



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

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**6/3/2014 12:32:19 PM**

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 1)**

**AGENCY Osteopathic Medicine**

**RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 24-05**

**RULE NAME Fees for Services Rendered by the Board of Osteopathy**

**CITE AUTHORITY WV Code 30-3E-3(a) and (b)**

**COMMENTS LIMITED TO  
Oral And Written**

**DATE OF PUBLIC HEARING  
Thursday, July 03, 2014 12:00 AM**

**LOCATION OF PUBLIC HEARING  
West Virginia Board of Osteopathic Medicine  
405 Capitol Street, Suite 402  
Charleston, WV 25301**

**DATE WRITTEN COMMENT PERIOD ENDS  
Thursday, July 03, 2014 12:00 AM**

**WRITTEN COMMENTS MAY BE MAILED TO  
West Virginia Board of Osteopathic Medicine  
405 Capitol Street, Suite 402  
Charleston, WV 25301**

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.**

**Yes**

**Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 24-05



Rule Id: 9429



Document: 25835



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 2)**

**AGENCY** Osteopathic Medicine

**RULE TYPE** Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 24-05

**RULE NAME** Fees for Services Rendered by the Board of Osteopathy

**CITE AUTHORITY** WV Code 30-3E-3(a) and (b)

**PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL**

The Physician Assistants Practice Act, W.Va. Code 30-3E-1 et seq., becomes effective on June 6, 2014. This statute creates an entirely new procedural system that must be utilized for a PA to obtain authorization to practice in WV. It also establishes criteria for licensure, complaints, investigations and disciplinary processes. The Act also authorizes the Board to promulgate legislative rules to implement the provisions of the statute. The amendment to this rule allows the board to provide mechanisms that will effectuate the requirements of the statute.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.**

**Yes**

**Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

**AGENCY      Osteopathic Medicine**

**RULE TYPE    Legislative                      AMENDMENT TO EXISTING RULE    Yes    TITLE-SERIES    24-05**

**RULE NAME    Fees for Services Rendered by the Board of Osteopathy**

**CITE AUTHORITY    WV Code 30-3E-3(a) and (b)**

**SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON  
COSTS AND REVENUES OF STATE GOVERNMENT.**

**None**

**Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in  
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 24-05



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

**AGENCY** Osteopathic Medicine

**RULE TYPE** Legislative AMENDMENT TO EXISTING RULE **Yes** **TITLE-SERIES** 24-05

**RULE NAME** Fees for Services Rendered by the Board of Osteopathy

**CITE AUTHORITY** WV Code 30-3E-3(a) and (b)

**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>Effect Of Proposal</b>           | <b>Current Increase/Decrease<br/>(use ' - ')</b> | <b>Next Increase/Decrease<br/>(use ' - ')</b> | <b>Fiscal Year (Upon<br/>Full Implementation)</b> |
|-------------------------------------|--------------------------------------------------|-----------------------------------------------|---------------------------------------------------|
| <b>ESTIMATED<br/>TOTAL COST</b>     | <b>0.00</b>                                      | <b>0.00</b>                                   | <b>0.00</b>                                       |
| <b>PERSONAL SERVICES</b>            |                                                  |                                               |                                                   |
| <b>CURRENT EXPENSES</b>             |                                                  |                                               |                                                   |
| <b>REPAIRS AND<br/>ALTERATIONS</b>  |                                                  |                                               |                                                   |
| <b>ASSETS</b>                       |                                                  |                                               |                                                   |
| <b>OTHER</b>                        |                                                  |                                               |                                                   |
| <b>ESTIMATED<br/>TOTAL REVENUES</b> | <b>0.00</b>                                      | <b>0.00</b>                                   | <b>0.00</b>                                       |

**Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 24-05



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

**AGENCY      Osteopathic Medicine**

**RULE TYPE    Legislative                      AMENDMENT TO EXISTING RULE    Yes    TITLE-SERIES    24-05**

**RULE NAME    Fees for Services Rendered by the Board of Osteopathy**

**CITE AUTHORITY    WV Code 30-3E-3(a) and (b)**

**3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.**

**This rule will have no impact on costs and revenues of state government because the Practice Agreement fee combined with the Physician Assistant License Fee is the same total amount as in the current rule, making this issue fiscally neutral. No increase in cost or revenue is anticipated.**

**Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 24-05



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)**

**AGENCY      Osteopathic Medicine**

**RULE TYPE    Legislative                      AMENDMENT TO EXISTING RULE    Yes    TITLE-SERIES    24-05**

**RULE NAME    Fees for Services Rendered by the Board of Osteopathy**

**CITE AUTHORITY    WV Code 30-3E-3(a) and (b)**

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.

**Fees from the Prescriptive Privilege application which is being eliminated will be re-allocated to the Practice Agreement which is a new document which will replace the Change of Supervisor Application and Addition of Supervisor Application.**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 24-05



Rule Id: 9429



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**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

**AGENCY** Osteopathic Medicine

**RULE TYPE** Legislative AMENDMENT TO EXISTING RULE Yes **TITLE-SERIES** 24-05

**RULE NAME** Fees for Services Rendered by the Board of Osteopathy

**CITE AUTHORITY** WV Code 30-3E-3(a) and (b)

**SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.**

WV Code 30-3E-1 was created by SB 425 and passed by the 2014 Legislature. The bill was signed by Governor Tomblin and will become effective June 6, 2014. This statute creates an entirely new procedural system that must be utilized for a physician assistant to obtain a license to practice in West Virginia. It also established creiteria for licensure, complaints, investigations and disciplinary processes. The statue mandates that a PA may not practice until: 1) the supervising physician and PA submit a practice agreement to the Board which establishes those activities within the physician assistant's scope of practice, including limited prescriptive authority; and 2) the Board authorizes practice pursuant to the practice agreement.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.**

**Yes**

**Diana K Shepard -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 24-05



Rule Id: 9429



Document: 25835

**TITLE 24  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE**

**SERIES 5  
FEES FOR SERVICES RENDERED BY THE BOARD OF OSTEOPATHIC MEDICINE**

**§24-5-1. General.**

1.1. Scope. -- This legislative rule establishes the fees charged by the Board of Osteopathic Medicine for services rendered.

1.2. Authority. -- W. Va. Code §§29B-1-3(5), 30-1-4, 30-1-6, 30-14-4, 30-14A-3, 31B-13-1304 and 30-3E-1 et seq.

1.3. Filing Date. --

1.4. Effective Date. --

**§24-5-2. Schedule of Fees For Services Rendered for Physicians.**

The West Virginia Board of Osteopathic Medicine charges fees for the services it performs in connection with the licensing of osteopathic physicians, physician corporations and professional, limited liability companies. The services are listed below with the corresponding fee for each service.

2.1. Application for Licensure. -- \$400.00.

2.2. Biennial Renewal of License. -- \$400.00.

2.3. Osteopathic Physician Corporation Application Fee. -- \$500.00.

2.4. Osteopathic Physician Corporation Biennial Renewal. -- \$400.00.

2.5. Osteopathic Physician Endorsement or Written Licensure Verification. -- \$35.00.

2.6. Osteopathic Physician State Board Scores. -- \$10.00.

2.7. Late renewal fee. -- \$100.00.

2.8. Osteopathic Physician Duplicate Wallet License. -- \$30.00.

- 2.9. Osteopathic Physician Wall Certificate. -- \$50.00.
- 2.10. Osteopathic Physician Educational Permit. -- \$100.00.
- 2.11. Annual Registration of a Professional, Limited Liability Company. -- \$200.00 per year.
- 2.12. Annual Permit to Dispense/Prescribe Controlled Substance. -- \$15 per year.

**§24-5-3. Schedule of Fees For Services Rendered For Physician Assistants.**

- 3.1. Physician Assistant License Fee. -- \$100.00
- 3.2. Physician Assistant Biennial Renewal of License. -- \$100.00.
- 3.3. Written Verification of License or Endorsement. -- \$35.00.
- 3.4 Fee for Practice Agreement -- \$100.00.
- 3.5 Fee for Amendment or Change of Practice Agreement -- \$100.00.

**§24-5-4. Schedule of Fees For Services Rendered For the General Public.**

The West Virginia Board of Osteopathic Medicine charges the following fees for the production of records and copies provided to the public, pursuant to the West Virginia Freedom of Information Act, W. Va. Code §29B-1-1 *et seq.*, and for customized reports that are not subject to the Act.

- 4.1. Record Search Fee. -- \$30.00.
- 4.2. Copying of written or printed public records. -- no charge for 10 pages or less, \$0.75 for each page in excess of 10 pages.
- 4.3. Duplication or production of electronic media:
  - 4.3.a. Compact Disc. -- \$5.00 per disc.
  - 4.3.b. DVD. -- \$10.00 per disc.
- 4.4. Written summarization of a complaint file. -- \$300.00 per file, exclusive of any charges for copying more than ten pages from a complaint file.

4.5. Database Reports and Extracts in Custom Formats.

4.5.a. Custom licensee directories, requiring license issue and expiration dates: \$5,000.00 for physician licensees, \$2,500.00 for osteopathic physician assistant licensees.

4.5.b. Other custom reports, including requests for existing reports in alternate formats: \$300.00 administrative fee, plus \$50.00 for each added data field not included in an existing report on the Board's website.