



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/18/2019 12:17:06 PM

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: Physical Therapy TITLE-SERIES: 16-09  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: 16-09 Application for Waiver of Initial Licensing Fees for Certain Individuals

**PRIMARY CONTACT**

NAME: West Virginia Board of Physical Therapy  
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CITE STATUTORY AUTHORITY: W. Va. Code §30-1-23

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:

Senate Bill 396 was enacted during the 2019 regular session. This bill enacted a new law, set forth in W. Va. Code §30-1-23, which establishes a waiver of initial licensing fees for certain individuals and military families. The bill applies to all state occupations licensing boards governed under Chapter 30 of the West Virginia Code. The bill directed all Chapter 30 Boards to submit rules for legislative approval that implement the provisions of the bill.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/4/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/5/2019

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?

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

This new rules establishes procedures for waiving the initial licensing fess for low income individuals and military personnel and their spouses.

**STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:**

Title 16 Series 9 is being added to comply with SB 396 that the Governor signed waiving initial licensing fees for certain individuals.

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

**A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:**

This rule will have no impact on cost or revenue of state government other than reducing any swept funds from the Board's special revenue. This rule will only impact the Board's special revenue account.

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

This rule will only impact potential physical therapists, physical therapy assistants and athletic trainers that are residents of the state applying for initial licensure in WV.

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>			
<b>Personal Services</b>			
<b>Current Expenses</b>			
<b>Repairs and Alterations</b>			
<b>Assets</b>			
<b>Other</b>			
<b>2. Estimated Total Revenues</b>			-26557.44

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

Estimates are based on a 2016 study stating 39% of all college students income was at or below 130% of the federal poverty level. The Board estimates are based on 39% of the total number of initial licenses issued to PT's, PTA's and AT's through exam application in 2018. This does not include initial new licenses issued by endorsement from another state. There is no way to determine how many military initial licensure fees will be waived to include in this estimate. The Board's special revenue could potentially decrease by a minimum of \$26,557.44 or more.

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

Yes

**Nonnie S Ramsey -- 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 16  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF PHYSICAL THERAPY

SERIES 9  
APPLICATION FOR WAIVER OF INITIAL LICENSING FEES  
FOR CERTAIN INDIVIDUALS

**§16-9-1. 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 §30-1-23, W. Va. Code §30-20-5, and W. Va. Code §30-20A-2.

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 (5) years from final filing date.

**§16-9-2. Definitions.**

2.1. "Board" means the West Virginia Board of Physical Therapy.

2.2. "BOPT-LIW" means the Board of Physical Therapy low income waiver form used to request a waiver of the initial licensing fee for low income individuals, as authorized in W.Va. Code §30-1-22;

2.3. "Initial license" means an individual applying for a physical therapy, physical therapy assistant, or athletic trainer 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 50 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 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, 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

2.7. "BOPT-MFW" means the Board of Physical Therapy Military Family Waiver form used to request a waiver of the initial licensing fee for military service members and their spouses as described in W. Va. Code §30-1-22.

**§16-9-3. Application for Waiver of Initial Licensure Fees.**

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 applicant with the application form and instructions for necessary documentation 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 §30-20-1 et seq. and W. Va. Code §30-20A-1 et seq. and 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.

**§16-9-4. Required Documentation for Waiver of Initial Licensure Fees.**

4.1. Individuals requesting a low income or military family waiver of initial licensure fees shall submit with the application the initial licensure waiver BOPT-LIW or BOPT-MFW form 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 member’s DD-214 form;

4.3.2. A service member’s NGB-22 form;

4.3.3. A service member’s DD-1300 form; or

4.3.4. A copy of their current military orders; and

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.

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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.