



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia  
Secretary Of State

## NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Dietitians

RULE TYPE: Legislative

TITLE-SERIES: 31-06

RULE NAME: APPLICATION FOR WAIVER OF  
INITIAL LICENSING FEES FOR  
CERTAIN INDIVIDUALS

CITE AUTHORITY: W. Va. Code § 30-1-23, and W. Va.  
Code § 30-35-4.

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

**Grady M Bowyer -- 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.**

31CSR6

TITLE 31

LEGISLATIVE RULE

WEST VIRGINIA BOARD OF LICENSED DIETITIANS

SERIES 6

**APPLICATION FOR WAIVER OF INITIAL LICENSING FEES  
FOR CERTAIN INDIVIDUALS**

**§ 31-6-1. 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, and W. Va. Code § 30-35-4.

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.

**§ 31-6-2. Definitions.**

2.1. "Board" means the West Virginia Board of Licensed Dietitians.

2.2. "BOLD-LIW" means the West Virginia Board of Licensed Dietitians' Low Income Waiver form used to request a waiver of the initial licensing fee for low income individuals, as authorized in W.Va. Code § 30-1-23;

2.3. "BOLD-MFW" means the Board of Licensed Dietitians' Military Family Waiver form used to request a waiver of the initial licensing fee for military service members and their spouses as described in § 30-1-23.

2.4. "Initial license" means an individual applying for a dietetic license in West Virginia sought for the first time;

2.5. "Initial license fee" means the licensure fee or fees that an applicant must normally pay to obtain a WV Board of Licensed Dietitians' license, if the applicant is being licensed as a dietitian or nutritionist in West Virginia for the first time.

2.6. "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;

2.7. "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;

2.8. "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.

**§ 31-6-3. Application for Waiver of Initial Licensure Fees.**

3.1. Low-income individuals may request a waiver of the initial licensure fee by submitting with their completed license application, the BOLD-LIW form, provided by the Board, and all documentation of eligibility for the waiver, as prescribed by this rule. The Board shall review the BOLD-LIW form and issue a decision within 30 days of receipt of the completed license application and form.

3.2. Military families may request a waiver of the initial licensure fee by submitting, with their completed license application, the BOLD-MFW form, provided by the Board, and all documentation of eligibility for the waiver, as prescribed by this rule. The Board shall review the BOLD-MFW form and issue a decision regarding eligibility for the initial licensure fee waiver within 30 days of receipt of the completed license application and form.

3.3 Upon determining that an applicant is eligible to obtain an initial dietitians license, the Board shall waive the initial licensure fee, if the applicant qualifies as a "low-income individual" or as an individual within the class "military families", as defined in this rule.

**§ 31-6-4. Required Documentation for Waiver of Initial Licensure Fees.**

4.1. Individuals requesting a waiver of initial licensure fees for low income or military families, shall submit with their request for an initial licensure waiver, the documentation specified in this section.

4.2. To establish low income eligibility of the initial licensing fee, an applicant shall submit to the Board evidence that the adjusted gross income of the applicant's household is below 130% of the federal poverty level by submitting a Federal Tax Return, or documentation of eligibility for one of the following public benefit programs:

4.2.1. The Temporary Assistance for Needy Families Program;

4.2.2. Medicaid; or

4.2.3. Supplemental Nutrition Assistance Program; or

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

4.3.1. The service members DD-214 form;

4.3.2. The service members NGB-22 form;

4.3.3. The service members DD-1300 form; or

4.3.4. A copy of the service member's current military orders; and

4.3.5. Other official military documentation, determined to be appropriate by the Board, demonstrating the service member's qualifying past or current military service; and

4.3.6. For a service member's spouse or surviving spouse, a copy of the certificate of marriage between the spouse and qualifying service member and, when applicable, the qualifying service member's death certificate.

4.4. Honorably discharged service members applying for a waiver of the initial licensure fee shall submit to the Board, a DD-214 form, an NGB-22 form, or other official military documentation, determining to be appropriate by the Board, showing that the applicant has been honorably discharged from military service.