

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

Form #2

Do Not Mark In This Box

2013 JUN 13 PM 2:50

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

AGENCY: WV MASSAGE THERAPY LICENSURE BOARD TITLE NUMBER: 194

RULE TYPE: LEGISLATIVE CITE AUTHORITY: 30-36-7

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

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 13, 2013 AT 5:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV MASSAGE THERAPY LICENSURE BOARD

179 SUMMERS STREET, SUITE 711

CHARLESTON, WV 25301

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

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

## **SUMMARY OF THE RULE**

### **TITLE 194**

#### **SERIES 4 SCHEDULE OF FEES**

This rule is being submitted to repeal the expiration date of Series 4 Schedule of Fees. This will allow the current fee structure to remain in place.

#### **FACTS AND CIRCUMSTANCES**

THIS RULE IS BEING SUBMITTED TO MAINTAIN THE CURRENT FEE STRUCTURE THAT WAS ADOPTED BY THE LEGISLATURE IN 2012. THE BOARD'S CALCULATED ESTIMATES OF REVENUE AND EXPENDITURES HAVE PROVEN TO BE ACCURATE OVER THE PAST TWO YEARS, SINCE THIS FEE STRUCTURE WAS IMPLEMENTED. THIS FEE STRUCTURE IS NECESSARY TO CONDUCT THE OPERATIONS OF THE BOARD. THE BOARD DOES NOT RECEIVE ANY GENERAL REVENUE FUNDS AND IS REQUIRED TO BE SELF-SUFFICIENT.

THE EXISTING FEE STRUCTURE IS NECESSARY DUE TO INFLATION, INCREASES IN OFFICE RENT AND EXPENDITURES IN GENERAL. THIS WILL ENSURE THAT THE BOARD REMAINS SELF-SUFFICIENT AS MANDATED.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: SCHEDULE OF FEES

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV Massage Therapy Licensure Board

Address: 179 Summers Street, Suite 711  
Charleston, WV 25301

Phone Number: 304-558-1060 Email: linda\_lyter@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 will not have any impact on the costs and revenues of state government. This board is a Chapter 30 board and is required to be self-sufficient in regards to its funding. The board operates on its own revenue generated by licensure and other related fees. The board does not receive any general revenue funding.

**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)
<b>1. Estimated Total Cost</b>	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

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

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

SCHEDULE OF FEES

**3. Explanation of above estimates (including long-range effect):**

Please include any increase or decrease in fees in your estimated total revenues.

The board is repealing the expiration date of the fee increase that was adopted by the legislature in 2012. This will enable the board to maintain its current and future revenue. This will provide the board with the sufficient revenue funding to conduct its operations as it has over the past two fiscal years and meet the increased costs of expenditures in general. No changes are anticipated.

This will basically maintain the estimated equivalent revenue for the FY 2014 and FY 2015 that has been generated over the past two years. Previous expense and revenue estimates have proven to be accurate and the existing fee structure is necessary in order for the board to remain self-sufficient.

**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.

N/A

Date: 6/13/13

Signature of Agency Head or Authorized Representative

*Sinda Syter*

TITLE 194  
LEGISLATIVE RULES  
MESSAGE THERAPY LICENSURE BOARD

FILED  
JUN 13 PM 2:56  
STATE OF WEST VIRGINIA

SERIES 4  
SCHEDULE OF FEES

**§194-4-1. General.**

1.1. Scope. -- This rule establishes the schedule of fees for the Massage Therapy Licensure Board.

1.2. Authority. -- W. Va. Code 30-37-6.

1.3. Filing Date. -- June 13, 2011.

1.4. Effective Date. -- March 10, 2012.

**§194-4-2. Licensure and Administrative Fees.**

2.1. Each applicant for licensure is responsible for paying the appropriate fees specified in this rule.

2.2. The fees authorized to be established by the Board and necessary to the operation of the Board are as follows:

2.3. Application fee -- Fifty dollars (\$50.00) -- a non-refundable fee to be paid by all applicants for a massage therapy license including those seeking a reciprocal license or to re-apply for a license.

2.4. Two (2) year license fee -- Three hundred dollars (\$300.00) -- a fee to be paid at the time of application for initial or reciprocal license. This fee does not include the fifty dollars (\$50.00) application fee. This fee is non-refundable after issuance of a license.

2.5. Two (2) year licensure renewal fee -- Two hundred dollars (\$200.00) -- a fee to be paid prior to the issuance of the license. This fee must be received by June 30 of the renewal year or by the end of the month before the license expires. This fee is non-refundable after issuance of license.

2.6. Late fee -- Fifty dollars (\$50.00) -- a non-refundable fee to be paid when a licensee fails to submit application and fees on or after July 1 or the date the license expires. This is in addition to the other required fees.

2.7 Duplicate or replacement license fee -- Twenty-five dollars (\$25.00) -- a non-refundable fee to be paid when a licensee requests a replacement for a lost or destroyed license, renewal or duplicate license or a license request due to a name change.

2.8. Certified statement fee -- Thirty dollars (\$30.00) -- a fee to be paid at the time of request the Board verify that a licensee is licensed in West Virginia.

2.9. Failure to report change of address fee in writing fee -- Thirty dollars (\$30.00) -- a fee that is to be paid by the applicant when he or she has failed to notify the Board in writing within thirty (30) days of changing his or her address.

2.10. Re-application fee -- Three hundred dollars (\$300.00) -- a fee to be paid when re-applying for licensure after the license lapsed sixty days after the expiration date of the license.

2.11. Failure to report name change in writing fee -- Thirty dollars (\$30.00) -- a fee that is to be paid by the applicant when he or she has failed to notify the Board in writing within thirty (30) days of changing their name.

2.12. Roster fee -- One hundred dollars (\$100.00) -- a fee that is to be paid by at the time of the request for a copy of the roster of current licensees.

2.13. License fee for a new license issued after the effective date of this rule. Three hundred

dollars (\$ 300.00) The license will be renewable two (2) years from the end of the month it was issued. This fee is non-refundable after issuance of a license.

2.14. Photocopy per page fee -- a fifty cents (\$.50) per page photocopying fee shall be paid at the time information is requested.

~~§194-4-3. Expiration of fee increases.~~

~~3.1 The fee increases enacted by emergency rule in 2011 and by legislative rule in 2012 will expire as of July 1, 2014.~~