



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: Respiratory Care TITLE-SERIES: 30-02
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 30CSR2 Establishment of Fees
CITE STATUTORY AUTHORITY: 30-34-6 & 30-34-6a.(a)(7)

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

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

Section 64-9-28-a 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:

August 4, 2020

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

August 04, 2030

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

Yes

Nancy J Massey -- 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.

30CSR2

TITLE 30
LEGISLATIVE RULE
WV BOARD OF RESPIRATORY CARE

SERIES 2
ESTABLISHMENT OF FEES

30-2-1 General.

- 1.1. Scope: This legislative rule sets forth in detail all fees charged by the board.
- 1.2. Authority: W. Va. Code §§ 30-34-6 and 30-34-6a(a)(7).
- 1.3. Filing Date: May 4, 2020
- 1.4. Effective Date: August 4, 2020
- 1.5. Sunset Provision -- This rule shall terminate and have no further force or effect after August 4, 2030.

30-2-2 Definitions.

- 2.1. "Board" refers to the WV Board of Respiratory Care, abbreviated as WVBORC.
- 2.2. "Initial" means obtaining a license in West Virginia for the profession sought for the first time.
- 2.3. "License" means a license issued by the Board to an applicant who meets all the requirements for licensure in Respiratory Care.
- 2.4. "Low-Income Individuals" means individuals in the local labor market as defined in 2.6 of this rule whose household adjusted gross income is below 130 percent of the federal poverty line. This term includes any person enrolled in a state or federal public assistance program including, but not limited to, the Temporary Assistance for Needy Families, Medicaid, or the Supplemental Nutrition Assistance Program.
- 2.5. "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, honorably discharged veterans of these forces, and their spouses. The term includes surviving spouses of deceased service members who have not remarried.
- 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;

30-2-3 Application Fees.

- 3.1. An applicant for licensure shall file with the West Virginia Board of Respiratory Care, a signed application form and pay an initial application fee of \$200.

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3.2 Low-Income Individuals and Military Families residing within the local labor market may request a waiver of initial application fee from the Board. The Board will provide waiver forms located at www.wvborc.wv.gov or upon request from the applicant. Applicant shall provide completed waiver forms with proof of low-income and/or military families along with completed application for licensure. Applicant will be notified of waiver status within 30 days by the Board.

3.3. Individuals requesting an official verification of their license shall send a written request along with \$10 money order, cashier's check, or e-payment to the board office.

30-2-4. Renewal Fees Schedule.

4.1. Every licensee shall renew his or her license on or before the first of January of each year.

4.2. The license renewal fee is \$65.

4.3 Any licensee who files for early renewal between the dates of November 1 and November 30, in any year, is entitled to a \$10 discount on the license renewal.

4.4. Any license that is not renewed on January 1 automatically lapses and the person whose license has lapsed shall submit a new application and a \$200 application fee.