



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-08  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 24-08 Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: W. Va. Code § 30-1-23

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 30-1-23 establishes a waiver of initial licensing fees for certain low-income individuals and military families. The Board is required to maintain this rule to carry out the intent of W. Va. Code § 30-1-23. The rule establishes procedures for waiving the applicable fees for qualifying individuals.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

N/A

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule establishes procedures for waiving the initial licensing fee for qualifying low-income individuals and military families. This rule applies to osteopathic physicians and physician assistants. This rule establishes the process for applying for the fee waiver, sets forth eligibility requirements, and describes the information and documents that applicants must submit to the Board. The Board only seeks to extend the sunset date from May 4, 2025, to August 1, 2030.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The Board supports this rule and is required to maintain this rule pursuant to W. Va. Code § 30-1-23.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The Board licenses osteopathic physicians and physician assistants. The respective initial licensing fees for those professions are \$400 and \$100. The Board would incur a loss in revenue if issuing a license without a fee pursuant to this rule. It is not possible to predict how many future applicants will qualify for the fee waiver under this rule, but the number is likely low. The Board does not expect this rule to impact its financial stability.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

The Board licenses osteopathic physicians and physician assistants. The respective initial licensing fees for those professions are \$400 and \$100. The Board would incur a loss in revenue if issuing a license without a fee pursuant to this rule. It is not possible to predict how many future applicants will qualify for the fee waiver under this rule, but the number is likely low. The Board does not expect this rule to impact its financial stability.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

This rule is likely to have zero or minimal economic impact on the state or its residents, depending on the number of future applicants who qualify for the fee waiver.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

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

**Yes**

**Chase Holcomb -- 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 24  
LEGISLATIVE RULES  
WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

SERIES 8  
WAIVER OF INITIAL LICENSING FEES FOR CERTAIN INITIAL  
LICENSURE APPLICANTS

**§24-8-1. General.**

1.1. Scope. -- This rule establishes procedures for waiving the initial licensing fee for low-income individuals and military families.

1.2. Authority. -- W. Va. Code §30-1-23.

1.3. Filing Date. -- ~~Technical amendment filed November 15, 2023.~~

1.4. Effective Date. -- ~~May 4, 2020.~~

1.5. Sunset Provision -- This rule shall terminate and have no further force or effect upon ~~May 4, 2025~~ August 1, 2030.

**§24-8-2. Definitions.**

2.1. For purposes of this rule, the following words and terms mean:

2.1.1. "Below 130 percent of the poverty line" means below 130 percent of the poverty line pursuant to the most recent annual poverty guidelines released by the United States Department of Health and Human Services.

2.1.2. "Board" means the West Virginia Board of Osteopathic Medicine.

2.1.3. "Initial license" means the first license approved by the Board and issued to an applicant:

2.1.3.a. To practice medicine and surgery;

2.1.3.b. To practice podiatric medicine and surgery; or

2.1.3.c. To practice as a physician assistant in collaboration with physicians in West Virginia.

Initial license does not include permits to participate in graduate medical training which are issued by the Board.

2.1.4. "Initial licensing fee" only means a fee directly assessed, collected and retained by the Board in connection with:

2.1.4.a. An application for an initial osteopathic medical license; or

2.1.4.b. An application for an initial physician assistant license.

This term does not include fees assessed by third parties which may be necessary to obtain documentation and/or information needed to complete an applicant's initial application.

2.1.5. "LIW" means the Low-Income Waiver application used to request a waiver of the initial licensing fee for low-income individuals.

2.1.6. "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.

2.1.7. "Low-income individual" means an individual who resides in the local labor market whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in the Temporary Assistance for Needy Families Program (TANF), Medicaid, the Supplemental Nutrition Assistance Program (SNAP) or other state or federal public assistance program with substantially equivalent low-income eligibility requirements.

2.1.8. "Military family" 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.

2.1.9. "MFW" means the Military Family Waiver application used to request a waiver of the initial licensing fee for military service members and eligible spouses.

### **§24-8-3. Application for Waiver of Initial Licensure Fees.**

3.1. An individual applying for an initial license who seeks a waiver of the initial licensing fee pursuant to the low-income or military family waiver shall apply to the Board on the appropriate fee waiver application and provide all required documentation and information as required by this rule. The fee waiver application form can be found on the Board's website.

3.2. The Board shall provide the LIW and MFW initial licensing fee waiver applications and instructions on what documentation is necessary to submit when an individual is seeking the low-income or military family initial licensing fee waiver.

3.3. The Board shall process the initial licensing fee waiver application and notify the individual whether he or she meets the eligibility requirements for an initial licensing fee waiver within thirty days of receipt of all required information and documentation. The thirty-day processing period shall not commence until the Board has received a completed LIW or MFW application and the individual has provided all required documentation and information needed to process the request.

3.4. Approval of the initial licensing fee waiver for an individual does not entitle the individual to receive a West Virginia license. An individual granted an initial licensing fee waiver must still apply for licensure and meet the qualifications and criteria for licensure as set forth in W. Va. Code §30-14-1 *et seq.* or W. Va. Code §30-3E-1 *et seq.* and the Board's corresponding legislative rules as set forth in 24CSR1 or 24CSR2.

3.5. An applicant who receives an initial licensing fee waiver pursuant to this rule must apply for a license no later than sixty days after the initial licensing fee waiver is granted or the waiver shall expire.

3.6. An applicant shall only be eligible for one initial licensing fee waiver from the Board.

3.7. The Board shall deny an application for an initial licensing fee waiver if the applicant:

3.7.1. Has previously held a license in this state for the same occupation;

3.7.2. Does not meet the eligibility criteria for a low-income or military family waiver;

3.7.3. Submits false or fraudulent information in association with the initial licensing fee waiver application; or

3.7.4. Has previously received an initial licensing fee waiver from the Board for the same occupation.

3.8. If a physician who has been granted an initial licensing fee waiver is approved for licensure, any assessment that may be required for the Patient Injury Compensation Fund pursuant to W. Va. Code §29-12D-1a shall also be waived until the physician's first license renewal.

**§24-8-4. Required Documentation for a Waiver of Initial Licensing Fees for Low-Income Individuals.**

4.1. An individual requesting a waiver of the initial licensing fee as a low-income individual shall submit a completed LIW application and all appropriate documentation and information specified in this section.

4.2. To establish eligibility for a waiver of an initial licensing fee based upon low-income, the applicant must either:

4.2.1. Be in the local labor market and submit the appropriate Federal Income Tax returns for the preceding year which verifies that the applicant has a household adjusted gross income below 130 percent of the federal poverty line; or

4.2.2. Submit certified documents or other documents satisfactory to the Board which verifies that the individual is enrolled in the Temporary Assistance for Needy Families Program (TANF), Medicaid, the Supplemental Nutrition Assistance Program (SNAP) or other state or federal public assistance program with substantially equivalent low-income eligibility requirements.

**§24-8-5. Required Documentation for a Waiver of Initial Licensing Fees for Military Families.**

5.1. An individual requesting a military family waiver of the initial licensing fee shall submit a completed MFW application and all appropriate documentation and information specified in this section.

5.2. To establish eligibility for a military family waiver of the initial licensing fee, an individual shall submit the following documentation to the Board:

5.2.1. If the applicant is the service member, the applicant's DD-214 form, NGB-22 form or a copy of the applicant's current military orders.

5.2.2. If the applicant is the spouse of a service member, the applicant must submit:

5.2.2.a. The service member's DD-214 form, NGB-22 form or a copy of the service member's current military orders; and

5.2.2.b. A copy of the certificate of marriage between the applicant and the service member.

5.2.3. If the applicant is the surviving spouse of a service member and has not remarried, the applicant must submit:

5.2.3.a. The decedent service member's DD-1300 form, or a certified copy of the death certificate for the decedent service member plus the decedent service member's DD-214 form or NGB-22 form;

5.2.3.b. A copy of the certificate of marriage between the applicant and the decedent service member; and

5.2.3.c. A notarized affidavit from the applicant verifying that the applicant has not remarried.