



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

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

AGENCY: Respiratory Care TITLE-SERIES: 30-02  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 30-02 Establishment of Fees

**PRIMARY CONTACT**

NAME: WV Bd of Respiratory Care  
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CITE STATUTORY AUTHORITY: 30-34-6 & 30-34-6a.7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Compliance with SB396 passed March 8, 2019

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/7/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/7/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Posted on Board's website and mailed out notice to all Respiratory Therapists

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Amending 30CSR2 as required by Senate bill 396 adding waiver of initial license fees for low income and military families.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

SB396

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

Est 4,000.00 decrease in license revenue

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

Waives initial license fees for low income and military families

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>	0	0	0
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):

NA

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

Yes

Nancy J Massey -- 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.

30CSR2

TITLE 30  
LEGISLATIVE RULE  
WV BOARD OF RESPIRATORY CARE

SERIES 2  
ESTABLISHMENT OF FEES

**30-2-1 General**

1.1 Scope: This legislative rule sets forth in detail all fees charged by the board.

1.2 Authority: ~~W. Va. WV Code §30-34-6, WV Code 30-34-6a.7~~

1.3 Filing Date: ~~June 24, 1997~~

1.4 Effective Date: ~~June 24, 1997~~

1.5 Sunset Provision -- This rule shall terminate and have no further force or effect upon the expiration of ten (10) years from final filing date.

~~**30-2-2 Application Fee.**~~

**30-2-2 Definitions**

2.1 "Board" refers to the WV Board of Respiratory Care, abbreviated as WVBORC.

2.2 "Initial" means obtaining a license in West Virginia for the profession sought for the first time

2.3 "License" means a license issued by the Board to someone who meets all the requirements for licensure in Respiratory Care

2.4 "Low-Income Individuals" means individuals whose household adjusted gross income is below 130 percent of the federal poverty line. This term includes any person enrolled in a public assistance program including, but not limited to, the Temporary assistance for Needy Families Program (TANFP), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP).

2.5 "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, honorable discharged veterans of the Forces, and their spouses. The term includes surviving spouses of deceased service members who have not remarried.

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;

**30-2-3 Application Fees**

3.1 An applicant for licensure shall file with the West Virginia Board of Respiratory Care, a signed application form and pay an initial application fee of two hundred dollars (\$200.00).

## 30CSR2

3.2 Low-Income Individuals and Military Families residing within the local labor market may request a waiver of initial application fee from the Board. The Board will provide waiver forms upon request from the applicant. Applicant shall provide completed waiver forms with proof of low-income and/or military families along with completed application for licensure. Applicant will be notified of waiver status within 30 days by the Board.

3.3 Individuals requesting an official verification of their license shall send a written request along with \$10.00 money order/cashier's check or e-payment to the board office.

### **30-2-4 Renewal Fees Schedule**

4.1 Every licensee shall renew his or her license on or before the first of January of each year.

4.2 The license renewal fee is sixty-five dollars (\$65.00).

~~3.3 The first renewal date is January 1, 1998.~~

4.3 Any licensee who files for early renewal between the dates of November 1 and November 30, in any year, is entitled to a \$10.00 discount on the license renewal.

~~3.5 The renewal fee for renewal of a licensee's inactive status is twenty dollars (\$20.00).~~

4.4 Any license that is not renewed on January 1 automatically lapses and the person whose license has lapsed shall submit a new application and ~~the~~ a two hundred dollar (\$200.00) application fee.