



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

6/26/2019 12:56:10 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Pharmacy TITLE-SERIES: 15-18

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: Application for Waiver of Initial Licensing Fees for Certain Individuals

CITE STATUTORY AUTHORITY: W. Va. Code §30-5-7 and §30-1-22.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/26/2019 8:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Ryan Hatfield

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Charleston, WV 25311

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule provides for initial licensing fee waiver for certain individuals

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

This rule is being promulgated due to the passage of a bill last session

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

We estimate this will cost the Board \$21,640 annually

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

none

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	-10,820	-10,820	-21,640
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

We made best estimates based on annual initial licenses

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Ryan L Hatfield -- 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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TITLE 15  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF PHARMACY

SERIES 18  
APPLICATION FOR WAIVER OF INITIAL LICENSING FEES  
FOR CERTAIN INDIVIDUALS

**§15-18-1. General.**

1.1. Scope. -- This rule establishes procedures for waiving the initial licensing fee for low income individuals and military personnel and their spouses.

1.2. Authority. -- W. Va. Code §30-5-7 and §30-1-22.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of five years from final filing date.

**§15-18-2. Definitions.**

2.1. "Board" means the West Virginia Board of Pharmacy.

2.3. "Initial license" means an individual applying for a pharmacist intern, pharmacist, pharmacy technician, or pharmacy technician trainee license in West Virginia for the first time;

2.4 "Local labor market" means every county in West Virginia, and any county outside of West Virginia if any portion of that county is within fifty miles of the border of West Virginia, pursuant to W.Va. Code §21-1C-2;

2.5. "Low-income individual" means an individual in the local labor market as defined in §21-1C-2, whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in a state or federal public assistance program including, but not limited to, the Temporary Assistance for Needy Families Program, Medicaid, or the Supplemental Nutrition Assistance Program;

2.6. "Military families" means any person who serves as an active member of the armed forces of the United States, the National Guard, or a reserve component as described in 38 U. S. C. §101, honorably discharged veterans of those forces, and their spouses. This term also includes surviving spouses of deceased service members who have not remarried; and

**§15-18-3. Application for Waiver of Initial Licensure Fees.**

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3.1. An applicant seeking a low income or military family waiver of the initial licensing fee shall apply for licensure to the board and provide the required documentation.

3.2. The Board shall provide the application form and instructions on what documentation is necessary to submit with the license application requesting the low income or military family initial licensing fee waiver.

3.3. An applicant shall submit all required documentation to the board and upon the submission of a complete application, the board shall review the application and issue a decision within 30 days of receipt of the completed application.

3.4. The board may issue a license to an applicant who meets the requirements of W. Va. Code §30-5-1 et seq., the rules promulgated by the board, and the board shall waive the initial licensing fee for an applicant that meets the requirement of “low-income individuals” or “military families” as defined in W.Va. Code §30-1-22.

**§15-18-4. Required Documentation for Waiver of Initial Licensure Fees.**

4.1. Individuals requesting a waiver of initial licensure fees for low income or military service personnel and their spouses, shall submit with the application for licensure the initial licensure waiver forms provided by the board and the appropriate documentation as specified in this section.

4.2. To establish low income eligibility for the initial licensing fee waiver, an applicant shall submit to the board evidence that the adjusted gross income of the household of the applicant is at or below 130% of the federal poverty level by submitting documentation of eligibility for:

4.2.1. Temporary Assistance for Needy Families Program;

4.2.2. Medicaid;

4.2.3. Supplemental Nutrition Assistance Program; or

4.2.4. A Federal Tax Return.

4.3. To establish military family eligibility for the initial licensing fee waiver, an applicant shall submit to the board proof of qualifying military service and proof of eligibility as a qualifying spouse or widow, as follows:

4.3.1. A service members DD-214 form;

4.3.2. A service members NGB-22 form;

4.3.3. A service members DD-1300 form; or

4.3.4. A copy of their current military orders; and

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4.3.5. A copy of the marriage certificate with the qualifying service member and, where applicable, the death certificate of the service member if the widow is applying for the military family waiver.

4.4. Honorably discharged applicants shall submit a completed application, and a DD-214 form or an NGB-22 form showing the applicant has been an honorably discharged from military service.