



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: 16-06
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 16-06 Fees for Athletic Trainers

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code § 30-20A-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:**

The West Virginia Board of Physical Therapy derives its explicit rule-making authority from West Virginia Code §30-20A-2. Under this statutory framework, the Legislature grants the Board formal authority to propose legislative rules in accordance with the provisions of the State Administrative Procedures Act (W. Va. Code §29A-3-1 et seq.). Specifically, W. Va. Code §30-20A-2(b)(20)(H) empowers the Board to establish, oversee, and adjust a comprehensive schedule of fees to support the licensing and regulation of athletic trainers. This allows the Board to maintain its Special Revenue Account, fund essential administrative operations, and protect the public health of West Virginia citizens.

**DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH SPECIFIC
STATUTORY CITATION**

1. Provision: Adjustment of the Biennial Renewal Fee Schedule for Licensed Athletic Trainers: This provision officially modifies the biennial licensing renewal fee schedule for registered and licensed Athletic Trainers within the state, increasing the base fee by \$20.00 from \$80.00 to \$100.00. Due to the alternating nature of the two-year registration cycle, this structural implementation creates a direct financial effect across staggered cohorts. The rule adjustment is projected to generate an additional \$3,500.00 in fiscal year 2027 and \$1,900.00 in fiscal year 2028. This targeted influx yields a cumulative total of \$5,400.00 every 24 months to help counteract an ongoing structural deficit. Empowering Statutory Citation: W. Va. Code §30-20A-2(b)(20)(H), which provides the explicit statutory designation enabling the Board to establish and adjust individual fee requirements by legislative rule.

2. Provision: Administration and Funding Allocation for Shared Board Operating Expenses: This structural provision authorizes the collection and specific application of athletic training revenues to cover essential shared board expenditures. These funds are directed to absorb an impending vendor contract price hike for the online licensure database, which will spike from \$9,700.00 to \$25,000.00 annually in August 2027. Furthermore, it provides the legal mechanism to fund inflation-driven cost increases across general operational categories, including attorney

fees, office of technology allocations, and employee PEIA benefit packages. Even with this adjustment implemented, it will still not balance the total revenue versus expenditures, but the provision successfully slows the long-term erosion of shared cash reserves. Empowering Statutory Citation: W. Va. Code §30-20A-2(b)(6), which commands the Board to effectively manage its administrative operations, read in conjunction with W. Va. Code §30-20A-2(b)(20)(G), which regulates the collection and proper disbursement of funds to maintain state consumer protection 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: Yes

(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?

Emailed all licensees and attached the filed rule.

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, titled 16CSR6, establishes the official schedule of fees, administrative fines, and charges assessed by the West Virginia Board of Physical Therapy to regulate the licensing and ongoing professional compliance of Athletic Trainers and support personnel within the state. The clear purpose of this rule modification is to mitigate a persistent structural deficit where the Board's annual operational expenditures consistently outpace its incoming revenue. This fiscal imbalance stems from general inflation across overhead expenses such as rising office of technology costs, attorney fees, and employee PEIA benefit costs combined with an impending online database maintenance contract spike from \$9,700.00 to \$25,000.00 arriving next August 2027. While the proposed updates ensure that the athletic training cohort proportionally contributes toward these shared infrastructure demands and slows 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 targeted adjustments to core biennial renewals, specialized administrative assessments, and fee numbering structures. Under section 2.2.3, the rule modifies the core baseline biennial renewal fee schedule for licensed Athletic Trainers, increasing the rate by \$20.00 from \$80.00 to \$100.00. Because credentials operate on a biennial alternating loop expiring on June 30th and the 2026 cohort has already renewed, this adjustment will take effect moving forward with the 175 renewals expiring on June 30, 2027, and the 95 renewals expiring on June 30, 2028, generating a total of \$5,400.00 every 24 months. Additionally, under section 2.2.10.b (renumbered as 2.2.9.b), the rule increases the individual licensee continuing education course review fee by \$5.00, moving from \$15.00 to \$20.00 per submission to ensure proper cost recovery for manual staff processing workloads.

Finally, the modification strips obsolete provisions and rennumbers subsequent items to ensure a clean, modern

regulatory text. Under section 2.2.9, the rule completely eliminates the \$5.00 duplicate wallet card/license fee, as technological modernizations have rendered the physical printing of extra wallet cards unnecessary. Consequently, Continuing Education Course Review is renumbered from 2.2.10 to 2.2.9, Continuing Education Non-Compliance is renumbered from 2.2.11 to 2.2.10, and General Delinquency Penalty Assessment is renumbered from 2.2.12 to 2.2.11. All proposed financial changes remain strictly benchmarked below national averages and represent the minimum necessary structural corrections required to keep the state's athletic training regulatory framework solvent, functional, and secure.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The West Virginia Board of Physical Therapy has practiced exceptional fiscal restraint regarding the athletic training profession, having not implemented a single renewal fee increase for Athletic Trainers since 2020, when the profession officially transitioned from a registration structure to full medical licensure. Prioritizing cost efficiency, the Board has historically frozen or completely eliminated ancillary administrative fees to benefit licensees. However, maintaining the static 2020 fee schedule is no longer sustainable due to a persistent structural crisis where the Board's operational expenditures exceed its incoming revenue every single year. While the Board currently holds a healthy cash balance, this reserve will steadily and continuously decrease over time due to the rising costs of operations, contracted services, and general inflation. This established downward trajectory is clearly demonstrated by shared board cash positions, which dropped from \$1,020,112.00 in Fiscal Year 2021 to \$766,569.00 in Fiscal Year 2026 representing an 8.4% cash reduction in the last fiscal year alone.

Critically, this financial decline will be severely worsened by upcoming contractual inflation and rising overhead costs. 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. In addition to this impending \$15,300.00 annual database price hike, the Board must absorb steady increases across all other operational expenditures, including overtime allocations, necessary attorney fees, and mandatory PEIA benefits for employees. Operating under the legacy fee structure, the Board completely lacks the incoming baseline revenue required to offset these imminent cost increases.

The proposed update represents a modest and necessary structural correction. The rule adjusts the baseline biennial renewal fee schedule for licensed Athletic Trainers by \$20.00, moving the rate from \$80.00 to \$100.00, and adjusts the individual licensee continuing education review fee by \$5.00, moving from \$15.00 to \$20.00. Because Athletic Trainers renew on a biennial alternating loop expiring on June 30th and have already executed their 2026 renewals, this new revenue will begin tracking with the 175 renewals expiring in 2027 and the 95 renewals expiring in 2028. This staggered cycle will ensure that the Athletic Trainer cohort proportionally contributes toward bridging the gap where annual expenditures exceed revenue. 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 an agency surplus or generate excess funds; rather, it is the minimum necessary action required to counteract the long-term erosion of shared 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:

There is zero economic impact on the general revenues of state government, as the West Virginia Board of Physical Therapy is a fully autonomous, self-funded licensing agency that receives no appropriations or funding from the state budget. The financial impact of this rule is strictly confined to the Board's dedicated special revenue account. Because Athletic Trainers renew on a biennial alternating loop expiring on June 30th and the 2026 cohort has already renewed, the anticipated gross annual revenue influx generated from these adjusted fees will be \$0.00 for Fiscal Year 2026. Moving forward, the rule will bring an additional +\$3,500.00 to the special revenue account in Fiscal Year 2027 (based on 175 renewals) and +\$1,900.00 in Fiscal Year 2028 (based on 95 renewals), generating a cumulative total of \$5,400.00 every 24 months. It must be explicitly noted that even with this revenue increase implemented, it will still not balance the total annual revenue versus expenditures. The new funding will be entirely absorbed by expanding operational overhead and an upcoming vendor contract spike for the online database, serving only to slow the long-term erosion of the Board's shared cash reserves.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

The proposed rule modification directly impacts the West Virginia Board of Physical Therapys dedicated special revenue account by generating a targeted baseline revenue increase to help counter an ongoing structural deficit. Because Athletic Trainer credentials operate on a biennial alternating loop expiring on June 30th and the 2026 cohort has already executed renewals under legacy rates, the anticipated revenue influx will be \$0.00 for Fiscal Year 2026. Moving forward, the implementation of the adjusted renewal fee structure will generate an additional +\$3,500.00 for Fiscal Year 2027 (based on 175 renewals expiring June 30, 2027 \$20.00 increase) and +\$1,900.00 for Fiscal Year 2028 (based on 95 renewals expiring June 30, 2028 \$20.00 increase).

While these combined updates yield a necessary cumulative net influx of \$5,400.00 across the full 24-month operational cycle, it must be explicitly noted that even with this revenue increase implemented, it will still not balance the special revenue account's annual revenue versus expenditures. This fresh revenue will be entirely absorbed by expanding operational costsincluding a looming database contract price spike from \$9,700.00 to \$25,000.00 arriving in August 2027, rising employee PEIA benefits, and attorney feesserving strictly to slow the long-term erosion of the Board's shared cash reserves.

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

None

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):

See 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 6
FEES FOR ATHLETIC TRAINERS**

§16-6-1. General.

1.1. Scope. -- This legislative rule describes and defines requirements for licensure as well as nature of practice for Athletic Trainers and support personnel.

1.2. Authority. -- W. Va. Code §30-20A-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.

§16-6-2. Fees.

2.1. The West Virginia Board of Physical Therapy is an autonomous State Licensing Board Agency and 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 §30-20A-1, *et. seq.*, except as provided in W. Va. Code §30-1-23.

2.2.1. Athletic Trainer Application	\$25
2.2.2. Athletic Trainers License	\$180
2.2.3. Biennial Renewal	\$80 <u>\$100</u>
2.2.4. Athletic Trainer Delinquent License	\$210
2.2.5. License Verification	
2.2.5.a. Office generated	\$25
2.2.5.b. Online	No Charge
2.2.6. Duplicate Wall Certificate	\$15
2.2.7. Name Change Requiring New Card/ License (Outside of Renewal Season)	\$5
2.2.8. Athletic Trainer Temporary Permit	\$30

~~2.2.9. Duplicate wallet card/license~~ ~~_____~~ ~~\$5~~

2.2.10. Continuing Education Course Review

2.2.10.a. Provider

2.2.10.a.1. Course under 10 hours \$25

2.2.10.a.2. Course of 10 hours or more \$50

2.2.10.b. Individual licensee review ~~\$15~~ \$20

2.2.11. Continuing Education Non-Compliance \$200

2.2.12. 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.