WEST VIRGINIA LEGISLATURE  
SEVENTY-EIGHTH LEGISLATURE  
REGULAR SESSION, 2007  

ENROLLED  
COMMITTEE SUBSTITUTE  
FOR  
Senate Bill No. 319  

[Senators Minard, Fanning, Prezioso, Unger and Boley, original sponsors]  

[Passed March 9, 2007; in effect from passage.]
AN ACT to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies of the state and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate
certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia agricultural liming materials; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Plant Pest Control Act; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to noxious weeds; authorizing Board of Architects to promulgate a legislative rule relating to the registration of architects; authorizing State Auditor to promulgate a legislative rule relating to transaction fees and rate structures; authorizing State Conservation Agency to promulgate a legislative rule relating to the State Conservation Committee; authorizing Board of Examiners in Counseling to promulgate a legislative rule relating to licensing; authorizing Board of Examiners in Counseling to promulgate a legislative rule relating to license renewal and continuing education requirements; authorizing Hospital Finance Authority to promulgate a legislative rule relating to establishment of a fee schedule and costs allocations applicable to the issuance of bonds by the authority; authorizing Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects; authorizing
Board of Landscape Architects to promulgate a legislative rule relating to continuing education; authorizing Board of Landscape Architects to promulgate a legislative rule relating to fees; authorizing Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures for physicians and podiatrists; authorizing Board of Osteopathy to promulgate a legislative rule relating to osteopathic physician assistants; authorizing Board of Pharmacy to promulgate a legislative rule relating to ephedrine and pseudoephedrine control; authorizing Real Estate Commission to promulgate a legislative rule relating to requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage businesses; authorizing Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to policies and criteria for the evaluation and accreditation of colleges, departments or schools of nursing; authorizing Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure; authorizing Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to continuing education; authorizing Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to dialysis technicians; authorizing Secretary of State to promulgate a legislative rule relating to procedures for canvassing elections; authorizing Secretary of State to promulgate a legislative rule relating to procedures for recount of election results; authorizing Secretary of State to promulgate a legislative rule relating to absentee voting by military voters who are members of reserve units called to active duty; authorizing Secretary of State to promulgate
a legislative rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots; authorizing Secretary of State to promulgate a legislative rule relating to the Uniform Commercial Code; repealing a rule promulgated by the Secretary of State relating to West Virginia Product Lien Central Filing System; authorizing State Treasurer to promulgate a legislative rule relating to providing services to political subdivisions; and authorizing Board of Veterinary Medicine to promulgate a legislative rule relating to registration of veterinary technicians.

Be it enacted by the Legislature of West Virginia:

That article 9, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.


(a) The legislative rule filed in the State Register on the twenty-fourth day of July, two thousand six, authorized under the authority of section two, article nine, chapter nineteen of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the fifteenth day of September, two thousand six, relating to the Commissioner of Agriculture (animal disease control, 61 CSR 1) is authorized.

(b) The legislative rule filed in the State Register on the twentieth day of July, two thousand six, authorized under the authority of section eight, article fifteen-a,
chapter nineteen of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the fifteenth day of September, two thousand six, relating to the Commissioner of Agriculture (West Virginia Agricultural Liming Materials Law, 61 CSR 6A) is authorized with the following amendments:

On page three, subsection 6.2., after the word "commissioner", by striking out the word "shall" and inserting in lieu thereof the word "may";

And,

On page three, subsection 8.1., by striking out "8.1.a."

(c) The legislative rule filed in the State Register on the twentieth day of July, two thousand six, authorized under the authority of section three, article twelve, chapter nineteen of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-fourth day of October, two thousand six, relating to the Commissioner of Agriculture (West Virginia Plant Pest Control Act, 61 CSR 14) is authorized.

(d) The legislative rule filed in the State Register on the twentieth day of July, two thousand six, authorized under the authority of section four, article twelve-d, chapter nineteen of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the fifteenth day of

44 September, two thousand six, relating to the
45 Commissioner of Agriculture (noxious weeds, 61 CSR
46 14A) is authorized.

§64-9-2. Board of Architects.

1 The legislative rule filed in the State Register on the
2 twenty-sixth day of July, two thousand six, authorized
3 under the authority of section one, article twelve,
4 chapter thirty of this code, modified by the Board of
5 Architects to meet the objections of the Legislative
6 Rule-Making Review Committee and refiled in the State
7 Register on the eighteenth day of September, two
8 thousand six, relating to the Board of Architects
9 (registration of architects, 2 CSR 1) is authorized with
10 the following amendment:

11 On page nine, subsection 8.8., line six, after the words
12 "regardless of age.", by striking out the remainder of
13 the subsection.


1 The legislative rule filed in the State Register on the
2 twenty-eighth day of July, two thousand six, authorized
3 under the authority of section ten-c, article three,
4 chapter twelve of this code, relating to the State Auditor
5 (transaction fee and rate structure, 155 CSR 4) is
6 authorized.


1 The legislative rule filed in the State Register on the
2 twenty-eighth day of July, two thousand six, authorized
3 under the authority of section four, article twenty-one-
§64-9-5. Board of Examiners in Counseling.

(a) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand six, authorized under the authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twentieth day of December, two thousand six, relating to the Board of Examiners in Counseling (licensing, 27 CSR 1) is authorized with the following amendments:

On page three, subsection 4.2., by striking out “4.2.1”;

On page three, by redesignating subdivision 5.1.a as subsection 5.2;

On page three, by redesignating paragraphs 5.1.a.(1) through 5.1.a.(5) as subdivisions 5.2.a. through 5.2.e.;

On page four, subdivision 6.1.b., at the beginning of the sentence, by striking out the words “The applicant” and inserting in lieu thereof the words “After the effective date of this rule in 2007, applicants”;

On page six, paragraph 6.1.b.11, after the words
"family counseling/therapy" by inserting a semicolon;

On page eight, subdivision 6.2.c, line fifteen, after the word “supervisor” by inserting the word “shall”;

On page eight, subdivision 6.2.c., in the final sentence of the subdivision after the words “statement detailing” by striking out the word “their” and inserting in lieu thereof the words “his or her”;

On page 8, subsection 7.1, in the first sentence after the words “must meet the” by inserting the words “equivalency of”;

On page nine, subsection 7.1, in the final sentence after the words “in 1986” by inserting the words “and who have maintained their licenses continually since that time”;

On page nine, paragraph 7.1.b.1., after the words “of this section” by striking out the words “will receive credit of forty (40) contact hours for each renewal prior to the effective date” and inserting in lieu thereof the words “may use the forty (40) contact hours earned for each renewal to meet the course requirements set forth in section 6.1.b.”;

On page nine, subsection 7.2, in the first sentence after the words “must meet the” by inserting the words “equivalency of”;

On page nine, section eight, line one by striking out “8.1.”;

On page ten, by redesignating subdivisions 8.1.a.
through 8.1.c. as subdivisions 8.1 through 8.3.;

On page twelve, section thirteen, line one by striking out "13.1." and by striking out the word "persons" and inserting in lieu thereof the word "person";

On page fourteen, subsection 16.6., line one, after the words "36 months", by striking out the comma and words "subject to the following renewal provision";

On page fourteen, subdivision 16.6.a., line one, by striking out "16.6.a.";

On page fourteen, section seventeen, line one, by striking out "17.1";

And,

On page fourteen, by redesignating subdivisions 17.1.a. through 17.1.e. as subdivisions 17.1. through 17.5.

(b) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand six, authorized under the authority of section five, article thirty-one, chapter thirty of this code, relating to the Board of Examiners in Counseling (license renewal and continuing education requirements, 27 CSR 3) is authorized with the following amendments:

On page two, subsection 5.1., by striking out "5.1.a.";

On page two, subdivision 5.1.a., line nine, after the words "renewals can" by inserting the word "be" and after the words "obtained through" by striking out
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74  "ACA" and inserting in lieu thereof the words
75  "American Counseling Association (ACA)";
76  On page two, subsection 5.2., by striking out "5.2.a.";
77  On page three, subsection 5.5., by striking out "5.5.a.";
78  On page three, subsection 5.8., after the word "status"
79  by striking out the comma;
80  On page three, subsection 5.9, after the word "programs" by changing the semicolon to a period;
81  On page three, subsection 5.9., by striking out "5.9.1.";
82  On page three, subdivision 5.9.1, line five, by striking
83  out the word "program" and, after the words "home
84  study", by inserting the word "program";
86  And,
87  On pages three and four, section six, by striking out
88  "6.1." and by redesignating subdivisions 6.1.a. through
89  6.1.d. as subdivisions 6.1. through 6.4.

§64-9-6. Hospital Finance Authority.

1  The legislative rule filed in the State Register on the
2  twenty-eighth day of July, two thousand six, authorized
3  under the authority of section five, article twenty-nine-a,
4  chapter sixteen of this code, modified by the Hospital
5  Finance Authority to meet the objections of the
6  Legislative Rule-Making Review Committee and refiled
7  in the State Register on the thirtieth day of October, two
8  thousand six, relating to the Hospital Finance Authority
(establishment of a fee schedule and costs allocations applicable to the issuance of bonds by the Hospital Finance Authority, 116 CSR 1) is authorized.

§64-9-7. Board of Landscape Architects.

(a) The legislative rule filed in the State Register on the twenty-eighth day of July, two thousand six, authorized under the authority of section six, article twenty-two, chapter thirty of this code, modified by the Board of Landscape Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the eleventh day of January, two thousand seven, relating to the Board of Landscape Architects (registration of landscape architects, 9 CSR 1) is authorized with the following amendments:

On page one, subsection 1.2., after “30-22-”, by striking out the remained of the subsection and inserting in lieu thereof “6”;

On page one, subdivision 2.2.e., by striking out the word “Means”;

On page two, subdivision 2.2.g., by striking out the word “Means”;

On page two, subdivision 2.2.j., by striking out the word “Means”;

On page three, subsection 3.5., line three, by striking out the word “Secretaries” and inserting in lieu thereof the word “secretaries”;
On page three, subsection 3.5., line four, by striking out the word "Secretaries" and inserting in lieu thereof the word "secretaries";

On page three, subsection 4.1., line three, by striking out the word "shall" and inserting in lieu thereof the word "may";

On page three, subsection 4.1., line four, by striking out the word "shall" and inserting in lieu thereof the word "may";

On page three, subsection 4.10., after the words "number and" by inserting the word "the";

On page four, subdivision 4.12.b., after the word "provided", by striking out the comma;

On page four, subdivision 4.12.c., by striking out the word "shall" and inserting in lieu thereof the word "may";

On page four, paragraph 4.13.a.1., after the word "certification", by changing the comma to a semicolon;

On page four, paragraph 4.13.a.2., by capitalizing the word "if";

On page four, subdivision 4.13.b., by striking out the word "prescribed" and inserting in lieu thereof the word "provided";

On page four, subsection 5.1., by striking out the word "plus" and inserting in lieu thereof the word "and";
On page four, subsection 5.2., after the word "place" by striking out the period and the words "The Board" and inserting in lieu thereof the word "and";

On page five, subsection 5.4., after the words "examination period." by striking out the word "Those" and inserting in lieu thereof the words "If the applicant fails to successfully complete those";

On page five, subsection 5.4., after the word "failed, by striking out the words "must be retaken";

On page five, subsection 5.4., after the words "(2) year period" by striking out the period and the words "If not retaken during this two (2) year period";

On page five, subsection 5.5., by striking out the word "must" and inserting in lieu thereof the words "who fails to";

On page five, subsection 5.5., after the words "(5) year period", by striking out the period and the words "Applicants not so doing";

On page five, subsection 5.6., by striking out the words "in the event that" and inserting in lieu thereof the word "if";

On page five, subsection 5.6., by striking out the words "maintain a credit of" and inserting in lieu thereof the word "credit";

On page five, subsection 5.6., after the words "handling fee." by striking out the words "Examination credit for the applicant" and inserting in lieu thereof
the words “The credit”;

On page five, subsection 5.6., after the words “original examination date” by striking out the words “after which the remaining credit is forfeit” and inserting in lieu thereof the words “or be forfeited”;

On page five, section six, by striking out subsection 6.3. in its entirety and inserting in lieu thereof the following: “6.3. A temporary permit may not be renewed or a new one issued.”;

On page five, subsection 7.1., by striking out the words “to the Board within thirty (30) days of the change” and after the words “current information” by inserting the words “within thirty (30) days of the change”;

On page five, subdivision 7.3.a., after the word “requirements” by striking out the word “as”;

On page five, subdivision 7.3.b., by striking out the word “required” and inserting in lieu thereof the word “renewal”;

On page five, subdivision 7.3.b., after the word “fee” by inserting the word “and”;

On page six, subdivision 7.3.c., by striking out the word “prescribed in” and by inserting the words “in accordance with”;

On page six, subdivision 7.4.f., by striking out the word “shall” and inserting in lieu thereof the word “may”;
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103 On page six, subdivision 7.5.a., after the words "(4) years" by striking out the comma and the word "desiring" and inserting in lieu thereof the words "and who desires";

107 On page six, subdivision 7.5.b., by striking out the word "prescribed" and inserting in lieu thereof the word "provided";

110 On page seven, subdivision 7.5.c., by striking out the word "The" and inserting in lieu thereof the word "A";

112 On page seven, subdivision 7.5.c., after the word "registrant" by inserting the words "seeking reinstatement";

115 On page seven, subdivision 8.2.b., after the word "signature", by striking out the words "that is" and inserting in lieu thereof a comma and the words "provided pursuant to";

119 On page seven, subdivision 8.2.b., after the word "process" by striking out the comma;

121 On page seven, paragraph 8.2.b.2., by capitalizing the word "capable";

123 On page seven, paragraph 8.2.b.3., by capitalizing the word "under";

125 On page seven, paragraph 8.2.b.4., by capitalizing the word "linked";

127 On page seven, subsection 8.3., by striking out the words "for the use in the State of West Virginia";
On page seven, subdivisions 8.4.b. through 8.4.d., by capitalizing the word "the";

On page eight, subsection 8.9., line four, after the words "revocation of" by inserting the words "his or her";

On page eight, subsection 8.11., by striking out the words "the registrant signing and sealing documents" and inserting in lieu thereof the word "Documents";

On page eight, subsection 8.11., after the words "shall be" by inserting the words "signed and sealed by";

On page eight, subsection 8.12., by striking out the words "made by";

On page eight, subsection 8.12., after the word "she" by inserting the words "has made";

On page eight, subsection 9.1., by striking out the word "who" and inserting in lieu thereof the word "which";

On page eight, subsection 9.1., by striking out the words "met the provisions" and inserting in lieu thereof the words "satisfied the requirements";

On page eight, subsection 9.1., by striking out the words "the seal of the Board" and inserting in lieu thereof the word "seal";

On page nine, subsection 9.3., line one, after the word "including" by inserting the words "those for";

On page nine, by striking out paragraph 9.6.a.2. in its entirety;

On page nine, paragraph 9.6.a.3., by striking out the word "prescribed" and inserting in lieu thereof the words "as provided";

On page nine, paragraph 9.6.a.4., by striking out the word "who" and inserting in lieu thereof the word "which";

On page nine, subsection 9.9., after the word "submitted" by striking out the words "to the Board";

On page nine, subsection 9.9., after the words "responsible charge" by striking out the comma and inserting the word "any";

On page ten, subdivision 10.3.d., after the word "experience" by striking out the comma and the word "nor" and inserting in lieu thereof the word "or";

On page ten, subdivision 10.3.d., after the word "any" by striking out the word "such";

On page ten, subdivision 10.3.e., after the word "field" by striking out the words "landscape architecture";

On page ten, subdivision 10.3.e., after the words "upon request" by striking out the words "of the landscape architect";
On page ten, subdivision 10.4.d., after the word "advice" by striking out the comma and the word "who" and inserting in lieu thereof the word "which";

On page ten, subdivision 10.4.e., by striking out the word "found" and inserting in lieu thereof the word "founded";

On page eleven, subdivision 10.4.f., line two, after the word "terminate", by inserting the words "his or her";

On page eleven, subdivision 10.4.f., after the words "reference to the project." by striking out the remainder of the subdivision;

On page eleven, subdivision 10.4.g., by striking out the word "shall" and inserting in lieu thereof the word "may";

On page eleven, subdivision 10.4.h., by striking out the word "shall" and inserting in lieu thereof the word "may";

On page eleven, subdivision 10.5.c., by striking out the word "shall" and inserting in lieu thereof the word "may";

On page eleven, subdivision 10.5.d., by striking out the word "shall" and inserting in lieu thereof the word "may";

On page eleven, subdivision 10.5.e., line one, by striking out the word "shall" and inserting in lieu thereof the word "may";
On page eleven, subdivision 10.5.e., by striking out the word “organization” and inserting in lieu thereof the word “firm”;

On page eleven, subdivision 10.5.e., by striking out the words “private concern, shall” and inserting in lieu thereof the words “firm, may”;

On page eleven, subdivision 10.5.e., line five, by striking out the words “private concern” and inserting in lieu thereof the word “firm”;

On page eleven, subdivision 10.5.f., line one, by striking out the word “shall” and inserting in lieu thereof the word “may”;

On page eleven, subdivision 10.5.f., line two, by striking out the word “shall” and inserting in lieu thereof the word “may”;

On page eleven, subdivision 10.5.g., by striking out the word “shall” and inserting in lieu thereof the word “may”;

On page twelve, subsection 10.6., line one, by striking out the word “shall” and inserting in lieu thereof the word “may”;

On page twelve, subsection 10.6., after the words “misrepresentation of his or her” by striking out the comma and inserting the word “own”;

On page twelve, subsection 10.6., line two, by striking out the word “shall” and inserting in lieu thereof the word “may”;
On page twelve, subsection 10.6., after the words "of prior assignments." by striking out the remainder of the subsection;

On page twelve, subsection 10.7., line one, by striking out the word "shall" and inserting in lieu thereof the word "may";

And,

On page twelve, subsection 10.9., after the words "grounds for" by striking out the words "a charge of" and inserting in lieu thereof the words "charging a violation".

(b) The legislative rule filed in the State Register on the twenty-eighth day of July, two thousand six, authorized under the authority of section six, article twenty-two, chapter thirty of this code, modified by the Board of Landscape Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the eleventh day of January, two thousand seven, relating to the Board of Landscape Architects (continuing education, 9 CSR 2) is authorized with the following amendments:

On page one, section two, by striking out "2.1" and by redesignating subdivisions 2.1.a. through 2.1.c. as subdivisions 2.1. through 2.3.;

On page one, subdivision 2.1.c., after the word "tutorials" by striking out the semicolon:

On page one, subdivision 2.1.c., after the word "provided", by striking out the comma;
on page one, subsection 3.1., by striking out the words “for each renewal period” and inserting in lieu thereof the word “annually”;

On page two, subdivision 3.3.e, after the word “architecture” by striking out the words “and to” and inserting in lieu thereof the words “of”;

On page two, subsection 3.4., by striking out the words “continuing education related”;

On page two, subsection 3.4., after the word “activity” by inserting the words “for continuing education credit”;

On page two, subsection 3.5., by striking out the words “When a” and inserting in lieu thereof the word “A”;

On page two, subsection 3.5., by striking out the words “under suspension seeks” and inserting in lieu thereof the words “has been suspended may seek”;

On page two, subsection 3.5., after the words “reinstatement of” by striking out the words “a license, the person seeking reinstatement shall complete” and inserting in lieu thereof the words “his or her license by completing”;

On page two, subsection 3.5., by striking out the words “professional development hours” and inserting in lieu thereof the words “PDH units”;

On page two, subsection 3.5., line six, after the words “PDH units and”, by inserting the word “to”;

288 On page two, section four, by striking out "4.1." and
289 by redesignating subdivisions 4.1.a and 4.1.b. as
290 subdivisions 4.1. and 4.2.;

291 On page two, subsection 4.1, by striking out the words
292 "maintaining records is the responsibility of the
293 licensee.";

294 On page three, section five, by striking out "5.1." and
295 by redesignating subdivisions 5.1.a. through 5.1.d. as
296 subdivisions 5.1. through 5.4.;

297 On page three, subsection 5.1., by striking out the
298 word "board" and inserting in lieu thereof the word
299 "Board";

300 On page three, subdivision 5.1.a., by striking out the
301 words "way of";

302 On page three, subdivision 5.1.a., after the word
303 "exempt", by striking out the word "for the first
304 renewal period following the original date of" and
305 inserting in lieu thereof the words "from continuing
306 education requirements until their licenses have been
307 renewed a first time after initial";

308 On page three, subdivision 5.1.b., by striking out the
309 words "professional development hours" and inserting
310 in lieu thereof the words "PDH units";

311 On page three, subdivision 5.1.c., lines two and four,
312 by striking out the word "board" and inserting in lieu
313 thereof the word "Board";

314 On page three, subdivision 5.1.c., after the word
“occurs.” by striking out the remainder of the
subdivision;

On page three, subdivision 5.1.d., by striking out the
word “Licensee” and inserting in lieu thereof the word
“licensee”;

On page three, subdivision 5.1.d., after the word
“exempt” by inserting the words “from continuing
education requirements”;

On page three, subsection 6.1., after the word “proof”,
by striking out the words “of satisfying the” and
inserting in lieu thereof the words “that he or she has
satisfied”;

And,

On page three, subsection 6.2., line five, by striking
out the word “further” and inserting in lieu thereof the
word “additional”.

(c) The legislative rule filed in the State Register on
the twenty-eighth day of July, two thousand six,
authorized under the authority of section six, article
twenty-two, chapter thirty of this code, relating to the
Board of Landscape Architects (fees, 9 CSR 3) is
authorized with the following amendments:

On page one, by striking out subsection 2.2. in its
entirety and inserting in lieu thereof the following:

2.2. “Board” means the West Virginia State Board of
Landscape Architects;
On page one, by striking out “2.2.a.” and inserting in lieu thereof “2.3.”;

On page one, subdivision 2.2.a., by placing quotation marks around the word “Registrant” and by striking out the hyphen and inserting in lieu thereof the word “means”;

On page one, subsection 3.1., by striking out the words “West Virginia State Board of Landscape Architects” and inserting in lieu thereof the word “Board”;

On page one, subsection 3.2., by striking out the word “The” and inserting in lieu thereof the words “Each year during the month of April, the”;

On page one, subsection 3.2., after the word “registrant” by striking out the words “during the month of April of each year”;

On page one, subsection 3.4., by striking out the word “A renewal” and inserting in lieu thereof the words “If a renewal application is”;

And,

On page one, subsection 3.4., after the word “June”, by inserting a comma and the words “the registrant’s license”.


The legislative rule filed in the State Register on the seventeenth day of July, two thousand six, authorized under the authority of section six, article thirty-seven,
chapter thirty of this code, modified by the Massage Therapy Licensure Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the third day of August, two thousand six, relating to the Massage Therapy Licensure Board (general provisions, 194 CSR 1) is authorized with the following amendment:

On page four, by redesignating subdivision 3.11.a. as subsection 3.12. and by renumbering the remaining subsections accordingly.


The legislative rule filed in the State Register on the twenty-second day of May, two thousand six, authorized under the authority of section seven, article three, chapter thirty of this code, modified by the Board of Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-sixth day of July, two thousand six, relating to the Board of Medicine (licensing and disciplinary procedures for physicians and podiatrists, 11 CSR 1A) is authorized.

§64-9-10. Board of Osteopathy.

The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand six, authorized under the authority of section one, article fourteen-a, chapter thirty of this code relating to the Board of Osteopathy (osteopathic physician assistants, 24 CSR 2) is authorized.

§64-9-11. Board of Pharmacy.
The legislative rule filed in the State Register on the seventh day of July, two thousand five, authorized under the authority of sections six and seven, article ten, chapter sixty-a of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the eleventh day of October, two thousand five, relating to the Board of Pharmacy (ephedrine and pseudoephedrine control, 15 CSR 11) is authorized.

§64-9-12. Real Estate Commission.

The legislative rule filed in the State Register on the twenty-third day of March, two thousand six, authorized under the authority of section eight, article forty, chapter thirty of this code relating to the Real Estate Commission (requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage businesses, 174 CSR 1) is authorized with the following amendment:

On page one, subsection 1.1., by striking out the word "regulations" and inserting in lieu thereof the word "rules".


(a) The legislative rule filed in the State Register on the sixteenth day of June, two thousand six, authorized under the authority of section four, article seven, chapter thirty of this code, modified by the Board of Examiners for Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-eighth day of July, two thousand six, relating to
the Board of Examiners for Registered Professional Nurses (policies and criteria for the evaluation and accreditation of colleges, departments or schools of nursing, 19 CSR 1) is authorized.

(b) The legislative rule filed in the State Register on the sixteenth day of June, two thousand six, authorized under the authority of section four, article seven, chapter thirty of this code, modified by the Board of Examiners for Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-eighth day of July, two thousand six, relating to the Board of Examiners for Registered Professional Nurses (requirements for registration and licensure, 19 CSR 3) is authorized with the following amendments:

On page one, subsection 1.1., after the word "nurse" by inserting the words "and describes behavior which constitutes professional misconduct subject to disciplinary action";

On page one, subsection 1.2, by striking out "and §30-1-4";

On page one, subsection 2.2., by striking out the word "Supervision" and inserting in lieu thereof the word "supervision" and after the period by striking out the quotation mark;

On page one, subsection 2.3., by striking out the words "Professional Character" and inserting in lieu thereof the words "professional character" and by striking out the word "Board" and inserting in lieu thereof the word "board";

39 On page one, subsection 2.6., by striking out the words
40 “national council of state boards of nursing” and
41 inserting in lieu thereof the words “National Council of
42 State Boards of Nursing”;

43 On page two, by striking out paragraph 3.1.a.4. in its
44 entirety and inserting in lieu thereof the following:

45 3.1.a.4. Request and submit to the board the results of
46 a state and a national electronic criminal history
47 records check by the State Police.

48 3.1.a.4.A. The applicant shall furnish to the State
49 Police a full set of fingerprints and any additional
50 information required to complete the criminal history
51 records checks.

52 3.1.a.4.B. The applicant is responsible for any fees
53 required by the State Police in order to complete the
54 criminal history records checks.

55 3.1.a.4.C. The criminal history records required by
56 this paragraph must been have been requested within
57 the twelve (12) months immediately before the
58 application is filed with the Board.

59 3.1.a.4.D. The board may require the applicant to
60 obtain an electronic criminal history records check from
61 a similar agency in the state of the technician or
62 applicant’s residence, if outside of West Virginia.

63 3.1.a.4.E. To be qualified for licensure, the results of
64 the criminal history records checks must be
65 unremarkable and verified by a source acceptable to the
66 board other than the applicant.
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3.1.a.4.F. Instead of requiring the applicant to apply directly to the State Police for the criminal history records checks, the board may contract with a company specializing in the services required by this paragraph.

3.1.a.4.G. The board may deny licensure or certification to any applicant who fails or refuses to submit the criminal history records checks required by this subsection.;

On page two, subdivision 3.1.b., by striking out the word “Veterans” and inserting in lieu thereof the word “veterans”;

On page two, subdivision 3.1.b., after the words “et seq.” by inserting the words “an applicant who is a veteran”;

On page three, by striking out paragraph 3.1.b.5. in its entirety and inserting in lieu thereof the following:

3.1.b.5. request and submit to the board the results of a state and a national electronic criminal history records check by the State Police.

3.1.b.5.A. The applicant shall furnish to the State Police a full set of fingerprints and any additional information required to complete the criminal history records checks.

3.1.b.5.B. The applicant is responsible for any fees required by the State Police in order to complete the criminal history records checks.

3.1.b.5.C. The criminal history records required by
this paragraph must been have been requested within the twelve (12) months immediately before the application is filed with the Board.

3.1.b.5.D. The board may require the applicant to obtain an electronic criminal history records check from a similar agency in the state of the technician or applicant’s residence, if outside of West Virginia.

3.1.b.5.E. To be qualified for licensure, the results of the criminal history records checks must be unremarkable and verified by a source acceptable to the board other than the applicant.

3.1.b.5.F. Instead of requiring the applicant to apply directly to the State Police for the criminal history records checks, the board may contract with a company specializing in the services required by this paragraph.

3.1.b.5.G. The board may deny licensure or certification to any applicant who fails or refuses to submit the criminal history records checks required by this subsection.

On page four, by redesignating subparagraph 3.1.c.5.B. as part 3.1.c.5.B.1. and by redesignating part 3.1.c.5.B.1. as part 3.1.c.5.B.2.;

On page four, subparagraph 3.1.c.5.C., by striking out the word “Provide” and inserting in lieu thereof the word “provide”;

On page four, by striking out paragraph 3.1.c.6. in its entirety and inserting in lieu thereof the following:
3.1.c.6. Request and submit to the board the results of a state and a national electronic criminal history records check by the State Police.

3.1.c.6.A. The applicant shall furnish to the State Police a full set of fingerprints and any additional information required to complete the criminal history records checks.

3.1.c.6.B. The applicant is responsible for any fees required by the State Police in order to complete the criminal history records checks.

3.1.c.6.C. The criminal history records required by this paragraph must have been requested within the twelve (12) months immediately before the application is filed with the Board.

3.1.c.6.D. The board may require the applicant to obtain an electronic criminal history records check from a similar agency in the state of the technician or applicant's residence, if outside of West Virginia.

3.1.c.6.E. To be qualified for licensure, the results of the criminal history records checks must be unremarkable and verified by a source acceptable to the board other than the applicant.

3.1.c.6.F. Instead of requiring the applicant to apply directly to the State Police for the criminal history records checks, the board may contract with a company specializing in the services required by this paragraph.

3.1.c.6.G. The board may deny licensure or certification to any applicant who fails or refuses to
submit the criminal history records checks required by this subsection.;

On page four, subdivision 3.2.a., by striking out the word "Applicant" and inserting in lieu thereof the word "Applicants";

On page four, subparagraph 3.2.a.1.B, by capitalizing the words "board of examiners for registered professional nurses";

On page five, subparagraph 3.2.a.1.D., by striking out the word "Board" and inserting in lieu thereof the word "board";

On page five, paragraph 3.2.a.2, by capitalizing the words "national council licensure examination";

On page five, subparagraph 3.2.b.1.B, by capitalizing the words "board of examiners for registered professional nurses";

On page six, paragraph 3.2.b.2, by capitalizing the words "national council licensure examination";

On page seven, subparagraph 3.2.c.1.B, by capitalizing the words "board of examiners for registered professional nurses";

On page seven, paragraph 3.2.c.2., by capitalizing the words "national council licensure examination";

On page nine, subdivision 7.1.c., by striking out the word "Board" and inserting in lieu thereof the word "board";
On page nine, subdivision 7.1.d., after the word "system" by striking out the word "as";

On page nine, subdivision 7.1.d., after the word "Nursing" by inserting a comma;

On page eleven, subdivision 7.2.i., by striking out the words "ninety (90)" and inserting in lieu thereof the words "one hundred eighty (180)";

On page eleven, subsection 8.1., after the word "affidavit" by striking out the semicolon;

On page eleven, subsection 8.1., line seven, by striking out the word "as";

On page eleven, subsection 9.1., after the words "issued by" by striking out the word "this" and inserting in lieu thereof the word "the";

On pages eleven and twelve, section nine, by striking out "9.1.a." and by redesignating paragraphs 9.1.a.1. through 9.1.a.6. as subdivisions 9.1.a. through 9.1.f.;

On page twelve, paragraph 9.1.a.6., by striking out the words "Provided, the" and inserting in lieu thereof the words "The fee for a";

On page twelve, paragraph 9.1.a.6., after the word "shall" by striking out the words "have a" and inserting in lieu thereof the word "be" and after the word "prorated", by striking out the remainder of the paragraph;

On page twelve, subsection 9.2., by striking out
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201 "9.2.a";

202 On page twelve, subsection 9.3., by striking out "9.3.a";

204 On page twelve, subsection 9.3., after the words "recipient of the designation" by striking out the word "shall" and inserting in lieu thereof the word "may";

207 On page twelve, subsection 9.3., after the words "in any state and" by striking out the word "shall" and inserting in lieu thereof the word "may";

210 On page twelve, subsection 9.3., line seven, after the word "nurse" by inserting a comma and after the words "he or she" by striking out the words "shall be" and inserting in lieu thereof the word "is";

214 On page thirteen, subsection 10.2., line three, by striking out the word "as";

216 On page thirteen, subsection 10.3., after the word "lapsed" by striking out the words "shall be" and inserting in lieu thereof the word "is";

219 On page thirteen, subsection 10.3., after the words "practitioner and" by striking out the words "shall be" and inserting in lieu thereof the word "is";

222 On page thirteen, section eleven, by striking out "11.1";

224 On page thirteen, section eleven, line eight, by striking out the word "as";
On page thirteen, subsection 12.1., after the words “registration and” by striking out the word “a” and inserting the word “the”;

On page thirteen, subsection 12.1., line four, by striking out the word “as”;

On page thirteen, subsection 12.2., line three, by striking out the word “as”;

On page thirteen, subsection 12.3., by striking out the word “Board’s” and inserting in lieu thereof the word “board’s”;

On page thirteen, subsection 13.1., after the word “assess” by striking out the word “a” and inserting in lieu thereof the word “the” and after the word “fee” by striking out the word “as”;

On page thirteen, subsection 13.1., by striking out the word “Board’s” and inserting in lieu thereof the word “board’s”;

On page seventeen, subdivision 14.1.ss., by striking out the word “Violated” and inserting in lieu thereof the word “violated”;

On page seventeen, by striking out subsection 14.3. in its entirety and inserting in lieu thereof the following:

14.3. Based on the nature of the complaint filed against a licensee, technician, or of the information received about an applicant, the Board may require the technician or applicant to request and submit to the Board the results of a state and a national electronic
criminal history records check by the State Police.

14.3.a. The licensee, technician, or applicant under investigation shall furnish to the State Police a full set of fingerprints and any additional information required to complete the criminal history records check.

14.3.b. The licensee, technician, or applicant under investigation is responsible for any fees required by the State Police in order to complete the criminal history records check.

14.3.c. The Board may require the licensee, technician, or applicant to obtain an electronic criminal history records check from a similar agency in the state of the technician or applicant's residence, if outside of West Virginia.

14.3.d. Instead of requiring the licensee, technician, or applicant under investigation to apply directly to the State Police for the criminal history records checks, the Board may contract with a private vendor to provide the services required in this subsection.

14.3.e. The Board may deny licensure or certification or take disciplinary action against any licensee, technician, or applicant who fails or refuses to submit the criminal history records checks required by this subsection.

On page eighteen, subdivision 15.1.b., by striking out the word "Board's" and inserting in lieu thereof the word "board's";

On page eighteen, subdivision 15.1.c., after the words
“satisfaction of” by striking out the word “Board’s” and inserting in lieu thereof the word “board’s”;

On page eighteen, subdivision 15.1.c., after the words “extent of” by striking out the word “Board’s” and inserting in lieu thereof the word “board’s”; And,

On page eighteen, section sixteen, by striking out “16.1”.

(c) The legislative rule filed in the State Register on the sixteenth day of June, two thousand six, authorized under the authority of section four, article seven, chapter thirty of this code, modified by the Board of Examiners for Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-eighth day of July, two thousand six, relating to the Board of Examiners for Registered Professional Nurses (continuing education, 19 CSR 11) is authorized with the following amendments:

On page two, subdivision 3.2.1, after the words “during the” by inserting the word “twelve”;

On page three, subdivision 3.5.3, line three, after the words “or shall” by striking out the word “to”;

And,

On page six, paragraph 4.4.2.a, by striking out the word “completed” and inserting in lieu thereof the word “Completing”. 
(d) The legislative rule filed in the State Register on the thirtieth day of August, two thousand five, authorized under the authority of sections six and seven, article seven-c, chapter thirty of this code, modified by the Board of Examiners for Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-eighth day of July, two thousand six, relating to the Board of Examiners for Registered Professional Nurses (dialysis technicians, 19 CSR 13) is authorized with the following amendments:

On page one, subsection 1.1., line two, by striking out the words "dialysis technicians," and inserting in lieu thereof the word "and";

On page one, subsection 1.1., by striking out the words "for approving and disapproving" and inserting in lieu thereof the words "approval of";

On page one, section two, by adding the following:

2.1. "Advisory council" means the Dialysis Technician Advisory Council provided for in W. Va. Code §30-7C-9;

2.2. "Board" means the West Virginia Board of Examiners for Registered Professional Nurses;

and by renumbering the remaining subsections accordingly;

On page one, subsection 2.1., line two, by striking out the words "comprised of" and inserting in lieu thereof a comma and the word "including";
On page one, subsection 2.4., by striking out the words "upon delegation by the registered professional nurse or physician";

On page one, section two, subsection 2.5., line three, after the words "status or" by inserting the word "of";

On page two, after subsection 2.5., by adding the following:

2.8. "Nurse administrator" means the registered professional nurse responsible for administering a Board-approved dialysis technician training program;

On page two, after subsection 2.7., by adding the following:

2.11. "Training program" means a dialysis training program;

On page two, subsection 3.1., by striking out the words "providing hemodialysis care" and after the word "provide" by inserting the word "hemodialysis";

On page two, subsection 3.1, by striking out the words "that the performance of the care be delegated" and inserting in lieu thereof the words "the delegation of authority";

On page two, by striking out subsection 3.2. in its entirety and inserting in lieu thereof the following:

3.2. The dialysis technician may not be providing dialysis care until a registered professional nurse or physician has first assessed the patient upon entering the dialysis
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unit to assure that he or she is stable and then delegated
dialysis care to the dialysis technician.;

On page two, subsection 3.3, line two, after the word
"access" by changing the semi-colon to a comma and by
striking out the word "reports" and inserting in lieu
thereof the word "report";

On page two, subsection 3.3, after the word "physician" by inserting
a comma;

On page two, subsection 3.3, by striking out the words
"prior to" and inserting in lieu thereof the word
"before";

On page two, subsection 3.3, by striking out the word
"proceeding" and inserting in lieu thereof the word
"proceeds";

On page two, subsection 3.4, by striking out the word
"shall" and inserting in lieu thereof the word "may";

On page three, subdivision 3.5.c., by striking out the
words "There is validation of the dialysis technicians"
and inserting in lieu thereof the words "The nurse
administrator has validated the dialysis technician's";

On page four, paragraph 3.5.g.6., by striking out the
word "engaging" and inserting in lieu thereof the word
"engage";

On page four, paragraph 3.5.g.7., by striking out the
words "by a dialysis technician";

On page four, by striking out paragraph 3.5.g.8. in its
entirety and inserting in lieu thereof the following:
3.5.g.8. Not engage in sexual misconduct or in conduct that may reasonably be interpreted as sexual or in any verbal behavior that is or may reasonably be interpreted as seductive or sexually demeaning to a patient. The patient is always presumed incapable of giving free, full or informed consent to these behaviors; and;

On page four, paragraph 3.5.g.9., by striking out the word “Treats” and inserting in lieu thereof the word “Treat”;

On page four, subdivision 3.5.h., after the word “technician” by inserting the word “shall”;

On page four, paragraph 3.5.h.1., by striking out the word “Implements” and inserting in lieu thereof the word “Implement”;

On page four, paragraph 3.5.h.1., by striking out the word “clarifies” and inserting in lieu thereof the word “clarify”; and, after the word “information” by changing the semicolon to a period;

On page four, paragraph 3.5.h.1., by striking out “3.5.h.1.a” and by redesignating parts 3.5.h.1.a.1 and 3.5.h.1.a.2 as subparagraphs 3.5.h.1.A. and 3.5.h.1.B.;

On page five, paragraph 3.5.h.2., by striking out the word “Initiates” and inserting in lieu thereof the word “Initiate”;

On page five, subdivision 3.5.i., by striking out the word “shall” and inserting in lieu thereof the word “may”;
On page five, subsection 3.7., after the words "subject to" by inserting the word "disciplinary";

On page five, subsection 4.1., by striking out the word "shall" and inserting in lieu thereof the word "may";

On page five, subsection 4.1., by striking out the word "only" and, after the word "medications" by striking out the word "as" and inserting in lieu thereof the word "if";

On page five, subsection 4.1., after the words "prescription and" by striking out the word "as";

On page five, subsection 4.2., by striking out the words "Administration of" and inserting in lieu thereof the words "Except as provided by this rule, a dialysis technician may not administer" and after the word "medications" by striking out the remainder of the subsection;

On page six, subdivision 5.1.a., by striking out the words "to be approved" and inserting in lieu thereof the word "approval" and, after the word "shall" by striking out the colon and inserting the word "shall";

On pages six and seven, section five, by striking out paragraph 5.1.a.1. in its entirety and by redesignating subparagraphs 5.1.a.1.A. through 5.1.a.1.E. as paragraphs 5.1.a.1. through 5.1.a.5.;

On page seven, subsection 5.2., by striking out the words "make a determination regarding the approval status of" and inserting in lieu thereof the words "either approve or disapprove";
On page seven, subsection 5.3., by striking out the words "be current" and inserting in lieu thereof the word "continue";

On page seven, subsection 5.3., line four, after the word "period" by striking out the comma;

On page seven, subsection 5.6., after the words "of the Board", by striking out the comma and after the words "meeting the requirements" by striking out the comma;

On page eight, subdivision 6.1.b., by striking out the words "registered professional nurse administering the program" and inserting in lieu thereof the words "nurse administrator";

On page eight, by striking out subdivision 6.1.c., in its entirety and by inserting in lieu thereof the following:

6.1.c. The training program shall immediately notify the Board in writing when the nurse administrator vacates the position or is replaced and provide the name and qualifications of the new or interim nurse administrator. A training program may not initiate a new class of dialysis technician trainees unless the new or interim nurse administrator meets the qualifications required by this rule.;

On page eight, paragraph 6.1.d.1., after the word "The" by inserting the words "training program shall provide";

On page eight, paragraph 6.1.d.1., after the word "instructor" by striking out the words "shall be provided";
On page eight, paragraph 6.1.d.2., by striking out the words "registered professional nurse who is responsible for administering the program" and inserting in lieu thereof the words "nurse administrator";

On page eight, paragraph 6.1.d.3., after the word "The", by inserting the words "training program shall report";

On page eight, paragraph 6.1.d.3., after the word "faculty" by striking out the words "shall be reported";

On page nine, subdivision 6.1.e., by striking out the words "There shall be" and inserting in lieu thereof the words "Each training program shall develop";

On page nine, subdivision 6.1.e., after the word "which" by inserting the word "shall";

On page nine, paragraph 6.1.e.3., by striking out the words "registered professional";

On page nine, subdivision 6.1.f., after the words "offered by the" by inserting the word "training";

On page nine, subdivision 6.1.f., by striking out the words "which prepares an individual to perform dialysis care";

On page nine, subdivision 6.1.f., by striking out the words "which is a minimum" and inserting in lieu thereof the words "of at least";

On page nine, subdivision 6.1.f., after the word "twenty" by inserting "(320)";
On page nine, subdivision 6.1.f., line four, by striking out the words "shall include";

On page nine, subdivision 6.1.f., by striking out the words "for the application of" and inserting in lieu thereof the words "to apply";

On page nine, subdivision 6.1.f., by striking out the words "for the achievement of" and inserting in lieu thereof the words "to achieve";

On page nine, paragraph 6.1.f.1., after the word "instruction" by inserting a comma and striking out the words "shall include instruction";

On page nine, paragraph 6.1.f.1., after the word "visuals", by inserting a comma and by striking out the word "which" and inserting in lieu thereof the word "shall";

On page eleven, by striking out paragraph 6.1.f.2. in its entirety and inserting in lieu thereof the following:

6.1.f.2. The program shall develop written tests for each unit in the curriculum, including a final test, and shall conduct a skills performance evaluation.

On page eleven, by striking out subparagraph 6.1.f.2.A. in its entirety and inserting in lieu thereof the following:

6.1.f.2.A. Exams may be administered by paper/pencil or by computer;

On page twelve, subdivision 6.1.g., by striking out the
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words “registered professional nurse responsible for administering the program” and inserting in lieu thereof the words “nurse administrator”;

On page twelve, subdivision 6.1.g., after the word “adopt” by inserting the word “written”;

On page twelve, paragraph 6.1.g.1., after the words “of age and” by striking out the words “the individual”;

On page twelve, paragraph 6.1.g.5., after the words “completed the” by inserting the words “three hundred twenty”;

On page twelve, subparagraph 6.1.g.6.A., by striking out the words “dialysis technician-”;

On page twelve, subparagraph 6.1.g.6.A., by striking out the words “There shall be a statement of” and inserting in lieu thereof the words “The nurse administrator shall adopt a”;

On page thirteen, subparagraph 6.1.g.6.C., by striking out the word “completed” and inserting in lieu thereof the word “completes”;

On page fourteen, subparagraph 6.1.g.6.F., by striking out the words “registered professional nurse responsible for administering the program” and inserting in lieu thereof the words “nurse administrator”;

On page fourteen, subdivision 6.1.h., after the words “training program,” by inserting the words “the program shall notify”;
On page fourteen, subdivision 6.1.h., by striking out the words “shall be notified”;

On page fourteen, subdivision 6.1.h., after the word “date” by changing the comma to a period and inserting the words “The notice shall include”;

On page fourteen, by striking out subdivision 6.1.i. in its entirety and inserting in lieu thereof the following:

> 6.1.i. If any changes are made to the training program previously approved by the Board when a facility changes ownership, the training program may only be approved as a new program;

On page fifteen, subdivision 7.2.c., by striking out the words “registered professional nurse responsible for administering the program” and inserting in lieu thereof the words “nurse administrator”;

On page fifteen, subdivision 8.1.a., by striking out the words “Subsection 6.5.” and inserting in lieu thereof the words “subsection 6.5. of this rule”;

On page sixteen, subdivision 8.2.c., after the words “deficiency report” and “any” by changing the semicolons to commas;

On page seventeen, subdivision 10.1.b., by striking out the word “organization” and inserting in lieu thereof the word “organization’s”;

On page eighteen, subsection 10.3., after the words “set forth in” by striking out the words “subdivision 13.10.1” and inserting in lieu thereof “subsection 10.1”;
On page eighteen, subsection 10.3., by striking out the words "subdivision 13.10.1" and inserting in lieu thereof subsection 10.1;  

On page eighteen, subsection 10.4., by striking out the words "specified by the Board";  

On page eighteen, subsection 10.4., line four, by striking out the words "subdivision 13.10.1" and inserting in lieu thereof "subsection 10.1.";  

On page eighteen, subsection 10.4., line six, by striking out the words "subdivision 13.10.1" and inserting in lieu thereof "subsection 10.1";  

On page eighteen, subsection 10.6., by striking out the words "subdivision 13.10.1" and inserting in lieu thereof "subsection 10.1";  

On page eighteen, subsection 10.7., lines two and three, by striking out the words "subdivision 13.10.1" and inserting in lieu thereof "subsection 10.1";  

On page eighteen, section eleven, by striking out "11.1." and by redesignating subdivisions 11.1.a. through 11.1.c. as subdivisions 11.1. through 11.3.;  

On page eighteen, section eleven, after the words "examination offered by" by striking out the word "an" and by inserting in lieu thereof the words "one of the following approved";  

On page eighteen, section eleven, after the word "organization" by striking out the words "approved by the Board of Nursing. The approved testing
organizations are";

On page nineteen, subsection 12.5., by striking out "fo" and inserting in lie thereof the word "for";

On page nineteen, by striking out "13.1";

On page nineteen, section thirteen, after the words "July 1" by striking out the comma;

On page nineteen, subsection 14.1., by striking out the words "in order to engage in dialysis care";

On page twenty, subdivision 14.1.a., by striking out the words "shall be submitted";

On page twenty, subdivision 14.1.d., after the semicolon by inserting the word "and";

On page twenty, subdivision 14.1.e., after "DUI)" by striking out the semicolon;

On page twenty, subdivision 14.1.e., after the word "and" by inserting the words "a letter of explanation that addresses each conviction.";

On page twenty, section fourteen, by striking out subdivision 14.1.f. in its entirety;

On page twenty-one, subdivision 14.8.a., by striking out the word "Boards" and inserting in lieu thereof the word "Board's";

On page twenty-one, subdivision 14.8.e., by striking out the word "Completion" and inserting in lieu thereof
the words "The results";

On page twenty-two, subsection 15.1., by striking out the words "The renewal period for dialysis technicians is annual. All" and inserting in lieu thereof the words "Dialysis technician";

On page twenty-two, subsection 15.3., after the words "application for" by inserting the word "reinstatement";

On page twenty-three, subdivision 16.1.e., after the words "he or she is" by inserting the word "not";

On page twenty-five, subdivision 16.1.mm., before the word "listed" by inserting the word "is";

On page twenty-six, by striking out subsection 16.3. in its entirety and inserting in lieu thereof the following:

16.3. Based on the nature of the complaint filed against a technician or of the information received about an applicant, the Board may require the technician or applicant to request and submit to the Board the results of a state and a national electronic criminal history records check by the State Police.

16.3.a. The technician or applicant under investigation shall furnish to the State Police a full set of fingerprints and any additional information required to complete the criminal history records check.

16.3.b. The technician or applicant under
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investigation is responsible for any fees required by the
State Police in order to complete the criminal history
records check.

16.3.c. The Board may require the technician or
applicant to obtain an electronic criminal history
records check from a similar agency in the state of the
technician or applicant's residence, if outside of West
Virginia.

16.3.d. Instead of requiring the technician or applicant
under investigation to apply directly to the State Police
for the criminal history records checks, the Board may
contract with a private vendor to provide the services
required in this subsection.

16.3.e. The Board may deny certification or take
disciplinary action against any technician or applicant
who fails or refuses to submit the criminal history
records checks required by this subsection.;

And,

On page twenty-six, section sixteen, by striking out
subsection 16.6. in its entirety.

§64-9-14. Secretary of State.

(a) The legislative rule filed in the State Register on
the twenty-eighth day of July, two thousand six,
authorized under the authority of section six, article
one-a, chapter three of this code, modified by the
Secretary of State to meet the objections of the
Legislative Rule-Making Review Committee and refiled
in the State Register on the twenty-second day of
8 December, two thousand six, relating to the Secretary
9 of State (procedures for canvassing elections, 153 CSR
10 18) is authorized.

11 (b) The legislative rule filed in the State Register on
12 the twenty-eighth day of July, two thousand six,
13 authorized under the authority of section six, article
14 one-a, chapter three of this code, modified by the
15 Secretary of State to meet the objections of the
16 Legislative Rule-Making Review Committee and refiled
17 in the State Register on the twenty-second day of
18 December, two thousand six, relating to the Secretary
19 of State (procedures for recount of election results, 153
20 CSR 20) is authorized.

21 (c) The legislative rule filed in the State Register on
22 the twenty-eighth day of July, two thousand six,
23 authorized under the authority of section six, article
24 one-a, chapter three of this code, modified by the
25 Secretary of State to meet the objections of the
26 Legislative Rule-Making Review Committee and refiled
27 in the State Register on the twelfth day of January, two
28 thousand seven, relating to the Secretary of State
29 (absentee voting by military voters who are members of
30 reserve units called to active duty, 153 CSR 23) is
31 authorized.

32 (d) The legislative rule filed in the State Register on
33 the twenty-eighth day of July, two thousand six,
34 authorized under the authority of section six, article
35 one-a, chapter three of this code, modified by the
36 Secretary of State to meet the objections of the
37 Legislative Rule-Making Review Committee and refiled
38 in the State Register on the twenty-second day of
39 December, two thousand six, relating to the Secretary
of State (procedures for handling ballots and counting
write-in votes in counties using optical scan ballots, 153
CSR 27) is authorized.

(e) The legislative rule filed in the State Register on
the twenty-eighth day of July, two thousand six,
authorized under the authority of section five hundred
twenty-six, article nine, chapter forty-six of this code,
modified by the Secretary of State to meet the
objections of the Legislative Rule-Making Review
Committee and refiled in the State Register on the
nineteenth day of October, two thousand six, relating to
the Secretary of State (Uniform Commercial Code, 153
CSR 35) is authorized.

(f) The legislative rule filed in the State Register on
the first day of September, one thousand nine hundred
eighty-nine, authorized under the authority of section
four hundred seven, article nine, chapter forty-six of
this code, modified by the Secretary of State to meet the
objections of the Legislative Rule-Making Review
Committee and refiled in the State Register on the
twentieth day of November, one thousand nine hundred
eighty-nine, relating to the Secretary of State (West
Virginia Product Lien Central Filing System, 153 CSR
13) is hereby repealed.


The legislative rule filed in the State Register on the
twenty-fifth day of July, two thousand six, authorized
under the authority of section six, article three-a,
chapter twelve of this code, modified by the Treasurer's
Office to meet the objections of the Legislative Rule-
Making Review Committee and refiled in the State
Register on the twenty-seventh day of October, two thousand six, relating to the Treasurer's Office (providing services to political subdivisions, 112 CSR 13) is authorized with the following amendments:

On page one, subsection 1.1., by striking out the word "Services" and inserting in lieu thereof the word "services" and by striking out the words "Political Subdivisions" and inserting in lieu thereof the words "political subdivisions";

On page one, subsection 2.4., by striking out the word "Fee" and inserting in lieu thereof the word "fee";

On page one, subsection 2.5., after the word "Credit" by striking out the word "Card" and inserting in lieu thereof the word "card" and by striking out the words "Charge Card" and inserting in lieu thereof the words "charge card";

On page two, subsection 2.6., by striking out the word "Merchant" and inserting in lieu thereof the word "merchant";

On page two, subsection 2.7., after the word "Debit" by striking out the word "Card" and inserting in lieu thereof the word "card" and by striking out the words "Financial Institution" and inserting in lieu thereof the words "financial institution";

On page two, subsection 2.8., after the word "Discount" by striking out the word "Fee" and inserting in lieu thereof the word "fee"; by striking out the word "Merchant" and inserting in lieu thereof the word "merchant"; and by striking out the words "Card
On page two, subsection 2.9., by striking out the words “Electronic Payment” and inserting in lieu thereof the words “electronic payment”;

On page two, subsection 2.11., after the word “Electronic” by striking out the word “Payment” and inserting in lieu thereof the words “payment” and by striking out the words “Wire Transfer” and inserting in lieu thereof the words “wire transfer”;

On page two, subsection 2.12., after the word “Financial” by striking out the word “Institution” and inserting in lieu thereof the word “institution”;

On page two, subsection 2.16., by striking out the words “Lockbox Services” and inserting in lieu thereof the words “lockbox services” and by striking out the words “Financial Institution” and inserting in lieu thereof “financial institution”;

On page three, subsection 2.17., by striking out the words “Political Subdivisions” and inserting in lieu thereof the words “political subdivisions”;

On page three, subsection 2.18., after the word “Political” by striking out the word “Subdivision” and inserting in lieu thereof the words “subdivision” and by striking out the words “Board of Education” and inserting in lieu thereof the words “board of education”;

On page three, subsection 2.19., after the words “Point of” by striking out the word “Sale Terminal” and
inserting in lieu thereof the words “sale terminal”; after the word “POS” by striking out the word “Terminal” and inserting in lieu thereof the word “terminal”; and, on lines three and four, by striking out the words “Financial Institution” and inserting in lieu thereof the words “financial institution”;

On page three, subsection 2.21., by striking out the words “Lockbox Services” and inserting in lieu thereof the words “lockbox services”;

On page three, subsection 2.25., by striking out the words “Wholesale Lockbox” and inserting in lieu thereof the words “wholesale lockbox”; by striking out “Wholesale Lockbox Services” and inserting in lieu thereof the words “wholesale lockbox services”; and by striking out “Wholetail Lockbox Services” and inserting in lieu thereof “wholetail lockbox services”;

On page three, subsection 2.26., after the word “Wire” by striking out the word “Transfer” and inserting in lieu thereof the word “transfer”;  

On page three, subsection 3.1., after the word “Political” by striking out the word “Subdivision” and inserting in lieu thereof the word “subdivision”;

On page four, subsections 3.2. and 3.3., by striking out the words “Political Subdivision” and inserting in lieu thereof the words “political subdivision”;

On page four, subsection 3.5., by striking out the word “Services” and inserting in lieu thereof the word “services”;
On page four, subsection 3.7., by striking out the words “Political Subdivision” and inserting in lieu thereof the words “political subdivision” and by striking out the word “Services” and inserting in lieu thereof the word “services”;

On page four, subsections 4.1., 4.3., and 4.4., after the word “Political” by striking out the word “Subdivisions” and inserting in lieu thereof the word “subdivisions” and by striking out the word “Services” and inserting in lieu thereof the word “services”;

On page four, subsection 4.2., by striking out the words “Political Subdivision” and inserting in lieu thereof the words “political subdivision”;

On page four, subsections 4.5., by striking out the words “Political Subdivisions” and inserting in lieu thereof the words “political subdivisions”;

On page five, subdivisions 5.5.(a) and 5.5(e), by striking out the word “Services” and inserting in lieu thereof the word “services”;

On page five, subdivisions 5.5.(b) and 5.5.(f), by striking out the words “Political Subdivision” and inserting in lieu thereof the words “political subdivision”;

On page five, subdivision 5.5.(c), by striking out the words “Political Subdivision” and inserting in lieu thereof the words “political subdivision” and by striking out the word “Services” and inserting in lieu thereof the word “services”;
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On page five, subdivision 5.5.(d), by striking out the words "Political Subdivisions" and inserting in lieu thereof the words "political subdivisions" and by striking out the word "Services" and inserting in lieu thereof the word "services";

On page five, subdivision 5.5.(g), by striking out the words "Political Subdivision" and inserting in lieu thereof the words "political subdivision" and by striking out the words "Political Subdivisions" and inserting in lieu thereof the words "political subdivisions";

On page five, subsection 5.2., by striking out the words "Political Subdivision" and inserting in lieu thereof the words "political subdivision";

On page five, subsection 6.1., by striking out the words "Political Subdivision" and inserting in lieu thereof the words "political subdivision"; by striking out the word "Services" and inserting in lieu thereof the word "services"; and by striking out the words "Convenience Fee" and inserting in lieu thereof the words "convenience fee";

And,

On page five, subsection 6.2., by striking out the words "Convenience Fee" and inserting in lieu thereof the words "convenience fee".

§64-9-16. Board of Veterinary Medicine.

The legislative rule filed in the State Register on the twenty-eighth day of July, two thousand six, authorized
under the authority of section four, article ten, chapter thirty of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twentieth day of October, two thousand six, relating to the Board of Veterinary Medicine (registration of veterinary technicians, 26 CSR 3) is authorized with the following amendments:

On page one, subsection 1.2., by striking out “30-10-7” and inserting in lieu thereof “30-10-1 and §30-10-4”;

On page one, subsection 2.2, after the words “physically present and”, by striking out the words “that he or she is within proper visual or audible distance to adequately” and inserting in lieu thereof the words “within adequate visual and audible distance to”;

On page one, subsection 2.3., lines one and two, by striking out the words “under the direction of a veterinarian”;

On page one, subsection 2.3, after the words “veterinarian who”, by striking out the words “may or may not be physically present.” and inserting in lieu thereof the words “is physically present in the building where and when the procedures are being performed.”;

On page two, subsection 3.1., after the word “Technology”, by striking out the comma;

On page three, subsection 9.B, after subdivision (10), by inserting the word “and” and a new subdivision (11) to read as follows:
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31 "(11) Perform external suturing."

32 On page seven, subsection 15.1, after the words
33 "veterinary technology" by inserting a comma and the
34 words "at least four (4) of which must be in the field of
35 veterinary science,";

36 And,

37 On page nine, subdivision 16.1.b., after the words
38 "continuing education hours" by inserting a comma and
39 the words "at least four (4) of which must be in the field
40 of veterinary science".
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this 4th day of April, 2007.

Governor