

**AGENDA**

**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

**Monday, November 18, 1996, 11:00 a.m. to 2:00 p.m.**

**Senate Finance Committee Room - M-451**

1. **Approval of Minutes - Meeting October 14, 1996**
2. **Review of Legislative Rules:**
  - a. **Economic Development Authority, WV  
General Administration of the West Virginia  
Capital Company Act: Establishment of the Procedures  
to implement the Act**
  - b. **Board of Pharmacy  
Controlled Substances Monitoring**
  - c. **Division of Labor  
Manufactured Housing Construction and Safety Standards**
  - d. **Division of Environmental Protection, Office of Air  
Quality  
Confidential Information**
  - e. **Board of Barbers & Cosmetologists  
Schedule of Fees**
  - f. **Board of Barbers & Cosmetologists  
Procedures, Criteria ad Curricula for Examination  
and Licensure of Barbers, Cosmetologists, Manicurists and  
(A) Estheticians**
  - g. **State Auditor and Purchasing Division of the Department  
of Administration  
State Purchasing Card Program**
  - h. **Auditor's Office, State  
Standards for Requisition for Payment Issued by  
State Officer on the Auditor**
  - i. **Board of Accountancy  
Board Rules and Rules of Professional Conduct**

- j. Division of Environmental Protection, Office of Waste Management  
Hazardous Waste Management
- k. Division of Environmental Protection,  
Office of Environmental Advocate
- l. Division of Environmental Protection, Office of Air Quality  
To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage, or Disposal Facilities
- m. Division of Environmental Protection, Office of Air Quality  
Standards of Performance for New Stationary Sources
- n. Real Estate Appraiser Licensing & Certification Board  
Rules of WV Real Estate Appraiser Licensing & Certification Board
- o. Real Estate Appraiser Licensing & Certification Board  
Requirements for Licensure and Certification
- p. Real Estate Appraiser Licensing & Certification Board  
Renewal of Licensure or Certification

3. Other Business:

Monday, November 18, 1996

11:00 a.m. - 2:00 p.m.

Legislative Rule-Making Review Committee  
(Code §29A-3-10)

Earl Ray Tomblin  
ex officio nonvoting member

Robert "Chuck" Chambers,  
ex officio nonvoting member

Senate

House

Ross, Chairman  
Grubb, Vice Chairman  
Anderson  
Boley  
Buckalew  
Macnaughtan (absent)

Douglas, Chairman  
Linch, Vice Chairman  
Compton  
Faircloth  
Gallagher  
Riggs

The meeting was called to order by Mr. Ross, Co-Chairman.

The minutes of the October 14, 1996, meeting were approved.

Mr. Ross told members of the Committee that the rules proposed by the West Virginia Economic Development Authority, General Administration of the West Virginia Capital Company Act: Establishment of the Procedures to implement the Act, the Division of Labor, Manufactured Housing Construction and Safety Standards and the Division of Environmental Protection, Office of Air Quality, To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage, or Disposal Facilities had been removed from the agenda. He also stated that the rule proposed by the Board of Pharmacy, Controlled Substances Monitoring had been moved to the foot of the agenda.

Joe Altizer, Associate Counsel, told the Committee that the rule proposed by the Division of Environmental Protection, Office of Air Quality, Confidential Information had been laid over from the Committee's October meeting because of concerns expressed by the West Virginia Manufacturers Association. He stated that the Association and the Division had reached agreement on proposed modifications to the proposed rule. Mr. Altizer distributed copies of the proposed modifications, explained the proposed modifications and answered questions from the Committee.

Dale Farley, Chief of the Office of Air Quality, responded to questions from the Committee.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was adopted.

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the Board of Barbers & Cosmetologists, Schedule of Fees and stated that the Board had agreed to modify the proposed rule to eliminate the fee increases which it was not authorized to make. She responded to questions from the Committee. Larry Absten, Executive Director of the Board, answered questions from the Committee.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was rejected.

Mr. Buckalew moved that the Committee request that the Board withdraw the proposed rule. After further discussion, Mr. Buckalew asked unanimous consent to withdraw his motion. There being no objection, the motion was withdrawn.

Mr. Faircloth moved that the proposed rule be laid over until the Committee's next meeting. The motion was adopted.

Ms. Graham explained the rule proposed by the Board of Barbers & Cosmetologists Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists and (A) Estheticians, and stated that the Board has agreed to technical modifications. She responded to questions from the Committee. Ms. Douglas asked that Counsel be permitted to assist the Board in writing a definition for the term "aesthetician" for inclusion in the proposed rule. There was no objection to Ms. Douglas' request. Mr. Absten responded to questions from the Committee.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the State Auditor and the Purchasing Division of the Department of Administration, State Purchasing Card Program and told the Committee that the Auditor has agreed to technical modifications.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the State Auditor's Office, Standards for Requisition for Payment Issued by State Officers on the Auditor, and stated that the Auditor has agreed to technical modifications.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Board of Accountancy, Board Rules and Rules of Professional Conduct and stated that the Board has agreed to technical modifications and has also agreed to set specific rather than maximum fees. Norman Davis, a

member of the Board, responded to questions from the Committee.

Ms. Boley moved that the proposed rule be moved to the foot of the agenda to allow the Board to provide the Committee with the specific fees to be contained in the proposed rule. The motion was adopted.

Mr. Altizer explained the rule proposed by the Division of Environmental Protection, Office of Waste Management, Hazardous Waste Management.

Ms. Douglas moved that the proposed rule be approved. The motion was adopted.

Mr. Altizer reviewed his abstract on the rule proposed by the Division of Environmental Protection, Office of Environmental Advocate and stated that, in his opinion, the Committee should request that the Division withdraw the proposed rule and refile it as an interpretive rule.

Mr. Buckalew moved that the Committee request that the Division withdraw the proposed rule and refile it as an interpretive rule. The motion was adopted.

Mr. Altizer explained the rule proposed by the Division of Environmental Protection, Office of Air Quality, Standards of Performance for New Stationary Sources.

Ms. Douglas moved that the proposed rule be approved. The motion was adopted.

Ms. Graham explained that the rule proposed by the Board of Pharmacy, Controlled Substances Monitoring had been laid over from the Committee's October meeting to allow the Board to prepare some proposed modifications to the proposed rule in response to suggestions from the Committee. She distributed the proposed modifications and William Douglas, Executive Director of the Board reviewed the suggested modifications and answered questions from the Committee.

Mr. Gallagher moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Real Estate Appraiser Licensing & Certification Board, Rules of WV Real Estate Appraiser Licensing & Certification Board and stated that the Board has agreed to technical modifications.

Mr. Faircloth moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the Real Estate Appraiser Licensing & Certification Board, Requirements for Licensure and Certification and stated that the Board has agreed to technical modifications.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the Real Estate Appraiser Licensing & Certification Board, Renewal of Licensure or Certification and stated that the Board has agreed to technical modifications. Si Galperin, Executive Director of the Board, responded to questions from the Committee.

Mr. Gallagher moved that Section 4 of the proposed rule be modified to require licensees, beginning January 1, 1998, to obtain four hours of continuing education credits in the application of the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Foundation the first year and fourteen hours once every five years thereafter. The motion was adopted.

Mr. Gallagher moved that the proposed rule be approved as modified. The motion was adopted.

The Committee returned to consideration of the rule proposed by the Board of Accountancy, Board Rules and Rules of Professional Conduct. Mr. Davis distributed the proposed modification regarding fees which showed both the current and proposed fees. He answered questions from the Committee.

Ms. Douglas moved that the proposed rule be approved as modified. The motion was adopted.

The meeting was adjourned.

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

*Nov*

COMMITTEE: Legislative Rule - Making and Review

DATE: 11-18-96

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
<i>Please print or write plainly</i>			
BANDY L. LELDRIDGE	1018 KAMAHNA BLDG STE 501	WV EDA	
Larry Alsdon	1716 PA. AVE. CHAR. WV	Board of Barbers & Cosmetologists	
THOMAS F. SMITH	1086 WESTVIEW DR. FAIRMONT WV	SELF	
Dr. Michael Dorey		WV DEP	If requested
Wendy Raycliff	10 McJunkie Road Nitro	WV DEP - Office of Env. Advocate	If requested
Si Gail Perin	2110 <del>W. Raleigh St.</del> Charleston, WV	WV Real Estate by private board	if requested
Mike McThomas			
DAVE FARLEY	WV DEP/OAC Charleston	WV DEP/OAC	As needed or requested
Claude Smith	100 Capitol St. Ste 30 Charleston WV	WV Bd of Accounting	

15 C.S.R. 8  
TITLE 15  
WEST VIRGINIA BOARD OF PHARMACY

SERIES 8  
CONTROLLED SUBSTANCES MONITORING

**§15-8-1. General.**

1.1. Scope. -- To establish rules for recordation and retention in a single repository of information regarding the prescribing, dispensing and consumption of certain controlled substances.

1.2. Authority. -- W. Va. Code § 60A-9-6

1.3. Filing Date. -- \_\_\_\_\_, 19\_\_

1.4. Effective Date. -- \_\_\_\_\_, 19\_\_

**§15-8-2. Definitions.**

2.1. "Central repository" refers to the central repository designated by the Board for the collection of the information transmitted which may be a vendor designated by the Board and under contract with the Board to act as the central repository.

2.2. "Dispense" means the actual or constructive transfer of a drug or device from one person to another whether or not there is an agency relationship.

2.3. "Identification number" means any of the following:

- (a) A driver's license number of a recipient or a recipient's representative issued by West Virginia or any other state;
- (b) A valid social security number of the recipient or a recipient representative; or
- (c) If the recipient is an animal, the valid driver's license number or social security number of the animal's owner.



2.4. "Medical Services Provider" means a licensed practitioner with the legal authority to dispense Schedule II Controlled Substances.

2.5. "Recipient" means an individual for whom a controlled substance is dispensed or filled.

2.6. "Recipient representative" means an individual to whom a controlled substance is dispensed or filled if the recipient is either less than 18 years of age or unavailable to receive the controlled substance.

2.7. "Reporter" means any medical services provider, health care facility, pharmacist, or pharmacy that is required to submit the information outlined in section 4 of this rule.

2.8. "Schedule II Controlled Substance" means a controlled substance classified in Schedule II under W. Va. Code § 60A-2-206.

2.9. "Universal Claim Form" means a nationally recognized standard form developed by the National Council for Prescription Drug Programs used for billing drug claims to insurance plans.

### **§15-8-3. Prescription Monitoring Program.**

3.1. Each time a Schedule II Controlled Substance is dispensed or filled for out-patient use, the medical services provider, health care facility, pharmacist or pharmacy shall transmit to the central repository information outlined in section 4 of this rule. A Pharmacy shall use the National Association of Boards of Pharmacy (NABP) number assigned to the pharmacy to identify the reporter. If the reporter is a medical services provider without an assigned NABP number, then the medical services provider shall apply to the central repository for an assigned number to identify that reporter.

3.2. Any person reporting more than 20 Schedule II prescriptions in any given month must transmit to the central repository the information outlined in section 4 of this rule utilizing one of the following methods:

- (a) An electronic device compatible with the receiving device of the central repository;
- (b) A computer diskette;
- (c) A magnetic tape; or

- (d) if the methods listed above are not feasible, the information may be submitted on reporting forms promulgated by the Board of Pharmacy.

3.3. Any person reporting less than 20 Schedule II prescriptions in any given month may submit data utilizing a Universal Claim Form or transmit the information utilizing the methods outlined in subsection 3.2 of this section.

3.4. The Board may grant a waiver to a person who is unable to transmit the required data in accordance with this rule for a period of 180 days from the effective date of this rule; the 180 day period may be extended by the Board at its discretion. During the effective period of the waiver and any extension granted by the Board, the person shall submit the required data in a format acceptable to the Board.

3.5. The Board and the central repository shall pay for telephone access charges, line charges, and switch charges for transmission of data by reporters to the central repositories.

**§15-8-4. Information and Prescription Forms.**

4.1. Each time a controlled substance is dispensed or filled, the reporter shall transmit to the central repository the following information, as applicable:

- (a) The name, address, pharmacy, prescription number and DEA controlled substance registration number of the dispensing pharmacy.
- (b) The recipient or recipient representative's identification number
- (c) The name and address of the person for whom the prescription is written.
- (d) The name, address and drug enforcement administration controlled substances registration number of the practitioner writing the prescription.
- (e) The name and national drug code number of the Schedule II controlled substance dispensed.
- (f) The quantity and dosage of the Schedule II controlled substance dispensed.
- (g) The date the prescription was filled.
- (h) The number of refills, if any, authorized by the prescription.

4.2. The information required to be submitted by the provisions of this rule may be transmitted at any time, but must be transmitted at least once in every 2 month period.

4.3. A reporter may not be penalized for failure to comply with the program if the Board or the central repository can not secure adequate funding to implement the program and recover the cost.

**§15-8-5. Central Repository; Designation; Powers and Duties.**

5.1. The central repository shall create a database for the information required to be transmitted by this rule.

5.2. The central repository shall provide the Board with continuing 24-hour a day, on-line access to the database maintained by the central repository.

5.3. The central repository shall secure the information collected by the central repository and the database maintained by the central repository against access by unauthorized persons.

5.4. If the relationship between the Board and the central repository is terminated by statute, the central repository shall provide to the Board within a reasonable time, all collected information and the database maintained by the central repository.

5.5. The Board may accept a designated grant, public and private financial assistance, and licensure fees to provide funding for the central repository.

**§15-8-6. Confidentiality.**

6.1. The Board shall carry out a program to protect the confidentiality of the information received by the central repository.

6.2. The Board may disclose confidential information received by the central repository to any person who is engaged in receiving, processing, or storing the information.

6.3. The Board may release confidential information received by the central repository to the following persons:

- (a) A duly authorized agent of a licensing board of practitioners authorized to prescribe schedule II controlled substances that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves a controlled substance.
- (b) A law enforcement officer who is authorized by the Division of Public Safety to receive information of the type requested, approved by the Board to receive information of the type requested, and engaged in an investigation or prosecution of a violation under any state or federal law that involves a controlled substance.
- (c) A person with an enforceable court order or regulatory agency administrative subpoena.

6.4. Before the Board releases the confidential information to the above-stated persons, the person must demonstrate to the Board that he or she has reason to believe that a violation under any state or federal law that involves a controlled substance has occurred and the requested information is reasonably related to the investigation, adjudication, or prosecution of that violation.

6.5. All access to the data collected by the central repository shall be limited to regular business hours of the Board office unless an individual authorized to receive such information proves that an immediate danger to the public exists and immediate access is necessary to prevent further harm.

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45CSR31  
TITLE 45  
LEGISLATIVE RULE  
DIVISION OF ENVIRONMENTAL PROTECTION  
OFFICE OF AIR QUALITY

Legislative Rule Making  
Review Committee

SERIES 31  
CONFIDENTIAL INFORMATION

§45-31-1. General.

1.1. - Scope. -- This series establishes the requirements for claiming information submitted to the Director as confidential and the procedures for determinations of confidentiality in accordance with the provisions of W.Va. Code §§22-5-10.

1.2. Authority. -- W. Va. Code §§22-5-1 et seq.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of Former Rule. This legislative rule repeals and replaces 45 CSR 31, "Confidential Information" which became effective on July 7, 1993.

§45-31-2. Definitions.

2.1. "Director" means the Director of the Division of Environmental Protection or such other person to whom the Director has delegated authority or duties pursuant to W.Va. Code §§22-1-1 et seq.

2.2. "Division of Environmental Protection" or "DEP" means West Virginia Division of Environmental Protection created by the provisions of W. Va. Code §§22-1-1 et seq.

2.3. "Trade Secrets" may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors.

2.4. "Types and amounts of air pollutants discharged" means, with reference to any source of emission of any substance into the air --

2.4.a.

2.4.a.1. Emission data necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

2.4.a.2. Emission data necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

2.4.a.3. A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

2.4.b. Notwithstanding paragraph a of this subsection, the following information shall be considered to be emission data only to the extent necessary to allow the Director to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow the Director to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

2.4.b.1. Information concerning research, or the results of research, on any project, method, device or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

2.4.b.2. Information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used.

2.5. "Information" means any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics and all air quality data, emission data, and permit applications.

2.6. "Person" means any and all persons, natural or artificial, including the state of West Virginia or any other state, the United States of America, any municipal, statutory, public or private corporation organized or existing under the laws of this or any other state or country, and any firm, partnership, or association of whatever nature.

2.7. "Designee" means a natural person located in the State of West Virginia and identified in the cover document as the designated representative who shall receive notice of the Director's determination of confidentiality in accordance with this rule. Notice shall be deemed sufficient if the Director provides notice to the designee.

§45-31-3. Claim of Confidentiality.

3.1. Made When Information Submitted. A claim of confidentiality shall be made in accordance with this rule at the time the information claimed to be confidential is submitted to the Director. If no claim of confidentiality is made at the time of submission or is not made in accordance with this rule, the Director may make the information available to the public without further notice.

3.2. Information Previously Submitted. Information claimed as confidential and submitted prior to the effective date of this rule may be made available to the public unless the person who submitted the information establishes their claim of confidentiality in accordance with this rule and within one hundred eighty (180) days of the effective date of this rule.

3.3. Submission of Information Claimed Confidential.

3.3.a. Confidential Information. With the exception of documents of a size greater than 8 ½" x 14", all information that is claimed to be confidential and which is submitted in hardcopy form should be submitted on colored paper in order to readily identify such information. The person submitting the information claimed as confidential shall mark each page with "Claimed Confidential" with the date of such claim of confidentiality.

3.3.b. Justification for Confidentiality in Cover Document. Each submission of information to the Director, any portion of which is claimed to be confidential, shall be accompanied by a cover document which shall be available for public disclosure. The document shall, at a minimum, identify the person making the submission of information claimed as confidential, identify the reason for the submission of information, identify the name, an address in the state of West Virginia, and telephone number of the designee who shall be contacted in accordance with this rule, identify each segment of information within each page that is submitted as confidential, provide the justification for each such segment of information that is claimed confidential, including the criteria set forth in subsection 4.1, and provide the period of time for which the confidential treatment is desired by the business (e.g., until a certain date, until the occurrence of a specified event, or permanently.

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3.3.c. Cover Document as Basis for Review. In the event that a written request for information is received in accordance with W.Va. Code § 29B-1-1 et seq., and which triggers a confidentiality determination under this rule, the cover document justifying the claim of confidentiality shall form the basis for the Director's review of the confidentiality claim.

3.4. Redacted Submission of Information Claimed Confidential for Public Disclosure. For each submission of information any portion of which is claimed to be confidential, a complete set of the information, including the document justifying the claim of confidentiality shall be submitted simultaneously on uncolored paper with the information claimed to be confidential blacked out, and with the words "redacted copy - claim of confidentiality" marked clearly on each such page, so that such a set of information is suitable for public disclosure and provides notice to the public that a claim of confidentiality has been made.

3.5. Electronic Media. Information that is claimed to be confidential and which is submitted in electronic form shall be identified as confidential in accordance with the conventions of the applicable software program. Such submissions shall include a cover document meeting all of the requirements of this section regardless of whether that cover document is submitted in electronic form or in hardcopy form. The submitter of information in electronic form that is claimed to be confidential shall provide notice to potential reviewers of the electronic data that information has been redacted from the submission.

#### §45-31-4. Determination of Confidentiality.

4.1. In the course of his or her ~~review of a request for disclosure made~~ determination of whether the information claimed to be confidential is a trade secret in accordance with this rule, the Director shall consider the following criteria:

4.1.a. ~~The person asserting a claim~~ of confidentiality has not expired by its terms, nor been waived or withdrawn;

4.1.b. The person asserting the claim of confidentiality has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information, and that it intends to continue to take such measures;

4.1.c. The information claimed confidential is not, and has not been, reasonably obtainable without the person's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding);

4.1.d. No statute specifically requires disclosure of the information; and



4.1.e. Either--

4.1.e.1. The person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position; or

4.1.e.2. The information is voluntarily submitted information, and its disclosure would likely to impair the State's ability to obtain necessary information in the future.

4.2. Notice of Determination by the Director.

4.2.a. Upon a determination made pursuant to a request to copy or inspect confidential information, tThe Director shall provide written notice of his or her determination of confidentiality to the designee and to the person requesting the disclosure of confidential information pursuant to a request under W.Va. Code § 29-1-1 et seq. If the Director determines that disclosure of information claimed confidential shall be made, the notice shall advise the designee and the person requesting disclosure of the information that will be disclosed, a time not less than ten (10) days from the date the notice was received by the designee, and place at which the person may inspect and copy the documents information to be disclosed.

4.2.b. The Director may perform a determination of confidentiality without a request to copy or inspect confidential information, and upon such a determination, the Director shall provide written notice of his or her determination of confidentiality to the designee, who shall be allowed to request a redetermination and submit a supplemental cover document in accordance with section 3.3.b of this rule within ten (10) days from the date of receipt of the Director's initial notice of determination.

§45-31-5. Use of Confidential Material by the Director.

5.1. A claim of confidentiality shall in no way limit the Director in the exercise of his or her powers or duties under the West Virginia Code or any rule promulgated thereunder.

§45-31-6. Types and Amounts of Air Pollutants Discharged.

6.1. No person shall claim as confidential, information concerning the types and amounts of air pollutants discharged.

~~§45-31-7. Severability.~~

~~7.1. The provisions of this legislative rule are severable and if any provision or part thereof shall be held invalid, unconstitutional, or inapplicable to any person or circumstance, such invalidity, unconstitutionality, or inapplicability shall not affect or impair any other remaining provisions, sections, or~~

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~~parts of this legislative rule or their application to any persons and circumstances.~~

Distributed 11/18/96

<u>STATE</u>	<u>SHOP LICENSE FEE</u>	<u>NUMBER OF SHOPS</u>	<u>PERSONAL LICENSE FEE</u>	<u>ACTIVE LICENSEES</u>
MARYLAND	\$200 first lic. \$50.00 renewal	4,069	\$50.00	26,000
MASSACHUSETTS	50.00	10,000	25.00	45,000
OHIO	40.00/2year	11,000	20.00/2 year	106,000
TENNESSEE	75.00	12,000	50.00/2 year	38,000
PENNSYLVANIA	41.00	16,658	23.00	85,069
VIRGINIA	120.00	5,986	45.00	26,000
WEST VIRGINIA	0	3,350	25.00	9,000

NOTE: SHOP LICENSE FEES AND PERSONAL LICENSE FEES FOR MARYLAND TOTAL \$1,503,450.00

SHOP LICENSE FEES AND PERSONAL LICENSE FEES FOR MASSACHUSETTS TOTAL \$1,625,000.00

SHOP LICENSE FEES AND PERSONAL LICENSE FEES FOR OHIO TOTAL \$1,282,320.00

SHOP LICENSE FEES AND PERSONAL LICENSE FEES FOR TENNESSEE TOTAL \$1,850,000.00

SHOP LICENSE FEES AND PERSONAL LICENSE FEES FOR PENNSYLVANIA TOTAL 2,639,565.00

SHOP LICENSE FEES AND PERSONAL LICENSE FEES FOR VIRGINIA TOTAL \$1,888,320.00

SHOP LICENSE FEES AND PERSONAL LICENSE FEES FOR WEST VIRGINIA TOTAL \$235,000.00

NOTE: TOTAL REVENUE FOR COMPARISON STATES IS TWO TO THREE MILLION DOLLARS.  
TOTAL REVENUE FOR WEST VIRGINIA IS THREE HUNDRED THOUSAND DOLLARS.

\*WEST VIRGINIA BOARD OF BARBERS AND COSMETOLOGISTS

prorated. The Board may, in its discretion, return all or part of a fee accompanying a filing which the Board declines to process and returns to the applicant:

12.1 The board shall charge the following fees:

- a. Examination application fee of not more than seven hundred dollars (\$700.00).      *current: \$140      new: \$155*
- b. Re-examination fee of not more than one hundred seventy five dollars (\$175.00) per part of the examination retaken.      *\$35 to \$40*
- c. Transfer of credit and examination application as follows:
- (I) transfer of credit application fee of not more than seven hundred dollars (\$700.00).      *\$140 to \$155*
- (ii) Examination fee of not more than seven hundred dollars (\$700.00).      *\$140 to \$155*
- (iii) Minimum transfer fee of one or more parts of not more than three hundred fifty dollars (\$350.00).      *\$70 to \$80*
- (iv) Minimum transfer fee of three parts of not more than five hundred twenty-five dollars (\$525.00).      *105 to 115*
- (V) Minimum transfer fee of four parts of not more than seven hundred dollars (\$700.00).      *140 to 155*
- d. Fee for authorization to release information form of not more than one hundred twenty-five dollars (\$125.00).      *25 to 30*
- e. Certificate fee of not more than one hundred twenty-five dollars (\$125.00).      *25 to 30*
- f. C.P.A. license renewal fee of not more than three hundred dollars      *60 to 45*

(\$300.00).

g. P.A. license renewal fee of not more than three hundred dollars

(\$300.00).

60 to 65

h. Non-resident C.P.A. license application fee of not more than three

hundred dollars (\$300.00).

60 to 65

i. Non-resident C.P.A. license renewal fee of not more than three hundred

dollars (\$300.00).

60 to 65

j. Accounting corporation application for registration fee of not more than

two hundred fifty dollars (\$250.00).

50 to 55

k. Accounting corporation registration renewal fee of not more than two

hundred fifty dollars (\$250.00).

50 to 55

l. Active certificate holder registration fee of not more than one hundred

twenty-five dollars (\$125.00).

25 to 30

m. Active certificate holder registration renewal fee of not more than one

hundred twenty-five dollars (\$125.00).

25 to 30

n. All renewals postmarked after the annual renewal deadline date of June

30, shall be subject of an additional late filing fee of not more than fifty dollars (\$50.00).

10 to 15

o. Fee for a copy of the directory of all licensees of not more than five

hundred dollars (\$500.00).

100 to 110

p. Fee for a copy of the list of all scheduled examination candidates of not

more than five hundred dollars (\$500.00).

100 to 110

q. Late fee for filing of continuing professional education reports, if filed after

January 31, of not more than five hundred dollars (\$500.00). 100 to 110

r. Fee for request for extension of time to file continuing professional education report, if postmarked prior to January 31, of not more than two hundred fifty dollars (\$250.00). 50 to 55

s. Fee for request for extension of time to file continuing professional education report, if postmarked subsequent to January 31, of not more than five hundred dollars (\$500.00). 100 to 110

t. Fee for request for extension of time to file continuing professional education report, if postmarked after June 30, of not more than one hundred twenty five dollars (\$125.00) per month. 25 to 30

u. Fee for reinstatement of license application of not more than three hundred dollars (\$300.00). 60 to 65

12.2 All fees are nonrefundable and shall not be prorated. The Board may, in its discretion, return all or part of a fee accompanying a filing which the Board declines to process and returns to the applicant.

### § 1-1-13 Discipline and Enforcement.

13.1 Censure, reprimand, revocation and suspension of certificates, registrations, and licenses. -- After notice and hearing, as provided in W.Va. Code § 30-1-1, et seq., the Board may censure or reprimand and certificant or registrant, revoke or suspend any certificate or registration, and may refuse to issue, or refuse to renew, any license, for any one or combination of the following causes: