

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

Form #2

Do Not Mark In This Box
FILED

2010 JUN 25 PM 2: 26

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

RULE TYPE: Legislative CITE AUTHORITY: §30-10-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 6

TITLE OF RULE BEING AMENDED: Schedule of Fees

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 26, 2010 AT 4:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Veterinary Medicine
5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Schedule of Fees

Type of Rule: Legislative Interpretive Procedural

Agency: WV Board of Veterinary Medicine

Address: 5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

Phone Number: 304-776-8032 Email: wgoodwin@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 increases in fees for some of our lesser revenue sources will help offset losses from the elimination of revenue in our new practice act (effective June 11, 2010). Income lost is from veterinary corporations and veterinary PLLCs. The increase in fees above the offset of lost income will help as a result of a raise authorized by the Board for a secretary as well as our needed acquisition of new equipment in the office and anticipated updates to our website.

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	5,780.00	3,280.00
Personal Services	0.00	780.00	780.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	4,000.00	1,500.00
Other	0.00	1,000.00	1,000.00
2. Estimated Total Revenues	0.00	0.00	21,500.00

Schedule of Fees

Rule Title: _____

Rule Title: _____

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

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

We anticipate loss of \$7,000. as we no longer receive fees from veterinary corporations or veterinary PLLCs.

Increase in gross income is anticipated to be \$21,500. That is based on the number of payments for the specified fee during the past fiscal year as opposed to the same number of payments at the new fee rate for that income category. This would fluctuate if the number of payments received from each income category increase or decrease.

Based on anticipated loss of \$7,000 offset by an estimated increase of \$21,500, our gross income would increase by \$14,500 with variances based on whether we have the same number of fees received for each scheduled fee.

We do not anticipate any revenue during fiscal year 2011 from the proposed changes in fees, as the revenue period for the fee increases for fiscal year 2011 would have passed by the time of the 2011 Legislature.

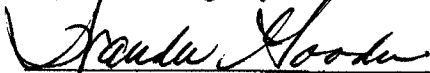
MEMORANDUM

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.

Areas of vagueness are based upon whether there is any attrition due to fee increases or other circumstances outside our control such as number of facilities increasing or decreasing, which also effects number of facilities inspected. These fluctuations would have a financial impact on anticipated revenue.

Date: June 25, 2010

Signature of Agency Head or Authorized Representative



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: June 25, 2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Board of Veterinary medicine
5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

Phone: (304) 776-8032

LEGISLATIVE RULE TITLE: Schedule of Fees

1. Authorizing statute(s) citation 30-10-5

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 25, 2010

b. What other notice, including advertising, did you give of the hearing?
Notice and copy of rule to WV Veterinary Medical Association
Posting on our website

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 26, 2010

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

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

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

Wanda Goodwin: Executive Director

WV Board of Veterinary Medicine

5509 Big Tyler Road, Suite 3

Cross Lanes, WV 25313

Ph. 304-776-8032 Fax 304-776-8256 email wgoodwin@wvnet.edu

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.

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

Statement of Circumstances

West Virginia Code of State Regulations

Title 26, Series 6

The Board of Veterinary Medicine has determined that changes are needed to the Schedule of Fees, Title 26, Series 6 Rule of the West Virginia Board of Veterinary Medicine.

Changes made in the 2010 Legislature (originally submitted for the 2009 legislature) to the veterinary practice act eliminated revenue for the Board of Veterinary Medicine from veterinary corporations and veterinary PLLCs, both from initial filing and annual renewal fees.

We are attempting to offset the revenue losses and maintain operation without sacrifice of services. As a result, we are increasing fees for some minor revenue sources.

This rule has been reviewed by the Board of Veterinary Medicine.

Brief Summary

Rule 26CSR6 Schedule of Fees

Our new practice act became effective June 11, 2010.

It removed reference to veterinary corporations and registration with the Board.

The requirements being removed to register with the Board for veterinary corporations and PLLCs also eliminated our income from those registrations.

We have added a fee for administrative handling (preparing notices, inspection forms, notices of deficiencies, shutting down hazardous chambers, etc)

We have increased the annual veterinary facility registration.

An increase has been added to annual registered veterinary technician renewals.

Duplicate licenses fees and NAVLE eligibility have also been increased.

These increases are primarily to offset losses of revenue from veterinary corporations and PLLCs and in anticipation of increased costs from other areas such as administrative.

We are adding fee payments via credit card and hope to implement that in the near future, which will cost the board a percentage of revenue processed. So, the increase will also be consumed by this new expense.

TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

FILED

SERIES 6
SCHEDULE OF FEES

2010 JUN 25 PM 2: 26

OFFICE WEST VIRGINIA
SECRETARY OF STATE

26-6-1. General.

- 1.1. Scope. This rule establishes the fees to be charged by the Board.
- 1.2. Authority. -- West Virginia Code § 30-10
- 1.3. Filing Date. -- ~~May 21, 2009~~
- 1.4. Effective Date. -- ~~July 10, 2009~~

26-6-2. Schedule of Fees.

- 2.1. Veterinarian application, examination and license fee... \$300.00
- 2.2. Duplicate license or renewal certificate.....~~\$15.00~~ \$25.00
- 2.3. Annual veterinary license renewal fee..... \$250.00
- 2.4. Temporary permit\$100.00
- 2.5. Written confirmation of licensure, registration or certification by West Virginia.....
\$25.00
- 2.6. North America Veterinary License Exam (NAVLE) eligibility processing fee.....~~\$50.00~~
\$75.00
- 2.7. Certified Animal Euthanasia Technician continuing education program fee.... \$250.00
- 2.8. Veterinary Technician application, exam & registration fee.....\$100.00
- 2.9. Veterinary Technician annual renewal fee..... ~~\$60.00~~ \$80.00
- 2.10. ~~Veterinary Technician National Examination.....\$250.00~~
Animal euthanasia gas chamber inspection administrative fee.....\$100.00
- 2.11. Certified Animal Euthanasia Technician application, exam & certification fee.
.....\$75.00
- 2.12. Certified Animal Euthanasia Technician training program fee..... \$225.00
- 2.13. Certified Animal Euthanasia Technician annual renewal fee\$50.00
- 2.14. WV State Police Background Check\$30.00
- 2.15. Inspection of a facility which employs a Certified Animal Euthanasia Technician..
\$250.00

- 2.16. Roster; (written or electronic)
- a. Veterinarians.....\$ 25.00
 - b. Veterinary Technician...\$ 10.00
 - c. Certified Animal Euthanasia Technicians ...\$10.00
 - d. Registered Veterinary Facilities ..\$25.00
- 2.17. Rules and Practice Act.... ~~\$ 25.00~~ \$35.00
- 2.18. Relief permit fee..... \$ 25.00
- 2.19. Relief permit renewal fee...\$ 25.00
- 2.20. Emergency relief permit.... \$100.00
- 2.21. Facility inspection fee~~\$250.00~~ \$300.00
- 2.22. Facility re-inspection fee....~~\$300.00~~ \$400.00
- 2.23. Veterinary facility annual permit....~~\$50.00~~ \$100.00
- 2.24. Written change of name.....\$ 10.00
- 2.25. Written change of address.....\$ 10.00
- 2.26. Copies of public records (per page).....\$.50
- 2.27. Continuing education program review and evaluation....\$50.00
- 2.28. A penalty to be determined by the Board, not to exceed 25% of the original fee required, shall be assessed on all fees not paid received by the board by the due date.
- 2.29. All fees shall be payable to the West Virginia Board of Veterinary Medicine by check, cashiers check, money order, or cash, credit card or electronic transfer, if and when such credit card or electronic transfer services are available.