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**WEST VIRGINIA LEGISLATURE**  
*Legislative Rule-Making Review Committee*

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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December 04, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Wanda Goodwin  
Veterinary Medicine, WV Board of  
Capitol Complex  
Building 12, Room 201

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Schedule of Fees, 26CSR6**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Board of Veterinary Medicine

Subject: Schedule of Fees, 26CSR6

OFFICE OF THE  
SECRETARY OF STATE

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PERTINENT DATES

- Filed for public comment: June 30, 2000
- Public comment period ended: July 31, 2000
- Filed following public comment period: September 1, 2000
- Filed LRMRC: September 1, 2000
- Filed as emergency: June 30, 2000

Fiscal Impact: Fiscal note shows an additional cost to the Board of \$500 per year but does not indicate the amount of revenue to be received from the fees.

ABSTRACT

The proposed rule amends a current legislative rule. The following is a synopsis of the substantive amendments.

Section 2 contains a schedule of fees. The application fee for a veterinary medical corporation has been deleted, as it is specified in the statute. Also, two new fees have been added. A fee of \$30 has been added for Certified Animal Euthanasia Technician background checks and a \$50 application processing fee has been added for the North America Veterinary License Exam.

AUTHORITY

Statutory authority: W.Va. Code, §30-10-4, which provides, in part, as follows:

The board shall have the power to:

- ...(c) Establish and publish annually a schedule of reasonable fees for the licensing and registration of veterinarians, such fee schedule to be based on the board's

anticipated financial requirements for the year...

... (i) Promulgate, amend or repeal reasonable rules and regulations, in accordance with the provisions of chapter twenty-nine-a of this code, to implement the provisions of this article, including rules and regulations establishing standards of professional conduct for the practice of veterinary medicine...

### ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.