

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #4

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OCT 27 3 17 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Veterinary Medicine TITLE NUMBER : 26

CITE AUTHORITY: §30-10-4(c)

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:

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

\$2.60

TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE
SERIES 6
SCHEDULE OF FEES

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

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§26-6-1. General.

1.1. Scope. -- This schedule establishes the fees to be charged licensed veterinarians by the Board.

1.2. Authority. -- West Virginia Code §30-10-4(c)

1.3. Filing Date. -- April 28, 1992

1.4. Effective Date. -- April 28, 1992

§26-6-2. Schedule of Fees.

2.1. Veterinarian application, examination, and license fee \$ ~~95.00~~ \$150.00

2.2. License fee..... \$ 5.00

~~2.3.~~ 2.2. Duplicate license ~~\$5.00~~ \$10.00

2.4. 2.3. Annual renewal fee ~~\$100.00~~ \$125.00

~~2.5. Non-practicing veterinarian renewal fee: Veterinarians outside state of W. Va.; Veterinarians not operating in private practice of veterinary medicine, including veterinarians performing governmental work; Veterinarians on inactive list~~..... \$ 50.00

~~2.6. Veterinarians wishing to change status from inactive status must pay difference of renewal fee listed in subsection 2.4 and 2.5 above~~ \$ 50.00

~~2.7.~~ 2.4. Temporary permit..... ~~\$ 25.00~~ \$50.00

~~2.8.~~ 2.5. Temporary permit renewal fee \$ 25.00

~~2.9. Endorsement into West Virginia.....application fee plus license fee plus \$10.00 a month until the end of current licensing year.~~

~~2.10.~~ 2.6. Written confirmation of licensure by West Virginia \$ 25.00

~~2.11.~~ 2.7. Veterinary Medical Corporation application fee ~~\$25.00~~ \$50.00

~~2.12.~~ 2.8. Veterinary Medical Corporation annual registration fee \$ 50.00

2.9. Professional Limited Liability Company annual registration fee..... \$ 50.00

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Board of Veterinary Medicine

Subject: Schedule of Fees, 26CSR6

PERTINENT DATES

Filed for public comment: June 29, 1998
Public comment period ended: July 29, 1998
Filed following public comment period: August 3, 1998
Filed LRMRC: August 3, 1998
Filed as emergency:

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Fiscal Impact: Fiscal note does not indicate the revenue expected to be generated by the increase in fees.

ABSTRACT

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

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 contains fees. The veterinarian application, examination and license fee has been increased by \$50 and the annual renewal fee has been increased by \$25. The fees relating to nonpracticing veterinarians have been deleted because they are not provided for in the statute. The temporary permit fee and the medical corporation fee have been increased by \$25. An annual registration fee for professional limited liability companies of \$50 has been added, as have fees for certified animal euthanasia technicians. The fees for inspections have also been increased.

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 PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.



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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State Capitol - Room MB-49
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chairman
Delegate Mark Hunt, Co-Chairman
Debra A. Graham, Counsel

Joseph A. Altizer, Associate Counsel
Rita Pauley, Associate Counsel
Teri Anderson, Administrative Assistant

October 19, 1998

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Wanda Goodwin
WV Board of Veterinary Medicine
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.