISLATIVE RULE
BOARD OF REGISTERED PROFESSIONAL NURSES

FILED

2000 JUL 29 AM 11:50

SERIES 12
FEES FOR SERVICES RENDERED BY THE BOARD AND SUPPLEMENTAL FEE
FOR THE CENTER FOR NURSING

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§19-12-1. General.

1.1. Scope. -- This legislative Rule establishes the fees to be charged by the Board for services rendered and the supplemental fee for the West Virginia center for nursing.

1.2. Authority. -- W. Va. §§30-7-4, 30-7-8a and 30-1-4.

1.3. Filing Date. --

1.4. Effective Date. --

§19-12-2. Schedule of Fees for Services Rendered by the West Virginia Board of Examiners for Registered Professional Nurses and Supplemental Fee for the West Virginia Center for Nursing.

Fees collected by the Board are not refundable.

| | |
|---|---|
| 2.1. Licensure Examination | \$51.50 <u>70.00</u> |
| 2.2. Re-Examination..... | \$51.50 <u>100.00</u> |
| 2.3. Temporary Permit (Endorsement)..... | \$10.00 (Money Order or Cashiers Check) Good for 90 days from date of issue; Not renewable |
| 2.4. Endorsement into West Virginia | \$60.00 (Money Order or Cashier's Check) |
| 2.5. Verification of Licensure..... | \$30.00 (Money Order or Cashier's Check) |
| 2.6. Renewal of License | \$25.00 <u>40.00</u> |
| 2.7. Supplemental Renewal Fee for the Center for Nursing..... | \$10.00 |
| 2.8. Reinstatement of Inactive License | \$25.00 <u>40.00</u> |
| 2.9. Reinstatement of Lapsed License..... | \$75.00 |
| 2.10. Duplicate License | \$5.00 |
| 2.11. Name Change..... | \$5.00 |

19CSR12

| | |
|---|---|
| 2.12. Transcripts..... | \$5.00 |
| 2.13. Frameable Certificate (Free to new Graduate)..... | \$5.00 |
| 2.14. Insufficient Funds Penalty | \$20.00 (Money Order) |
| 2.15. Diskette of Licensees..... | \$350.00 |
| 2.16. Computer Listing..... | \$25.00 Program Fee and \$16.00 per 1,000 names |
| 2.17. Mailing Labels | \$25.00 Program Fee and \$45.00 per 1,000 names |
| 2.18. Copy of Code and Rule and copy of Criteria for Determining Scope of Practice for Licensed Nurses and Guidelines for Determining Acts That May Be Delegated Or Assigned By Licensed Nurses, "Purple Book" | \$7.50 |
| 2.19. <u>8</u> Copy of Files | \$3.00 for the first page then \$.25 per page thereafter |
| 2.20. <u>19</u> Prescriptive Authority..... | \$125.00 |
| 2.2 <u>10</u> . Prescriptive Authority Renewal | \$125.00 |
| 2.2 <u>21</u> . Prescriptive Authority Reinstatement..... | \$125.00 |
| 2.2 <u>32</u> . Midwife License..... | \$20.00 |
| 2.2 <u>43</u> . Midwife License Renewal | \$10.00 |
| 2.2 <u>54</u> . Announcement of Advanced Practice | \$35.00 |
| 2.2 <u>65</u> . Continuing Education Provider Fee | \$100.00 |
| 2.2 <u>76</u> . Continuing Education Provider Maintenance Fee..... | \$25.00 |
| <u>2.27. New Nursing Education Program Fee</u> | <u>\$1,000.00</u> |
| <u>2.28 Scheduled On Site Survey Visit Fee</u> | <u>\$1,000.00</u> |