



**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: Massage Therapy Licensure Board TITLE-SERIES: 194-05  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: 194-05 Application for Waiver of Initial Licensing Fees for Certain Individuals

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: §30-1-22 & §30-37-6

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:

Passage of SB 396 that requires professional licensing boards to issue initial licenses at no charge for those applicants who may qualify.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/13/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2019

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 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:**

Passage of SB 396. To require professional licensing boards to waive the initial licensing fee to certain individuals.

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

Passage of SB 396.  
To require professional licensing boards to issue an initial license to certain groups of people free of charge.

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

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

N/A

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

N/A

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>			Don't know
<b>Personal Services</b>			Don't know
<b>Current Expenses</b>			Don't know
<b>Repairs and Alterations</b>			0
<b>Assets</b>			0
<b>Other</b>			0
<b>2. Estimated Total Revenues</b>			0

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

The Board has no idea how much the cost of issuing licenses free of charge to those individuals who may request and qualify.

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

Yes  
 Linda Lyter -- 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 194  
LEGISLATIVE RULE  
MESSAGE THERAPY LICENSURE BOARD

SERIES 5

APPLICATION FOR WAIVER OF INITIAL LICENSING FEES  
FOR CERTAIN INDIVIDUALS

**§194-5-1. 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 §30-1-22, and W. Va. Code §30-37-6.

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.

**§194-5-2. Definitions.**

2.1. "Initial" means obtaining a license in West Virginia for the practice of massage therapy 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.

**§194-5-3. Application for Waiver of Initial Licensure Fees.**

3.1. The Board may issue a license to an applicant who meets the requirements of W. Va. Code §30-37-1 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.

3.2. Low-income individuals, as defined in this rule, may seek a waiver of the initial licensure fee for licensure as a professional massage therapist 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.

3.3. Military families, as defined in this rule, may seek a waiver of the initial licensure fee for licensure as a professional massage therapist 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.

**§194-5-4. Required Documentation for Waiver of Initial Licensure Fees**

4.1 Individuals requesting a waiver of initial licensing fees for low income or military service personnel and their spouses, an applicant shall submit to the Board with the application for initial licensure waiver BFSE-LIW or BSFE-MFW form and the appropriate documentation as specified in this section.

4.2 To establish low income eligibility for an 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

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 to the Board a completed application and a DD-214 form or an NGB-22 form showing the applicant has been honorably discharged from military service.