

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

Form #3

Do Not Mark In This Box

FILED

2013 JUL 25 PM 12:30

OFFICE OF THE SECRETARY OF STATE
1900 MARKET STREET
CHARLESTON, WV 25302

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

AGENCY: West Virginia Board of Chiropractic Examiners TITLE NUMBER: 4

CITE AUTHORITY: W. Va. Code § 30-16-5

AMENDMENT TO AN EXISTING RULE: YES NO


IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 6

TITLE OF RULE BEING PROPOSED: Fees Pertaining to the Practice of Chiropractic

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

TO: West Virginia Secretary of State
FROM: West Virginia Board of Chiropractic Examiners
DATE: July 24, 2013
RE: W. Va. Code R. § 6-1-1 *et al* and Comments Received

There were no comments received during the comment period for the above noted proposed rule.

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 24, 2013

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Chiropractic Examiners
415 1/2 D Street, Suite No. 6
Post Office Box 8532
South Charleston, West Virginia 25303
(304) 746-7839

LEGISLATIVE RULE TITLE: Fees Pertaining to the Practice of Chiropractic

1. Authorizing statute(s) citation W. Va. Code § 30-16-5

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 21, 2013--Pubic Comment Period

b. What other notice, including advertising, did you give of the hearing?
N/A

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 21, 2013--Public Comment Period

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

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

July 25, 2013--Public Comment Period

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

Barbara L. Johnson, Executive Secretary

415 1/2 D Street, Suite No.6

Post Office Box 8532

South Charleston, West Virginia 25303

Telephone: 304-746-7839

Fax: 304-746-0794

email: wvchiroboard@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.

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

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 4 Legislative Rule, Series 6, Fees Pertaining to the Practice of Chiropractic

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Chiropractic

Address: P. O. Box 8532
415 1/2 D Street, Suite #6, South Charleston, WV 25303
South Charleston, WV 25303

Phone Number: (304) 746-7839 Email: wvchiroboard@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 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	90,000.00	30,000.00	120,000.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	30,000.00	120,000.00

Rule Title: Title 4 Legislative Rule, Series 6, Fees Pertaining to the Practice of Chiropractic

Rule Title:

Title 4 Legislative Rule, Series 6, Fees Pertaining to the Practice of Chiropractic

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

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

The Board proposes to increase the schedule of fees that apply to the licensure for the practice of Chiropractic in the State of West Virginia. This fee schedule has not been amended since 1999. If the Board isn't allowed to raise its fee schedule, the Board runs the risk of not having sufficient funds to operate, as explained by a recent Legislative audit of the Board. Additionally, the Board proposes creating a separate Rule Series for Fees to make the identification of the fee schedule more accessible and to make future rule changes more efficient.

Estimated license renewals for FY 2014-2015 would generate approximately \$30,000.00 in additional revenue.

This revenue would enable the Board to maintain operations and retain a cash balance to cover any unforeseen expenses (e.g. legal fees) incurred during any fiscal year and what is also recommended by the recent Legislative audit.

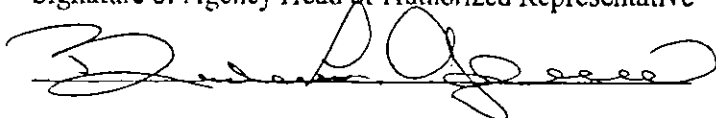
MEMORANDUM

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: June 19, 2013

Signature of Agency Head or Authorized Representative



FILED

TITLE 4
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS

2013 JUL 25 PM 12:31

SERIES 6
FEES PERTAINING TO THE PRACTICE OF CHIROPRACTIC

WEST VIRGINIA
SEAL OF STATE

§4-6-1. General.

1.1. Scope. -- This rule provides for the fees that shall apply to the practice of chiropractic in the State of West Virginia.

1.2 Authority. -- W. Va. Code 30-16-5.

1.3. Filing Date. -- June __, 2013.

1.4. Effective Date. -- July 1, 2014.

2.7. The fee for requests for continuing education courses is \$100 per course.

2.8. The application fee for preceptorship approval is \$50 per student.

2.09. There is a fee of \$250 per request for address listings.

§4-6-2. Fees.

2.1. The annual renewal fee for chiropractors practicing in West Virginia is \$300, out of state or retired chiropractors is \$150.

2.2. If the license renewal requirements are postmarked after July 1, there is a \$200 late fee.

2.3. If the license renewal requirements are postmarked after July 31, there is an additional \$200 reinstatement fee.

2.4. The fee for each application for approval for articles of incorporation is \$150 per request. The initial filing fee for a chiropractic corporation or a professional limited liability company is \$150 and an annual renewal fee of \$150.

2.5. The examination fee is \$150 per applicant and a fee of \$50 per applicant for reexamination.

2.6. The initial licensing fee is \$50 per licensee.

**BRIEF SUMMARY OF PROPOSAL
AND
STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE**

FEES 4 CSR 6

The West Virginia Board of Chiropractic proposes to create a new series within the West Virginia Code of State Rules (the "Proposed Rule"). The Proposed Rule is intended to update, clarify, and address problems within the existing rules so the Board can effectively regulate the practice of chiropractic within the State. Specifically, the Board is seeking to revise its licensing-fee schedule, which has not seen any increase since 1999. These upward fee revisions are necessary for the Board to have sufficient funds to adequately perform its statutorily mandated duties. The Board unanimously approved the Proposed Rule and the fee revisions contained therein.

The Proposed Rule would move the rules regarding fees from Series One to Series Six and revise the fees that apply to the licensure for the practice of chiropractic in the State of West Virginia. This fee schedule has not been amended since 1999. And, as shown in the attached document, West Virginia's chiropractic fee schedule is substantially lower than many comparable and surrounding states. Moreover, those states that have lower or equal fees generally have a much larger population of active licensees. If the Board is not allowed to raise its fee schedule, the Board runs the risk of not having sufficient funds to operate, as explained by a recent legislative audit of the Board. Additionally, the Board proposes creating a separate Rule Series for Fees to make the identification of the fee schedule more accessible and to make future rule changes more efficient.

Renewal Fee Schedule

Pennsylvania

4,047 Active Licensees

\$210 Renewal Fee Biennial (every two years)

Ohio

2,356 Active Licensees

\$500 Renewal Fee Biennial

\$250 Exam Fee (includes initial licensing fee)

Kentucky

889 Active Licensees

\$250 Renewal Fee Annually

\$350 Application Fee (includes initial licensing fee)

Virginia

1,468 Active Licensees

\$312 Renewal Fee Biennial

\$277 Initial Licensing Fee

North Carolina

1,998 Active Licensees

\$150 Renewal Annually

\$300 Exam Fee (includes initial licensing fee)

Tennessee

1,057 Active Licensees

\$285 Renewal Fee Biennial

\$360 Application Fee

Indiana

1,146 Active Licensees

\$100 Renewal Fee Biennial

\$100 Exam Fee

Maryland

865 Active Licensees

\$700 Renewal Fee Biennial

\$300 Exam Fee

\$200 Application Fee

West Virginia

262 Active Licensees (practicing in WV)

\$200 Renewal Fee Annually

77 Active Licensees (out-of-state and/or retired)

\$100 Renewal Fee Annually