

**Title 64 Series 51, Fees for Services  
Department of Health  
Bureau for Public Health**

**Summary of Amendments to the Rule:**

The rule establishes fees for services provided by the Bureau for Public Health and local boards of health. Amendments are proposed to the rule to update outdated fees.

**COMMENTS AND RESPONSES**

**The descriptions of public comments below are a paraphrasing of the originally submitted comments. The full text of each public comment has been filed with the Secretary of State's Office.**

**Comment**

Two comments propose raising all fees enumerated in 64CSR51, Fees for Services, by 18%. However, follow-up communication with the commentors clarified that these comments were meant to apply to 64CSR30, Fees for Permits. Both comments recommend raising the proposed fees by an additional 8% beyond the 10% proposed by the Department to account for costs associated with rising inflation.

**Response**

Both comments recommend increasing all fees for services enumerated in the rule by 18%. However, additional clarification provided by both commentors suggests that these comments were directed at 64CSR30, Fees for Permits, and not 64CSR51. Therefore, both comments are addressed as comments to 64CSR30 and no changes were made to 64CSR51 as a result.



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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Anthony L. DeFelice  
Executive Director  
453 Van Voorhis Road  
Morgantown, WV 26505  
(304) 598-5148

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Anthony L. DeFelice  
Executive Director  
453 Van Voorhis Road  
Morgantown, WV 26505  
(304) 598-5148



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

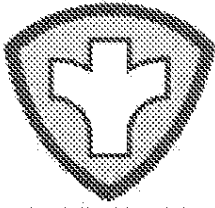
Fayette and Nicholas County Health Department

5495 Maple Lane

Fayetteville, WV 25840

304-574-1617 (o)

304-719-3085 (c)



Public Health  
Fayette 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.robertson@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  
Administrator  
Marion County Health Department  
300 Second Street  
Fairmont, WV 26554  
Phone: 304-366-3360 Ext. 101  
Fax: 304-363-8217  
Lloyd.r.white@wv.gov

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