

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

Form #2

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2012 JUL 25 PM 4:02

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: WV Board of Optometry TITLE NUMBER: 14

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Code, §30-8-1, et. seq.

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

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 August 27, 2012 AT 9:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV. Board of Optometry

179 Summers Street, Suite 231

Charleston, WV 25301

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

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA BOARD OF OPTOMETRY

**14CSR5**

**Schedule of Fees Amendment**

Summary

The amendment is written to add a fee for the Expanded Therapeutic Procedures Certificate proposed in new rule §14-12. It also adds ACH debit as a form of payment for fees.

- The fee added for an Expanded Therapeutic Procedures Certificate is \$200. This is the same as the fee as for the Oral Pharmaceutical Certificate and the Injectable Pharmaceutical Agents Certificate.
- The amendment officially adds the ACH debit method of payment to existing forms of payment listed in the rule. ACH debit is entered using the numbers from the bottom of a paper check. This service is available through the Board's web site and the WV State Treasurer's Office Egov system.

WEST VIRGINIA BOARD OF OPTOMETRY

**14CSR5**

**Schedule of Fees Amendment**

Circumstances

The amendment adds a fee to fund the Board's proposed rule, §14-12, Expanded Therapeutic Procedures. The fee is the same as for the Oral Pharmaceutical Certificate and the Injectable Pharmaceutical Agents Certificate. The amendment also officially adds ACH debit to the methods of payment accepted for fees already provided through the Board's web site and the WV State Treasurer's Office Egov system.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Schedule of Fees

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

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV Board of Optometry

Address: 179 Summers Street, Suite 231  
Charleston, WV 25301

Phone Number: 304-558-5901 Email: wvbdopt@frontier.com

**Fiscal Note Summary**

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

This rule amendment makes two changes. It adds a fee to correspond with proposed rule §14-12 Expanded Therapeutic Procedures Certificate. The Board estimates that approximately 100 licensees will apply for an Expanded Therapeutic Procedures Certificate. It will take approximately 6 hours per applicant to set up policies, procedures, forms, process the applications, verify training, and set up systems for the record keeping portion of the rule. There will be associated current expense costs involved as well. The second change officially allows applicants, licensees and those who desire license verification to pay for services by ACH Debit in addition to check, money order, certified check and credit card. The additional payment method is available through the Board's web site and the WV State Treasurer's Egov system. The fee is the same as for a credit card, so there is no impact on costs to the Board.

**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.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	9,451.00	9,451.00	18,902.00
Personal Services	6,201.00	6,201.00	12,402.00
Current Expenses	3,250.00	3,250.00	6,500.00
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	10,000.00	10,000.00	20,000.00

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.

It would take the staff approximately 6 hours per applicant in personnel costs to set up policies, procedures, process each application and set up reporting and tracking components. Current expenses include \$40 for printing certificates and filing materials for each applicant. Improvements to the web site would cost about \$2500.

**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.

Date: July 25, 2012

Signature of Agency Head or Authorized Representative

James Campbell

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TITLE 14  
WEST VIRGINIA BOARD OF OPTOMETRY 2012 JUL 25 PM 4:02

SERIES 5  
SCHEDULE OF FEES

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

§14-5-1. General.

- 1.1. Scope. -- This schedule establishes the fees to be charged by the Board.
- 1.2. Authority. -- W. Va. Code §30-8-1, et. seq.
- 1.3. Filing Date.
- 1.4. Effective Date. --

§14-5-2. Schedule of Fees.

2.1.	Application Fee.....	\$300.00
2.2.	Reciprocity Application Fee .....	\$300.00
2.3.	Active License Restoration Fee .....	\$400.00
2.4.	Temporary Permit .....	\$300.00
2.5.	Oral Pharmaceutical Certificate.....	\$200.00
2.6.	Contact Lenses That Deliver Pharmaceuticals Certificate.....	\$50.00
2.7.	Pharmaceuticals By Injection Certificate.....	\$200.00
2.8.	<u>Expanded Therapeutic Procedures Certificate.....</u>	<u>\$200.00</u>
<del>2.8</del> 2.9.	License Card and Certificate.....	\$100.00
<del>2.9</del> 2.10.	Duplicate License Card.....	\$15.00
<del>2.10</del> 2.11.	Duplicate Certificate .....	\$25.00
<del>2.11</del> 2.12.	Annual Renewal Fee .....	\$400.00
<del>2.12</del> 2.13.	Late Renewal Fee.....	\$200.00
<del>2.13</del> 2.14.	Continuing Education Provider Fee.....	\$50.00
<del>2.14</del> 2.15.	Confirmation of Licensure.....	\$25.00
<del>2.15</del> 2.16.	Business Entity Verification Fee.....	\$25.00
<del>2.16</del> 2.17.	Roster of WV Optometrists Electronic or Hard Copy.....	\$200.00

14CSR5

<del>2.17</del> <u>2.18</u> .	Rules and Practice Act.....	\$25.00
<del>2.18</del> <u>2.19</u> .	Written Change of Name.....	\$10.00
<del>2.19</del> <u>2.20</u> .	Written Change of Address.....	\$10.00
<del>2.20</del> <u>2.21</u> .	Copies of Public Records (Per page).....	\$.50
<del>2.21</del> <u>2.22</u> .	Fees are payable to the West Virginia Board of Optometry by check, money order, certified check, or credit card <u>or ACH debit</u> .	