

**Title 64 Series 30, Fees for Permits  
Department of Health  
Bureau for Public Health**

**Summary of Amendments to the Rule:**

The rule establishes fees for the issuance of permits by county, municipal, or combined boards of health. Amendments to the rule following passage of HB3092 (2023) require the Department modernize the fees.

**COMMENTS AND RESPONSES**

**The descriptions of public comments below are a paraphrasing of the originally submitted comments.**

**Comments**

One comment suggests that the rule should be amended to allow permit fees for temporary tattoo studios to be assessed for each tattoo artist rather than for a single location to accommodate the possibility of multiple artists requiring inspections. A second comment suggests that the requirement that local boards of health seeking to charge fees allowed by the rule submit documentation relating to the proposed fees to the Commissioner of the Bureau for Public Health be removed to provide consistency with the Legislature's removal of a similar requirement from a separate rule. Finally, two comments propose raising all fees enumerated in 64CSR51, Fees for Services, by 18% to account for rising inflation. However, follow-up communication with the commentors clarified that these comments were meant to apply to 64CSR30, Fees for Permits, not 64CSR51.

**Response**

One of the comments received recommends amending the rule to require permits for temporary tattoo studios be issued on a per-artist basis rather than a per-location basis. The Department has reviewed this comment and accepts the recommendation. Therefore, the rule has been amended to reflect the recommendation.

Another comment recommends the removal of the requirement set forth in 64CSR30-4.4. that local boards of health proposing to charge fees in accordance with the rule submit various documents to the Commissioner of the Bureau for Public Health, including proposed and current fee schedules, comments received relating to the proposed fees, and responses to those comments. Specifically, the commentor opines that because the Legislature has removed the commissioner approval requirement relating to a separate rule, the approval requirement should be likewise removed from 64CSR30. However, the legislature has not taken such action with respect to 64CSR30. Therefore, the proposed amendment is declined, and no changes were made to the rule in response to this comment.

Finally, two comments recommend increasing all fees for permits by 18% to better account for rising costs associated with inflation. Although these recommendations were made regarding 64CSR51, Fees for Services, additional clarification provided by both commentors suggests that both comments were directed at the fees for permits established by 64CSR30. Further, HB3092 mandated that the Department modernize the fees for permits set forth in 64CSR30, and all fees were increased by 10% in response to this directive, which provides additional support for the interpretation that the fees associated with 64CSR30 receive an across-the-board increase. The Department has reviewed these comments and accepts the recommendation. Therefore, the rule has been amended to reflect the recommendation.



Robertson, April L <april.l.robertson@wv.gov>

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**Fwd: Public Comment for 64-30 and 64-51**

1 message

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DeFelice, Anthony L <anthony.l.defelice@wv.gov>  
To: April L Robertson <april.l.robertson@wv.gov>

Fri, Jun 16, 2023 at 12:54 PM

Ms. Robertson,

Thank you for the opportunity to make a public comment on 64-30 and 64-51. With 64-30 we would like section 3.23 permitting fees for Temporary Tatoo Studio to be based on each Tatoo Artist and not based on a single building structure, special event, area or location. The main reason for this is that currently the number of tattoo artists is unlimited. It can include 5, 10 or 20 artists which would be a significant burden on our inspections and the staff.

With 64-51 the fee increase should be up to 18% instead of 10%. 18% will be more reasonable because the last time fees were increased was 2016 and would take into consideration inflation over the last 7 or 8 years. As you know yearly inflation over the last two years has been significantly higher at 7-10% per year.

Thanks again for the opportunity to comment on 64-30 and 64-51 and should you have any questions or comments please feel free to contact me.

Anthony L. DeFelice  
Monongalia County Health Department

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Robertson, April L <april.l.robertson@wv.gov>

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## Rule 64-51 Fees for Service

1 message

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Teri Harlan <Teri.Harlan@fayettehealth.org>

Fri, Jun 16, 2023 at 7:32 AM

To: "april.l.robertson@wv.gov" <april.l.robertson@wv.gov>

Cc: Melanie Pagliaro <melanie@mapandassociates.com>, "debkoester.wvlhi" <debkoester.wvlhi@gmail.com>

Good Morning,

*The proposed rule mentioned above is being submitted by WV DHHR - BPH. This rule establishes reasonable fees for services provided by the Bureau for Public Health and Local Boards of Health. The proposed rule recommends a 10% increase in fees. The Fayette and Nicholas County Boards of Health recommend an 18% increase in fees. This recommendation is based on several factors including:*

- Fees have not been increased since 2016
- At 18%, our health department will elevate the fees to a good level. However, due to inflation by the time these increases are implemented, we will be at a disadvantage again.
- Fees are not evaluated on a regular basis for potential increases.

If you have questions or require additional information, please feel free to contact me. Thank you!

*Teri N. Harlan*

Administrator

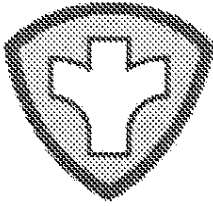
Fayette and Nicholas County Health Department

5495 Maple Lane

Fayetteville, WV 25840

304-574-1617 (o)

304-719-3085 (c)



**Public Health**  
Nevada County Health Department

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Robertson, April L <april.l.robertson@wv.gov>

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## Rule 64-51 Fees for Service

1 message

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Teri Harlan <Teri.Harlan@fayettehealth.org>  
To: "april.l.roberison@wv.gov" <april.l.robertson@wv.gov>  
Cc: Melanie Pagliaro <melanie@mapandassociates.com>

Fri, Jun 16, 2023 at 8:21 AM

Good Morning,

I am writing on behalf of the West Virginia Association of Local Health Departments. The proposed rule 64-51 regarding fees for service is being submitted by the WV DHHR Bureau for Public Health. This rule establishes reasonable fees for services provided by the Bureau for Public Health and Local Boards of Health. The proposed rule recommends an increase in fees at 10%. However, fees have not been increased since 2016. The West Virginia Association of Local Health Departments is recommending the fees be increased by 18%. Due to inflation, by the time these increases are implemented, local health departments will be at a disadvantage again. In addition, fees are not evaluated on a regular basis for potential increases. These fees are also only a recommendation. Local boards of health will decide to increase fees and at what amount. Local health departments are not allowed to charge more than what the rule states but could in fact charge less.

Again, there has not been an increase in fees since 2016. We ask that you consider our recommendation of an increase in fees at 18%.

If you have questions, please feel free to contact me. Thank you.

***Teri N. Harlan***

**President**

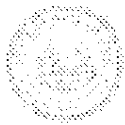
**WV Association of Local Health Departments**

**304-719-3085**



West Virginia Association  
of Local Health Departments

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**64 CSR 30**

1 message

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White, Lloyd R <lloyd.r.white@wv.gov>

Wed, Jun 7, 2023 at 4:10 PM

To: April L Robertson <april.l.robertson@wv.gov>, Melanie Pagliaro <melanie@mapandassociates.com>, Teri N Harlan <Teri.N.Harlan@wv.gov>

Hi April,

I would like to comment on the Proposed Rule, 64-CSR-30. I reference the following:

4.4. A local board of health proposing to charge fees must submit to the Commissioner of the Bureau for Public Health:

4.4.1. The proposed schedule of fees, a current fee schedule, and a projection of permit fee collections for both fee schedules expected in the next fiscal year;

4.4.2. A copy of the posted notice of the proposed fees and a description of the public notice process;

4.4.3. A copy of comments received on the proposed fees; and

4.4.4. A response to the comments

In the past, this was the process local boards of health must follow for approval. However, a few years ago, the legislature removed Commissioner approval from Clinical Fees for Services. I note the proposed Fee For Service does not have this requirement.

As we strive for consistency, my recommendation would be to delete 4.4-4.4.4 in its entirety. This would permit local boards of health to be consistent in setting fees for permits, fees for clinical services, and fees for service.

Thank you!

Lloyd

Lloyd R. White, MPH RS  
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