



**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: Veterinary Medicine TITLE-SERIES: 26-06  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 26-06 Schedule of Fees

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: §30-10-6

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:

§30-10-6. Rule-making authority.

(a) The board shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this article, including:

- Statutory Authority - §30-10-6.a.1. Standards and requirements for a license, permit, certificate and registration
- §26-6-4. Application for Waiver of Fees.
- Statutory Authority §30-10-6.a.9. Fee Schedule
- §26-6-3. Schedule of Fees.
- §26-6-4. Application for Waiver of Fees.
- Statutory Authority §30-10-6.a.16. Any other rules necessary to effectuate the provisions of this article
- §26-6-2. Definitions.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/30/2019

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

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?

Emails to practitioners and posted the notice on the Board's website.

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

§26-6-2. Schedule of Fees.

Added definitions for low income and military families.

Added veterinary technician inactive license fee.

Added veterinary technician inactive license reactivation fee.

Adding performing euthanasia for euthanasia inspections that require inspections.

Reduced the cost from \$300 to \$200 for facility inspection fee for ambulatory inspections.

Modified Practice Act Booklet fee so there is no longer a fee if done online.

Added waiver of fees for low income.

Added waiver of fees for military families.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The purpose of the Rule change is to update the Rule and to be in compliance with W. Va. Code §26-3-1 Registration of Veterinary Technicians revisions and §30-1-22.3.d. Waiver of initial licensing fees for certain individuals.

Added definitions for low income and military families. Added veterinary technician inactive license fee. Added veterinary technician inactive license reactivation fee. Added performing euthanasia for euthanasia inspections that require inspections. Reduced the cost from \$300 to \$200 for facility inspection fee for ambulatory inspections. Modified Practice Act Booklet fee so there is no longer a fee if done online. Added waiver of fees for low income. Added waiver of fees for military families.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

It is difficult to calculate the expected revenue reduction because we have never collected income nor military information.

Estimated total for low income and military = \$6200 - CAET's 10=\$3800; RVT's 9=\$900; Veterinarians Military 5= \$1500.

Estimated total of ambulatory inspections reduced from \$300 to \$200 (50 inspections) = \$5000.00.

Estimated total of RVT's inactive status 10 renewals = \$550.00 Reduction of \$55 for each inactive status instead of \$80 renewals.

Total of all estimated reduced revenue = \$11,750.

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

A positive impact for low income and military families license fee being waived.

A positive impact for inspection fees for ambulatory facilities.

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>			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>			-11,750.00

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

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

**Yes**

**Patricia A Holstein -- 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 26  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

SERIES 6  
SCHEDULE OF FEES

**§26-6-1. General.**

1.1. Scope. -- This rule establishes the fees to be charged by the Board.

1.2. Authority. -- W. Va. Code §30-1-22. and W. Va. Code §30-10-6.

1.3. Filing Date. -- ~~April 23, 2018~~

1.4. Effective Date. -- ~~July 1, 2018.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force ~~on July 1, 2028.~~ or effect upon the expiration of 10 years from its effective date.

**§26-6-2. Definitions.**

2.1. "Initial" means obtaining a license in West Virginia for the practice of veterinary medicine, veterinary technology, or animal euthanasia technology for the first time.

2.2 "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.

2.3. "Low-income individual" means an individual in the local labor market as defined in W. Va. Code §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 (TANF), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP).

2.4. "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.

**§26-6-23. Schedule of Fees.**

<u>23.1.</u> Veterinary application, examination and license fee .....	\$300.00
<u>23.2.</u> Veterinary license renewal fee .....	\$250.00
<u>23.3.</u> Veterinary inactive license fee .....	\$75.00
<u>23.4.</u> Veterinary inactive license reactivation fee .....	\$250.00

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<del>23.5.</del> North America Veterinary License Exam (NAVLE) eligibility processing fee .....	\$75.00
<del>23.6.</del> Veterinary Technician application, examination and registration fee .....	\$100.00
<del>23.7.</del> Veterinary Technician registration renewal fee .....	\$80.00
<u>3.8. Veterinary Technician inactive registration fee .....</u>	<u>\$25.00</u>
<u>3.9. Veterinary Technician inactive license reactivation fee.....</u>	<u>\$80.00</u>
<del>23.8</del> <u>10.</u> Certified Animal Euthanasia Technician application, Rules and Practice Act, examination and certification fee .....	\$110.00
<del>23.9</del> <u>11.</u> Certified Animal Euthanasia Technician training program fee.....	\$225.00
<del>23.10</del> <u>12.</u> Certified Animal Euthanasia Technician certification renewal fee .....	\$50.00
<del>23.11</del> <u>13.</u> Certified Animal Euthanasia Technician continuing education program fee.....	\$250.00
<del>23.12</del> <u>14.</u> Animal Euthanasia Facility initial registration and renewal fee .....	\$50.00
<del>23.13</del> <u>15.</u> Inspection of a facility which employs a Certified Animal Euthanasia Technician and <u>is performing euthanasia</u> <del>are euthanizing</del> .....	\$250.00
<del>23.14</del> <u>16.</u> Veterinary facility inspection fee.....	\$300.00
<u>3.17. Veterinary ambulatory inspection fee.....</u>	<u>\$200.00</u>
<del>23.15</del> <u>18.</u> Veterinary facility re-inspection fee .....	\$400.00
<del>23.16</del> <u>19.</u> Veterinary facility initial registration and renewal fees .....	\$100.00
<del>23.4</del> <u>7</u> <u>20.</u> Continuing education program review and evaluation.....	\$50.00
<del>23.18</del> <u>21.</u> Rules and Practice Act <u>Booklet</u> .....	<del>\$35.00</del>
<u>3.21.a. Office Generated .....</u>	<u>\$35.00</u>
<u>3.21.b. Online .....</u>	<u>No fee</u>
<del>23.19</del> <u>22.</u> Written confirmation of licensure, registration, or certification <del>by West Virginia</del> .....	\$25.00
<del>23.20</del> <u>3-</u> Duplicate license, registration, or certification certificate	
<u>23.20</u> <u>3.a.</u> Office Generated .....	\$25.00
<u>23.20</u> <u>3.b.</u> Online .....	No fee

~~23.214.~~ All fees shall be payable to the West Virginia Board of Veterinary Medicine by check, cashier's check, money order, credit card or electronic transfer, if and when such credit card or electronic transfer services are available.

~~23.225.~~ All fees not received by the due date shall be assessed, a penalty, to be determined by the Board, not to exceed 25% of the original fee required.

~~2.23.~~ Upon approval of a waiver request, the Board shall waive fees for:

~~2.23.a.~~ Renewals of licenses, registrations or certifications for a military veteran, and their accompanying spouse, during their qualified deployment;

~~2.23.b.~~ Licensing, registration or certification for a military veteran and their accompanying spouse, for one year following their discharge from active duty;

~~2.23.c.~~ Inspection of a veterinary facility solely owned by a military veteran and/or their accompanying spouse, during their qualified deployment; and

~~2.23.d.~~ Inspection of a veterinary facility solely owned by a military veteran and/or their accompanying spouse, for one year following their discharge from active duty.

#### **§26-6-4. Application for Waiver of Fees.**

4.1. The Board may issue a license to an applicant who meets the requirements of W. Va. Code §30-31-1 et seq. and the rules promulgated by the Board, and the Board shall waive the initial licensure fee if the applicant qualifies as a "low-income individual" or as a member of one or more "military families" as defined in this rule.

4.2. Low-income individuals, as defined in this rule, may seek a waiver of the initial licensure, registration, or certification fee by submitting with their complete application a low-income waiver of initial licensure fee form, provided by the Board, and all required verification documents as prescribed by the Board. The Board shall review the application and issue a decision within 30 days of receipt of the complete application.

4.3. Military families, as defined in this rule, may seek a waiver of the initial or renewals of licensure, registration, or certification fee by submitting by submitting with their complete application a military service verification form, provided by the Board, and all required verification documents as prescribed by the Board. The Board shall review the application and issue a decision within 30 days of receipt of the complete application.

4.4. Military families, as defined in this rule, may seek a waiver of inspection fee of a veterinary facility solely owned by the licensee or registrant, by submitting by submitting with their complete application a military service verification form, provided by the Board, and all required verification documents as prescribed by the Board. The Board shall review the application and issue a decision within 30 days of receipt of the complete application.