



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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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: Occupational Therapy TITLE-SERIES: 13-03
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 13-03 Fees for Services Rendered by the Board

PRIMARY CONTACT

NAME: WV Board of Occupational Therapy
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CITE STATUTORY AUTHORITY: 30-28-7

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:

Rulemaking authority to establish a fee schedule to enact the provisions of article 28, chapter 30.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 4/24/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 5/31/2024

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?

Notice of comment period on Board website; email notice to all licensees.

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

Fees for services rendered by the Board of Occupational Therapy.
Reduction of initial licensure and limited permit fees for occupational therapists and occupational therapy assistants; Addition of fee for compact privilege to practice

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Reduction of fees to be more in line with border state fees;
Fee for compact privilege to practice added as a result of the addition of article 30-28A.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

As the Board is fully funded by licensee fees, there will be no impact to general revenue of state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

Expected impact to Board revenue is a reduction of approximately \$10,000 annually.

The impact of compact privilege revenue is unknown.

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

Occupational Therapist and Occupational Therapy Assistant licenses will be reduced by \$75 and \$50, respectively.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			-10,000

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

Estimated revenue reduction is based on the following:

Initial OT licenses per year: $100 * \$75$ fee reduction = \$7,500

Initial OTA licenses per yr: $50 * \$50$ fee reduction = \$2,500

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

Yes
Vonda K Malnikoff -- 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 13
LEGISLATIVE RULE
BOARD OF OCCUPATIONAL THERAPY

SERIES 3
FEES FOR SERVICES RENDERED BY THE BOARD

§13-3-1. General.

1.1. Scope. -- This legislative rule establishes the fees to be charged by the Board for services rendered.

1.2. Authority. -- W. Va. Code §30-28-6.

1.3. Filing Date. -- ~~April 8, 2020.~~

1.4. Effective Date. -- ~~July 1, 2020.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon ~~July August 1, 2030~~2035.

§13-3-2. Schedule of Fees for Services Rendered by the West Virginia Board of Occupational Therapy.

Fees collected by the Board are not refundable.

2.1. Initial licensure fees:

2.1.a. Licensed Occupational Therapist a fee of ~~\$150.00~~75.00; and

2.1.b. Licensed Occupational Therapy Assistant a fee of ~~\$100.00~~50.00.

2.2. Limited Permit fees (to be applied to permanent license fee):

2.2.a. Occupational Therapist a fee of ~~\$120.00~~45.00; and

2.2.b. Occupational Therapy Assistant a fee of ~~\$70.00~~20.00.

2.3. Biennial license renewal fees:

2.3.a. Licensed occupational therapist a fee of \$120.00; and

2.3.b. Licensed occupational therapy assistant a fee of \$100.00.

2.4. Late renewal a fee of \$100.00.

2.5. Verification of licensure a fee of \$30.00.

2.6. Mailing list fees:

2.6.a. Mailing labels a fee of \$15.00.

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- 2.7. Insufficient funds penalty a fee as provided for in statute §61-3-39e.
- 2.8. Duplicate license cards a fee of \$25.00.
- 2.9. Duplicate certificate a fee of \$30.00.
- 2.10. Occupational Therapy Compact Privilege to Practice a fee of \$50.00.