

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

Form #2

Do Not Mark In This Box
FILED

2012 JUN 28 PM 2: 56

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: legislative CITE AUTHORITY: 30-10-6

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 30, 2012 AT 1:00 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

Schedule of Fees

Rule Title: _____

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.

Increase in our costs for fingerprinting from \$20. each to almost \$30. each due to WV State Police no longer providing the service and outsourcing it to vendor. Our current fee by rule is set as \$30.

Increase fee from \$30. to \$45. to offset the increase in the Board's costs for fingerprint testing. Currently, fingerprinting is conducted only for Certified Animal Euthanasia Technician candidates who will have access to Schedule II and/or Schedule III controlled substances. Estimated number of candidates annually for CAET is 25.

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	750.00	375.00	1,125.00
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	750.00	375.00	1,125.00

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.

WV State Police charged us \$20. each for fingerprinting analysis and we collected \$30. New outside vendor will charge us approx. \$30. (estimate based on our office call to determine rates after WV State Police notified us they no longer do fingerprinting). We have our Exec. Director trained as a fingerprint technician to do the fingerprinting and send in the fingerprints for analysis. We estimate based on current numbers of candidates tested annually that (approx. 25) we gain \$250. (25 candidates X \$10. profit with WV State Police analysis) to cover our expenses with our E.D. conducting the fingerprinting and submitting it for analysis. Due to increased costs of staff and materials for testing, we plan on collecting approx. \$375. profit using an outside vendor (25 candidates X \$15. profit) using outside fingerprinting analysis vendor.

MEMORANDUM

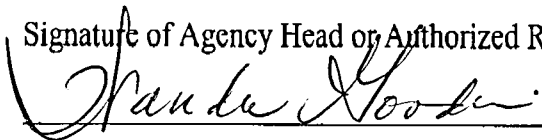
Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Areas of vagueness would be having an exact number of candidates annually for the CAET certification.

These numbers will also change if the Board expands in doing a background check at a later date for veterinarians and/or registered veterinary technicians or candidates for those professions.

Date: June 28, 2012

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 28, 2012

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

LEGISLATIVE RULE TITLE: Schedule of Fees

1. Authorizing statute(s) citation 30-10-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 28, 2012

b. What other notice, including advertising, did you give of the hearing?
Posting on our website

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 30, 2012

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

- 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 WV Board of Veterinary Medicine has determined that changes are needed to our Schedule of Fees, Title 26, Series 6 Rule.

This is due to an increase in the Board's costs for fingerprint analysis from our fee with the WV State Police of \$20. to an increase by using an outside vendor (Morpho Trust , as referred by WV State Police)+, where our cost per analysis will be \$28.85 per applicant. This change to an outside vendor is due to the WV State Police no longer providing this service.

Our fee for fingerprinting in our Rule was \$30. We hope to change it to \$45. to cover the expense of paying for the analysis and to cover our expenses in house for materials and our administration of the fingerprinting.

Brief Summary

West Virginia Code of State Regulations

Title 26, Series 6

As the WV State Police no longer provided analysis of fingerprints submitted on candidates for our Certified Animal Euthanasia Technician status, we were told to set up an account with an outside vendor for such analysis.

The Board's cost for the analysis when submitted to the WV State Police was \$20.00 each. The new vendor will charge \$28.85 each. Our fee of \$30.00 was adequate when we were billed \$20.00, but does not cover our expenses for our staff administration of the test, testing supplies, mailing, etc. now that we must pay \$28.85 each.

We therefore respectfully request an increase in the fee from \$30. to \$45. To offset the additional costs to the Board now that the State Police no longer provides the service.

TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

FILED

2012 JUN 28 PM 2: 56

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 6
SCHEDULE OF FEES

§26-6-1. General.

1.1. Scope. This rule establishes the fees to be charged by the Board.

1.2. Authority. -- West Virginia Code § 30-10-5

1.3. Filing Date. - ~~June 16, 2011~~

1.4. Effective Date. - ~~June 16, 2011~~

§26-6-2. Schedule of Fees.

- 2.1. Veterinarian application, examination and license fee... \$300.00
- 2.2. Duplicate license, registration or certification certificate.....\$25.00
- 2.3. Duplicate license, registration or certification renewal certificate.....\$25.00
- 2.4. Annual veterinary license renewal fee..... \$250.00
- 2.5. Temporary permit\$100.00
- 2.6. Written confirmation of licensure, registration or certification by West Virginia..... \$25.00
- 2.7. North America Veterinary License Exam (NAVLE) eligibility processing fee.....\$75.00
- 2.8. Certified Animal Euthanasia Technician continuing education program fee.... \$250.00

- 2.9. Veterinary Technician application, exam & registration fee.....\$100.00
- 2.10. Veterinary Technician annual renewal fee..... \$80.00
- 2.11. Animal euthanasia gas chamber inspection administrative fee.....\$100.00
- 2.12. Certified Animal Euthanasia Technician application, exam & certification fee.\$75.00
- 2.13. Certified Animal Euthanasia Technician training program fee..... \$225.00
- 2.14. Certified Animal Euthanasia Technician annual renewal fee\$50.00
- 2.15. Animal Euthanasia Facility annual registration fee.....\$50.00
- 2.16. WV State Police Background Check~~\$30.00~~ 45.00
- 2.17. Inspection of a facility which employs a Certified Animal Euthanasia Technician..
\$250.00
- 2.18. 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
- 2.19. Rules and Practice Act.... \$35.00
- 2.20. Facility inspection fee\$300.00
- 2.21. Facility re-inspection fee....\$400.00

2.22. Veterinary facility annual permit....\$100.00

2.23. Written change of name.....\$ 10.00

2.24. Written change of address.....\$ 10.00

2.25. Copies of public records (per page).....\$.50

2.26. Continuing education program review and evaluation....\$50.00

2.27. A penalty to be determined by the Board, not to exceed 25% of the original fee required, shall be assessed on all fees not received by the board by the due date.

2.28. All fees shall be payable to the West Virginia Board of Veterinary Medicine by check, cashiers check, money order, cash, credit card or electronic transfer, if and when such credit card or electronic transfer services are available.