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**Senate Bill No. 543**

(By Senators Snyder and Stollings)

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[Introduced March 15, 2013; referred to the Committee on  
Government Organization.]

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10 A BILL to amend and reenact §30-1A-2 of the Code of West Virginia,  
11 1931, as amended, relating generally to the application for  
12 regulation of professional or occupational group; and  
13 authorizing the Office of the Legislative Auditor to establish  
14 a fee for the application review process.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §30-1A-2 of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 1A. PROCEDURE FOR REGULATION OF OCCUPATIONS AND**  
19 **PROFESSIONS.**

20 **§30-1A-2. Required application for regulation of professional or**  
21 **occupational group; application and reporting dates.**

22 (a) Any professional or occupational group or organization,  
23 any individual or any other interested party which proposes the

1 regulation of any unregulated professional or occupational group or  
2 organization, or who proposes to establish, revise or expand the  
3 scope of practice of a regulated profession or occupation shall  
4 submit an application to the Joint Standing Committee on Government  
5 Organization, as set out in this article.

6 (b) The Joint Standing Committee on Government Organization  
7 may only accept an application for regulation of a professional or  
8 occupational group or organization, or establishment, revision or  
9 expansion of the scope of practice of a regulated profession or  
10 occupation, when the party submitting an application files with the  
11 committee a statement of support for the proposed regulation which  
12 has been signed by at least ten residents or citizens of the State  
13 of West Virginia who are members of the professional or  
14 occupational group or organization for which regulation is being  
15 sought, or for which establishment, revision or expansion of the  
16 scope of practice of a regulated profession or occupation is being  
17 sought.

18 (c) The completed application shall contain:

19 (1) A description of the occupational or professional group or  
20 organization for which regulation is proposed, or for which  
21 establishment, revision or expansion of the scope of practice of a  
22 regulated profession or occupation is proposed, including a list of  
23 associations, organizations and other groups currently representing  
24 the practitioners in this state, and an estimate of the number of

1 practitioners in each group;

2 (2) A definition of the problem and the reasons why regulation  
3 or establishment, revision or expansion of the scope of practice is  
4 necessary;

5 (3) The reasons why certification, registration, licensure or  
6 other type of regulation is being requested and why that regulatory  
7 alternative was chosen;

8 (4) A detailed statement of the proposed funding mechanism to  
9 pay the administrative costs of the regulation or the  
10 establishment, revision or expansion of the scope of practice, or  
11 of the fee structure conforming with the statutory requirements of  
12 financial autonomy as set out in this chapter;

13 (5) A detailed statement of the location and manner in which  
14 the group plans to maintain records which are accessible to the  
15 public as set out in this chapter;

16 (6) The benefit to the public that would result from the  
17 proposed regulation or establishment, revision or expansion of the  
18 scope of practice; and

19 (7) The cost of the proposed regulation or establishment,  
20 revision or expansion of the scope of practice.

21 (d) The office of the Legislative Auditor is authorized to  
22 establish and charge a graduated fee schedule related to the actual  
23 cost for the review of any application submitted under the  
24 provisions of this article.

NOTE: The purpose of this bill is to allow the office of the Legislative Auditor to charge an applicant for a review of a Sunrise application.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.