

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

Form #2

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia State Board of Examiners for Licensed Practical Nurses TITLE NUMBER: 10

RULE TYPE: Legislative CITE AUTHORITY: WV Code 30-7A-7a

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board and Supplemental Renewal Fee for the  
Center for Nursing

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 September 7, 2012 AT 4:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV State Board of Examiners for LPNs

101 Dee Dr., Suite 100

Charleston, WV 25311

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

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA STATE BOARD OF EXAMINERS FOR  
LICENSED PRACTICAL NURSES

LANETTE L. ANDERSON, MSN, JD, RN  
EXECUTIVE DIRECTOR  
E-MAIL: Lanette.L.Anderson@wv.gov

MICHELLE L. WINTERS, MSN, MBA/HCM, RN, NHA, LNCC  
ASSOCIATE EXECUTIVE DIRECTOR  
E-MAIL: Michelle.L.Winters@wv.gov

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TELEPHONE  
(304) 558-3572

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TOLL FREE  
1-877-558-LPNS

CHARLESTON AREA  
558-LPNS

July 20, 2012

Ms. Judy Cooper  
Administrative Law Division  
Office of the Secretary of State  
Building 1 Room 157-K  
1900 Kanawha Boulevard, E.  
Charleston, West Virginia 25311

Dear Ms. Cooper:

Enclosed please find required documentation for the filing of a Notice of a Comment Period for proposed revisions to Legislative Rules 10 C.S.R. 4, Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing. The West Virginia State Board of Examiners for Licensed Practical Nurses has approved proposed revisions to said Rule during its meeting on June 13, 2012.

If any problems exist with what is submitted herein, please feel free to contact me. Your assistance is greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Lanette L. Anderson".

Lanette L. Anderson, MSN, JD, RN  
Executive Director

LLA/a

Enclosures:

WEST VIRGINIA STATE BOARD OF EXAMINERS FOR  
LICENSED PRACTICAL NURSES

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TITLE 10  
LEGISLATIVE RULES  
WEST VIRGINIA STATE BOARD OF EXAMINERS  
FOR LICENSED PRACTICAL NURSES

SERIES 4 - FEES FOR SERVICES RENDERED BY THE BOARD AND SUPPLEMENTAL  
RENEWAL FEE FOR THE CENTER FOR NURSING

SUMMARY OF PROPOSAL

Proposed changes to this Rule increase the fee for insufficient funds from \$10.00 to \$15.00. No other fees are affected.

WEST VIRGINIA STATE BOARD OF EXAMINERS FOR  
LICENSED PRACTICAL NURSES

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TITLE 10  
LEGISLATIVE RULES  
WEST VIRGINIA STATE BOARD OF EXAMINERS  
FOR LICENSED PRACTICAL NURSES

SERIES 4 - FEES FOR SERVICES RENDERED BY THE BOARD AND SUPPLEMENTAL  
RENEWAL FEE FOR THE CENTER FO NURSING

STATEMENT OF CIRCUMSTANCES REQUIRING RULE

The purpose of the proposed increase for the insufficient funds penalty from \$10.00 to \$15.00 is due to a new fee effective July 1, 2012 imposed by the WV State Treasurer's Office for returned checks. This fee to all state agencies has been increased to \$15.00. Although returned checks are not a frequent occurrence for the Board it is prudent for us to at least impose the fee that we are paying to the Treasurer's Office for their services in processing.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing

Rule Title: \_\_\_\_\_

Type of Rule:  Legislative  Interpretive  Procedural

Agency: West Virginia State Board of Examiners for Licensed Practical Nurses

Address: 101 Dee Drive, Suite 100  
Charleston, WV 25311

Phone Number: 304-558-3572 Email: Lanette.L.Anderson@wv.gov

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The purpose of the proposed increase for the insufficient funds penalty from \$10.00 to \$15.00 is due to a new fee effective July 1, 2012 imposed by the WV State Treasurer's Office for returned checks. This fee to all state agencies has been increased to \$15.00. Although returned checks are not a frequent occurrence for the Board it is prudent for us to at least impose the fee that we are paying to the Treasurer's Office for their services in processing.

**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			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing

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.

The proposed change will not provide any additional revenue to the Board.

**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.

Please see above comment.

Date: \_\_\_\_\_

*7/20/12*

Signature of Agency Head or Authorized Representative

*Janette L. Anderson*

**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: July 20, 2012

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* WV State Board of Examiners for Licensed Practical Nurses  
101 Dee Dr., Suite 100  
Charleston, WV 25311      304-558-3572

LEGISLATIVE RULE TITLE: ~~Fees for Services Rendered by the Board and Supplemental~~  
Renewal Fee for the Center for Nursing

1. Authorizing statute(s) citation WV Code 30-7A-7(a)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
July 20, 2012

b. What other notice, including advertising, did you give of the hearing?  
\_\_\_\_\_  
\_\_\_\_\_

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
To end September 7, 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)

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

Lanette L. Anderson, MSN, JD, RN, Executive Director

WV State Board of Examiners for Licensed Practical Nurses

101 Dee Dr., Suite 100

Charleston, WV 25311

Phone 304-558-3572 Fax 304-558-4367 Email Lanette.L.Anderson@wv.gov

- 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)

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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.

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b. Date of hearing or comment period:

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

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d. Attach findings and determinations and reasons:

Attached 

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**10 CSR 4**  
**TITLE 10**  
**LEGISLATIVE RULES**  
**STATE BOARD OF EXAMINERS**  
**FOR LICENSED PRACTICAL NURSES**  
**SERIES 4**  
**FEES FOR SERVICES RENDERED BY THE BOARD**  
**AND SUPPLEMENTAL RENEWAL FEE FOR THE CENTER FOR NURSING**

**§10-4-1. General.**

1.1. Scope. -- This legislative Rule establishes the fees to be charged by the Board for services rendered.

1.2. Authority. -- WV Code §30-7A-5; §30-7A-7a

1.3. Filing Date. --

1.4. Effective Date. --

**§10-4-2. Schedule of Fees for Services Rendered by the West Virginia State Board of Examiners for Licensed Practical Nurses:**

Fees collected by the Board are not refundable.

2.1. Licensure Examination . . . . .	\$75.00
2.2. Re-Examination . . . . . (Third attempt free)	\$75.00
2.3. Temporary Permit for New Graduate . . . . .	\$10.00
2.4. Endorsement into West Virginia . . . . .	\$50.00
2.5. Endorsement out of West Virginia . . . . .	\$30.00
2.6. Renewal of license . . . . .	\$40.00
2.7. Supplemental renewal fee for the Center for Nursing . . . . .	\$10.00
2..8. Reinstatement of a license from nonpracticing status . . . . .	\$40.00
2.9. Limited License . . . . . Valid for 90 days - May not be renewed.	\$10.00
2.10. Duplicate License . . . . .	\$10.00
2..11. Change of Name and/or Address (Duplicate license issued) . . . . .	\$10.00
2.. 12..Transcripts . . . . .	\$5.00
2.. 13. Framable Certificate (Free to New Graduate) . . . . .	\$10.00
2..14. Reinstatement of a license from lapsed status. . . . .	\$80.00
2.. 15. Insufficient Funds Penalty . . . . .	<del>\$10.00</del> \$15.00

2..16. Roster of Active Licensees . . . . .	\$100.00
One County . . . . .	\$5.00
2.. 17. Mailing Labels Name and Address/per 1000. . . . .	\$50.00
Minimum Charge . . . . .	\$50.00
2.. 18. Copy of Law . . . . .	\$2.00
2..19. Rules and Regulations . . . . .	\$5.00
2.. 20. Application Fee New School . . . . .	\$250.00
2. 21. Special Request for Data Listings Minimum Programming Fee. . . . .	\$25.00
2..22. Miscellaneous copies (first page) . . . . .	\$2.00
each additional page. . . . .	\$0.20

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