



WEST VIRGINIA SECRETARY OF STATE
KRIS 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: Physical Therapy TITLE-SERIES: 16-04
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 16-04 Fees for Physical Therapist and Physical Therapist Assistants

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code § 30-20-1, et. seq.

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:

1. Provision: Adjustment of PT and PTA Biennial License Renewal Fees: Effect of Provision: Increases the biennial licensing renewal fee for Physical Therapists by \$20.00 (from \$100.00 to \$120.00) and for Physical Therapist Assistants by \$20.00 (from \$60.00 to \$80.00). This structural timeline split ensures alternating biennial cohorts provide predictable cash influxes each fiscal year. Empowering Statutory Citation: W. Va. Code §30-20-6(a)(6), which empowers the board to establish procedures for the renewal of licenses, and W. Va. Code §30-20-6(a)(7), which gives the specific authority to set the fee schedule.
2. Provision: Restructuring of the Physical Therapy Licensure Compact Privilege Fee: Effect of Provision: Increases the PT Compact Privilege fee to \$103.00 gross. This passes the updated \$3.00 online processing fee directly to the out-of-state applicant, eliminating a legacy operational gap and securing a clean, full \$100.00 net revenue stream directly into the Board's account. Empowering Statutory Citation: W. Va. Code §30-20-6(a)(11), which authorizes the board to establish requirements for licensees from other jurisdictions, read in conjunction with W. Va. Code §30-20-7, which outlines the administration of the board's special revenue account.
3. Provision: Adjustment of the Delinquent License Penalty Fee: Effect of Provision: Increases the administrative financial penalty assessed on late license renewals by \$30.00, shifting the charge from \$170.00 up to \$200.00. This provides robust cost-recovery for specialized manual processing workloads generated by non-compliant files. Empowering Statutory Citation: W. Va. Code §30-20-14, which establishes the statutory boundaries for renewal requirements and delinquency defaults, and W. Va. Code §30-20-6(a)(10), which mandates the board set requirements for inactive or delinquent statuses by rule.
4. Provision: Adjustment of the Applicant Exam Retesting Fee Effect of Provision: Adjusts the administrative charge assessed to individuals processing multiple failed national board attempts by \$10.00, moving the fee from \$25.00 to \$35.00. Empowering Statutory Citation: W. Va. Code §30-20-6(a)(2), which commands the Board to establish procedures for license examinations and re-examinations.

5. Provision: Adjustment of the Individual Licensee Continuing Education Review Fee: Effect of Provision: Increases the individual processing review fee for custom continuing education course submissions by \$5.00, moving from \$15.00 to \$20.00 per file. Empowering Statutory Citation: W. Va. Code §30-20-6(a)(8), which grants the board the explicit authority to establish and enforce continuing education guidelines and verify course approval standards.

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: 6/30/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/30/2026

COMMENTS RECEIVED: No

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

PUBLIC HEARING:

(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?

Emailed all licensees and provided a copy of filing.

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

The legislative rule establishes the comprehensive schedule of fees, fines, and operational charges assessed by the West Virginia Board of Physical Therapy to regulate the practices of physical therapy and physical therapist assisting within the state. The clear purpose of this rule modification is to address a multi-year structural deficit where the Board's annual operational expenditures consistently outpace its incoming revenue. This fiscal instability has been driven by declining reciprocity revenues following the March 2020 enactment of the Physical Therapy Licensure Compact, broader inflationary trends, and a looming technology expense next August 2027 when the Board's online database maintenance contract will spike from \$9,700.00 to \$25,000.00. While the proposed updates will generate necessary baseline revenue to absorb these modern technological costs and slow the long-term erosion of the Board's cash reserves, it must be explicitly noted that even with these adjustments implemented, the new revenue streams will still not balance the total annual revenue versus expenditures.

To address these financial realities, the proposed changes implement a targeted adjustment to both core biennial renewal structures and specific transactional fees. The rule increases the biennial renewal fee for Physical Therapists by \$20.00, adjusting the rate from \$100.00 to \$120.00, and simultaneously increases the biennial renewal fee for Physical Therapist Assistants by \$20.00, adjusting the rate from \$60.00 to \$80.00. The PT Compact Privilege fee is restructured from a flat \$50.00 gross fee to \$103.00 gross. This structural adjustment directly addresses an ongoing shortfall by shifting the updated \$3.00 online processing cost to the out-of-state applicant, thereby securing a clean, dedicated \$100.00 net revenue stream directly to the Boards operating account.

Finally, the modification updates ancillary administrative and transactional fees to ensure modern cost recovery for specialized processing workloads. The rule increases the fee for individual licensee continuing education

course reviews by \$5.00, moving from \$15.00 to \$20.00 per submission. The delinquent license penalty assessed on late renewals is adjusted upwards by \$30.00, increasing the charge from \$170.00 to \$200.00. Additionally, the administrative fee assessed for applicant exam retesting is increased by \$10.00, moving from \$25.00 to \$35.00. All adjustments are strictly benchmarked below national averages and represent the minimum necessary structural corrections required to keep the state's consumer protection systems funded, safe, and technologically secure.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The West Virginia Board of Physical Therapy has practiced exceptional fiscal restraint, having not implemented a base license renewal fee increase for Physical Therapists or Physical Therapist Assistants in over twenty-three years, with the last baseline fee adjustment occurring in 2003. Throughout these decades, the Board prioritized cost efficiency, freezing or completely eliminating ancillary administrative fees to benefit licensees. However, maintaining these static, legacy fee schedules is no longer fiscally sustainable due to an ongoing structural crisis where the Board's operational expenditures exceed its incoming revenue every single year.

This structural deficit was severely accelerated by the states entry into the Physical Therapy Licensure Compact in March 2020. Since that time, the Board has experienced a consistent decline in revenue as out-of-state practitioners shifted away from traditional reciprocity licensure to lower-cost Compact privileges. This shift has permanently eroded the Board's annual baseline revenue. Compounding this issue, the Board currently nets only \$48.00 of the current \$50.00 Compact privilege fee due to online processing fees that are deducted directly from the Board's share. Because of this continuous mismatch between revenue and expenses, the Boards overall cash reserves have suffered a steady and significant decline, dropping from \$1,020,112.87 at the end of Fiscal Year 2021 down to \$766,569.42 at the close of Fiscal Year 2026. This represents an 8.4% cash reduction in the last fiscal year alone.

Critically, this established downward trajectory will be severely worsened by upcoming contractual price hikes. The vendor contract for the Board's online licensure database and credentialing system is set to spike from \$9,700.00 to \$25,000.00 next August 2027. Operating under the outdated fee structures, the Board completely lacks the incoming baseline revenue required to offset this imminent annual cost increase. While the Board currently holds a remaining cash balance, it will steadily and continuously decrease over time due to the rising costs of operations, contracted services, and general inflation.

The proposed updates represent a modest, comprehensive correction. The rule implements a \$20.00 baseline biennial renewal adjustment for Physical Therapists and Physical Therapist Assistants, while updating nominal transactional fees for exam retesting, delinquent renewals, and individual continuing education reviews. Additionally, the PT Compact Privilege fee is restructured to \$103.00 gross to pass the updated \$3.00 online processing cost to the applicant, securing a clean \$100.00 net revenue stream to the Board. It must be explicitly noted that even with this revenue increase implemented, it will still not balance the revenue versus expenditures each year. This rule change does not create a surplus or generate excess funds; rather, it is the minimum necessary action required to counteract the long-term erosion of our cash reserves, absorb the impending August 2027 database cost spike, and preserve the long-term execution of the Board's public safety mandates.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

The proposed fee adjustments will increase the West Virginia Board of Physical Therapy special revenue account by approximately \$45,000\$46,000 annually, driven by higher renewal fees for physical therapists and assistants. While addressing a structural deficit caused by declining compact revenue and rising vendor costs, the influx is projected to only mitigate, not eliminate, the long-term erosion of

the fund's cash reserves.

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

Public Impact: None. Consumers face zero financial impact.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 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			

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

Attached fiscal note.

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

Yes

Nonnie S 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 16
LEGISLATIVE RULE
WV BOARD OF PHYSICAL THERAPY**

**SERIES 4
FEES FOR PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT**

§16-4-1. General.

1.1. Scope. -- This legislative rule describes and defines requirements for licensure as well as nature of practice for Physical Therapists, Physical Therapist Assistants and support personnel.

1.2. Authority. -- W. Va. Code §30-20-1, et. seq.

1.3. Filing Date. -- ~~April 6, 2021.~~

1.4. Effective Date. -- ~~May 1, 2021~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon August 1, 2031.

§16-4-2. Fees.

2.1. The West Virginia Board of Physical Therapy is an autonomous State Licensing Board Agency and as such receives no monies from the State's general revenue fund; nor does it receive any Federal money. All money necessary to efficiently staff and equip a public office must be generated by services performed by the Board in behalf of its licensees or other interested parties.

2.2. Applicants shall pay to the Board the fees established and authorized by W. Va. Code §30-20-1, et. seq., except as provided in W. Va. Code §30-1-23.

2.2.1. Physical Therapist Application	\$25
2.2.2. Physical Therapist License	\$220
2.2.3. Physical Therapist Temporary Permit	\$35
2.2.4. Physical Therapist Biennial Renewal	\$100 <u>120</u>
2.2.5. Physical Therapist Delinquent License	\$250
2.2.6. Physical Therapist Assistant Application	\$25
2.2.7. Physical Therapist Assistant License	\$140
2.2.8. Physical Therapist Assistant Temporary Permit	\$20
2.2.9. Physical Therapist Assistant Biennial Renewal	\$60 <u>80</u>
2.2.10. Physical Therapist Assistant Delinquent License	\$170 <u>200</u>

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2.2.11. Permanent License Verification

2.2.11.a. Office Generated	\$25
2.2.11.b. Online	No Charge
2.2.12. Duplicate Wallet Card/License	\$5
2.2.13 <u>2.2.12.</u> Duplicate Wall Certificate	\$15
2.2.14 <u>2.2.13.</u> Name Change Requiring New Card/License (Outside of Renewal Season)	\$5
2.2.15 <u>2.2.14.</u> Exam Processing Retesting Fee	\$25 <u>35</u>
2.2.16 <u>2.2.15.</u> Physical Therapy Compact Fee	\$50 <u>103</u>
2.2.17 <u>2.2.16.</u> Continuing Education Course Review	
2.2.17.a <u>2.2.16.a.</u> Provider	
2.2.17.a.1 <u>2.2.16.a.1.</u> Course under 10 hours	\$25
2.2.17.a.2 <u>2.2.16.a.2.</u> Course of 10 hours or more	\$50
2.2.17.b <u>2.2.16.b.</u> Individual Licensee Review	\$15 <u>20</u>
2.2.18 <u>2.2.17.</u> Continuing Education Non-Compliance	\$200

~~2.2.19~~ 2.2.18. All fees not paid by the due date shall be assessed a penalty to be determined by the Board not to exceed 25% of the original fee required.