

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

Form #3

Do Not Mark In This Box  
**FILED**

2013 JUL 23 PM 1:52

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WEST VIRGINIA MASSAGE THERAPY LICENSURE BOARD TITLE NUMBER: 194

CITE AUTHORITY: 30-37-6

AMENDMENT TO AN EXISTING RULE: YES  NO

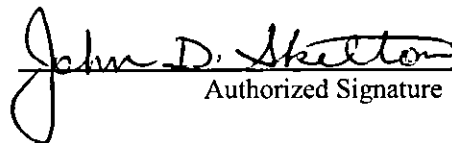
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: SCHEDULE OF FEES

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

## **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 fee structure to be 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 IS REQUIRED TO BE SELF-SUFFICIENT AND DOES NOT RECEIVE ANY GENERAL FUNDING.

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 BY THE LEGISLATURE.

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 revenue that is generated by licensure and other related fees. The board does not receive any general revenue funds.

**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

Rule Title: SCHEDULE OF FEES

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 source of revenue funding that is needed to continue to conduct its operations as it has over the past two fiscal years and meet the increasing costs of expenditures in general. No changes are anticipated.

This will basically maintain the estimated equivalent revenue for (fiscal years) 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: 7/22/13

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: July 22, 2013

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No ) WV Massage Therapy Licensure Board  
179 Summers Street, Suite 711  
Charleston, WV 25301  
(304) 558-1060

LEGISLATIVE RULE TITLE: Title 194 Series 4 Schedule of Fees

1. Authorizing statute(s) citation 30-37-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 13, 2013

b. What other notice, including advertising, did you give of the hearing?  
The board mailed a letter to each licensee with information on the proposed rule and  
comment period.

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
July 13, 2013 @ 5:00 p.m.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached X No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 23, 2013

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

Linda Lyter, Executive Director  
179 Summers Street, Suite 711  
Charleston, WV 25301

(304) 558-1060 Phone #

(304) 558-1061 Fax #  
linda\_lyter@frontier.com

- 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.

N/A

b. Date of hearing or comment period:

\_\_\_\_\_ June 12, 2013 through July 13, 2013 @ 5:00 p.m. \_\_\_\_\_

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

\_\_\_\_\_ July 23, 2013 \_\_\_\_\_

d. Attach findings and determinations and reasons:

Attached \_\_\_\_\_ Comments and Agency Response Letter \_\_\_\_\_

FILED

TITLE 194  
LEGISLATIVE RULES  
MASSAGE THERAPY LICENSURE BOARD

2013 JUL 23 PM 1:52

SERIES 4  
SCHEDULE OF FEES

OFFICE OF THE VIRGINIA  
SECRETARY OF STATE

**§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. -- \_\_\_\_\_, 2013.

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.~~

**WEST VIRGINIA MASSAGE THERAPY  
LICENSURE BOARD  
179 Summers Street  
Suite 711  
Charleston, WV 25301  
Phone: (304) 558-1060  
Fax: (304) 558-1061  
Toll free in WV 800 871-7265  
Website: [www.wvmessage.org](http://www.wvmessage.org)**

John Skelton, LMT, Chairperson  
Shady Spring

Joan Wysong, LMT  
Nitro

Amy Parsons-White, LMT  
St. Albans

Roland Meffert, D.C.  
Nitro

Marsha Starr, Secretary  
Hamlin

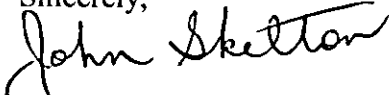
Linda Lyter  
Executive Director

July 19, 2013

The West Virginia Massage Therapy Licensure Board would like to thank you for your response to the thirty (30) day comment period relating to the proposed legislative rule: Title 194 Series 4 §194-4-3, Section 3.1.

As a state regulatory professional licensing board, the state law requires that all professional licensing boards be self sufficient. In order to remain self-sufficient and maintain the highest level of integrity within the profession; the board must set fees accordingly, based on the number of active licensees.

Sincerely,

  
John Skelton  
Board Chairperson

July 10, 2013

RECEIVED  
JUL 10 2013

To: WV Massage Licensure Board

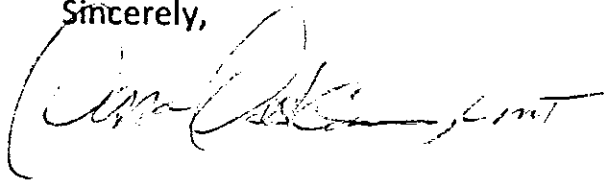
Fr: Massage Therapist

Subject: Series 4 Schedule of Fees

Dear WV Massage Therapy Licensure Board,

I am opposing the Title 194 series 4 – 194-4-3, Section 3.1. I comment and feel that the Fees are to go back to the original fees as before.

Sincerely,



118 SUNFLOWER ST.  
PRINCETON, WV 24739