



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

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

CITE STATUTORY AUTHORITY: 30-1-23 and 30-37-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 4252

Section 64-9-13 Passed On 3/6/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 30, 2020

This rule shall terminate and have no further force or effect from the following date:

April 30, 2030

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
MASSAGE 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 §30-1-23, and W. Va. Code §30-37-6.
- 1.3. Filing Date. -- April 16, 2020
- 1.4. Effective Date. -- April 30, 2020
- 1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of April 30, 2030.

§194-5-2. Definitions.

- 2.1. Board means the West Virginia Massage Therapy Licensure Board.
- 2.2. MTLB-LIW means the Massage Therapy Licensure Board waiver form to request a waiver of the licensing fee for low income individuals as authorized by W. Va. Code subsection §30-1-23.
- 2.3. MTLB-MFW means the Massage Therapy Licensure Board waiver form to request a waiver of the initial licensing fee for military service members and their spouses as described in W. Va. Code subsection §30-1-23.
- 2.4. "Initial" means obtaining a license in West Virginia for the practice of massage therapy for the first time.
- 2.5. "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.
- 2.6. "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.
- 2.7. "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 low income waiver (LIW) 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 military family waiver (MFW) 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 MTLB-LIW or MTLB-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 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 surviving spouse, 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; or

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. A copy of the marriage certificate with the qualifying service member and where applicable, the death certificate of the service member if the surviving spouse is applying for the military family waiver and where applicable a notarized affidavit from the surviving spouse verifying the surviving spouse has not remarried.

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.