

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box
Filing Date

FILED

2010 MAY 18 PM 3:46

OFFICE OF THE SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: DHHR - Bureau for Public Health TITLE NUMBER: 20

CITE AUTHORITY: §30-17-6(c)

EMERGENCY 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 RULE BEING PROPOSED: 03

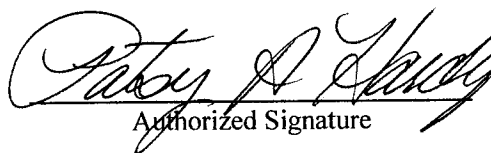
TITLE OF RULE BEING PROPOSED: INTERIM FEE SCHEDULE

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

HB 4142 passed the Legislature in the Regular Session of 2010, and was approved by the Governor. This bill enacts a substantial re-write of the Article governing the practice of Public Health Sanitation. One of the issues addressed by the bill was to authorize an increase in the fees paid to the State Board of Sanitarians. WV Code §30-17-6(c) specifically requires that this emergency rule be promulgated to authorize a small fee increase in the cost of obtaining a permit, certificate or license to practice as a Sanitarian for an 18 month period. This rule is intended to comply with the statute.

Use additional sheets if necessary


Authorized Signature

EMERGENCY RULE QUESTIONNAIRE

DATE: May , 2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* DHHR/BPH/OEHS, Brad Cochran
Ann Goldberg, 350 Capitol Street, Room 702, Charleston, WV 25301

EMERGENCY RULE TITLE: INTERIM FEE SCHEDULE

1. Date of filing May , 2010

2. Statutory authority for promulgating emergency rule:
WV Code § 30-17-6(c)

3. Date of filing of proposed legislative rule: no later than June 30, 2010

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? New language. It is a new Series in this Title.

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.
see WV Code §30-17-6

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.

WV Code §30-17-6(c)

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

~~Sanitarians have been determined to be a necessary and important occupation to protect public health and safety in food, milk, water and many other aspects of daily living. The rule to increase the fee to maintain the board and support it's activities has been~~ under evaluation at the legislature for many years. In 2010 HB 4142 passed granting authority for the increase. This rule implements the increase only for the interim period until a legislative rule is filed for consideration in the 2011 Legislative Session.

EMERGENCY RULE, Board of Sanitarians
20CSR03, Interim Fee Increase
Office of Environmental Health Services
Bureau for Public Health
Department of Health and Human Resources

BRIEF SUMMARY

The West Virginia Legislature had under consideration for several years a substantial revision to Article 17 in Chapter 30, governing the Board of Sanitarians. In 2010, a bill was passed, HB 4142, which accomplished the desired changes. One particular section of the new law recognized the immediate need for additional revenue to assist with the administration of the board. Hence, the bill authorized an Emergency rule to raise the annual fees by a modest amount for Sanitarians in three classes.

The temporary, or Interim, fee increase will be replaced by a permanent fee structure to be outlined in legislative rule, also required by the provisions of the new law. The interim fee increases from \$25 to \$35 the annual cost of a new or renewed license, permit or certificate for Sanitarians. Since the rule only covers an 18 month period, from July 1, 2010 to December 31, 2011 the maximum total amount due from each individual will be \$52.50.

STATEMENT OF CIRCUMSTANCES

The state of the finances of the State Board of Sanitarians, prior to the enactment of this Emergency rule, is dire. The program desperately needs the additional revenue. The legislature recognized this need and enacted WV Code §30-17-6(c), to allow the board to begin collecting additional fees in July of 2010.

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

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

The estimated total revenue was based on approximately 225 sanitarians in West Virginia who are required to register with the State Board of Sanitarians to be able to legally practice Public Health Sanitation. Based on an annual fee of \$35.00, any person being issued a permit, certificate, or license shall pay a one-time 18 month prorated fee of \$52.50.

225 X \$52.50= \$11,812.50

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.

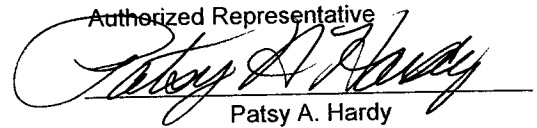
Date

5-18-10

Agency

Department of Health and Human Resources

Authorized Representative



Patsy A. Hardy
Cabinet Secretary

**TITLE 20
EMERGENCY RULE
STATE BOARD OF SANITARIANS**

**SERIES 3
INTERIM FEE SCHEDULE**

FILED
2010 MAY 18 PM 3:46
OFFICE OF THE SECRETARY OF STATE

§20-3-1. General.

1.1. Scope. -- This rule authorizes the State Board of Sanitarians to charge a fee for the issuance or renewal of a permit, certificate, or license to all Sanitarians governed by WV Code §30-17-1, et seq. The fees shall cover the time period commencing July 1, 2010, and expiring December 31, 2011. This rule applies to all persons practicing public health sanitation and holding a permit, certificate, or license to engage in that occupation, as defined in WV Code §30-17-3(j).

1.2. Authority. -- WV Code §30-17-6(c).

1.3. Filing Date. --

1.4. Effective Date --

§20-3-2. Application for a permit, certificate, or license.

2.1 A person applying to the Board of Sanitarians for a permit, certificate or license shall:

2.1.1. Submit to the Board a completed application on forms prescribed by the Board;

2.1.1. Pay to the Board the appropriate application fee; and

2.1.2. Include any additional documentation required by the Board.

§20-3-3. Fee Required

Based on an annual fee of \$35.00, any person issued a permit, certificate, or license in accordance with this Emergency rule shall pay a one-time fee of \$52.50 which shall be valid for the 18 month period from July 1, 2010 to December 31, 2011.