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OFFICE WEST V. ...
SECRETARY OF STATE

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.]

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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.**

§64-9-1. Commissioner of Agriculture.

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

11 (b) The legislative rule filed in the State Register on
12 the twentieth day of July, two thousand six, authorized
13 under the authority of section eight, article fifteen-a,

14 chapter nineteen of this code, modified by the
15 Commissioner of Agriculture to meet the objections of
16 the Legislative Rule-Making Review Committee and
17 refiled in the State Register on the fifteenth day of
18 September, two thousand six, relating to the
19 Commissioner of Agriculture (West Virginia
20 Agricultural Liming Materials Law, 61 CSR 6A) is
21 authorized with the following amendments:

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

25 And,

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

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

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

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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.

§64-9-3. State Auditor.

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.

§64-9-4. State Conservation Agency.

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-

4 a, chapter nineteen of this code, modified by the State
5 Conservation Agency to meet the objections of the
6 Legislative Rule-Making Review Committee and refiled
7 in the State Register on the seventeenth day of
8 November, two thousand six, relating to the State
9 Conservation Agency (State Conservation Committee,
10 63 CSR 1) is authorized.

§64-9-5. Board of Examiners in Counseling.

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

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

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

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

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

20 On page six, paragraph 6.1.b.11, after the words

21 “family counseling/therapy” by inserting a semicolon;

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

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

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

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

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

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

45 On page nine, section eight, line one by striking out
46 “8.1.”;

47 On page ten, by redesignating subdivisions 8.1.a.

48 through 8.1.c. as subdivisions 8.1 through 8.3.;

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

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

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

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

59 And,

60 On page fourteen, by redesignating subdivisions
61 17.1.a. through 17.1.e. as subdivisions 17.1. through
62 17.5.

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

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

71 On page two, subdivision 5.1.a., line nine, after the
72 words "renewals can" by inserting the word "be" and
73 after the words "obtained through" by striking out

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
81 “programs” by changing the semicolon to a period;

82 On page three, subsection 5.9., by striking out “5.9.1.”;

83 On page three, subdivision 5.9.1, line five, by striking
84 out the word “program” and, after the words “home
85 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-
4 a, 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

9 (establishment of a fee schedule and costs allocations
10 applicable to the issuance of bonds by the Hospital
11 Finance Authority, 116 CSR 1) is authorized.

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

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

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

15 On page one, subdivision 2.2.e., by striking out the
16 word "Means";

17 On page two, subdivision 2.2.g., by striking out the
18 word "Means";

19 On page two, subdivision 2.2.j., by striking out the
20 word "Means";

21 On page three, subsection 3.5., line three, by striking
22 out the word "Secretaries" and inserting in lieu thereof
23 the word "secretaries";

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

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

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

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

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

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

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

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

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

47 On page four, subsection 5.1., by striking out the word
48 "plus" and inserting in lieu thereof the word "and";

49 On page four, subsection 5.2., after the word “place”
50 by striking out the period and the words “The Board”
51 and inserting in lieu thereof the word “and”;

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

56 On page five, subsection 5.4., after the word “failed,
57 by striking out the words “must be retaken”;

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

61 On page five, subsection 5.5., by striking out the word
62 “must” and inserting in lieu thereof the words “who
63 fails to”;

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

67 On page five, subsection 5.6., by striking out the
68 words “in the event that” and inserting in lieu thereof
69 the word “if”;

70 On page five, subsection 5.6., by striking out the
71 words “maintain a credit of” and inserting in lieu
72 thereof the word “credit”;

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

76 the words "The credit";

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

81 On page five, section six, by striking out subsection
82 6.3. in its entirety and inserting in lieu thereof the
83 following: "6.3. A temporary permit may not be renewed
84 or a new one issued.";

85 On page five, subsection 7.1., by striking out the
86 words "to the Board within thirty (30) days of the
87 change" and after the words "current information" by
88 inserting the words "within thirty (30) days of the
89 change";

90 On page five, subdivision 7.3.a., after the word
91 "requirements" by striking out the word "as";

92 On page five, subdivision 7.3.b., by striking out the
93 word "required" and inserting in lieu thereof the word
94 "renewal";

95 On page five, subdivision 7.3.b., after the word "fee"
96 by inserting the word "and";

97 On page six, subdivision 7.3.c., by striking out the
98 word "prescribed in" and by inserting the words "in
99 accordance with";

100 On page six, subdivision 7.4.f., by striking out the
101 word "shall" and inserting in lieu thereof the word
102 "may";

103 On page six, subdivision 7.5.a., after the words "(4)
104 years" by striking out the comma and the word
105 "desiring" and inserting in lieu thereof the words "and
106 who desires";

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

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

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

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

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

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

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

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

127 On page seven, subsection 8.3., by striking out the
128 words "for the use in the State of West Virginia";

129 On page seven, subdivisions 8.4.b. through 8.4.d., by
130 capitalizing the word "the";

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

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

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

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

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

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

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

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

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

154 On page nine, subsection 9.6., by striking out "9.6.a."
155 and redesignating paragraphs 9.6.a.1. through 9.6.a.4. as
156 subdivisions 9.6.a. through 9.6.d.;

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

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

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

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

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

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

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

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

177 On page ten, subdivision 10.3.e., after the words
178 "upon request" by striking out the words "of the
179 landscape architect";

180 On page ten, subdivision 10.4.d., after the word
181 "advice" by striking out the comma and the word
182 "who" and inserting in lieu thereof the word "which";

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

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

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

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

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

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

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

203 On page eleven, subdivision 10.5.e., line one, by
204 striking out the word "shall" and inserting in lieu
205 thereof the word "may";

206 On page eleven, subdivision 10.5.e., by striking out the
207 word "organization" and inserting in lieu thereof the
208 word "firm";

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

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

215 On page eleven, subdivision 10.5.f., line one, by
216 striking out the word "shall" and inserting in lieu
217 thereof the word "may";

218 On page eleven, subdivision 10.5.f., line two, by
219 striking out the word "shall" and inserting in lieu
220 thereof the word "may";

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

224 On page twelve, subsection 10.6., line one, by striking
225 out the word "shall" and inserting in lieu thereof the
226 word "may";

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

230 On page twelve, subsection 10.6., line two, by striking
231 out the word "shall" and inserting in lieu thereof the
232 word "may";

233 On page twelve, subsection 10.6., after the words “of
234 prior assignments.” by striking out the remainder of the
235 subsection;

236 On page twelve, subsection 10.7., line one, by striking
237 out the word “shall” and inserting in lieu thereof the
238 word “may”;

239 And,

240 On page twelve, subsection 10.9., after the words
241 “grounds for” by striking out the words “a charge of”
242 and inserting in lieu thereof the words “charging a
243 violation”.

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

254 On page one, section two, by striking out “2.1” and by
255 redesignating subdivisions 2.1.a. through 2.1.c. as
256 subdivisions 2.1. through 2.3.;

257 On page one, subdivision 2.1.c., after the word
258 “tutorials” by striking out the semicolon:

259 On page one, subdivision 2.1.c., after the word
260 “provided”, by striking out the comma;

261 on page one, subsection 3.1., by striking out the words
262 “for each renewal period” and inserting in lieu thereof
263 the word “annually”;

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

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

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

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

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

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

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

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

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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

315 “occurs.” by striking out the remainder of the
316 subdivision;

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

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

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

327 And,

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

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

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

339 2.2. “Board” means the West Virginia State Board of
340 Landscape Architects.;

341 On page one, by striking out "2.2.a." and inserting in
342 lieu thereof "2.3.";

343 On page one, subdivision 2.2.a., by placing quotation
344 marks around the word "Registrant" and by striking
345 out the hyphen and inserting in lieu thereof the word
346 "means";

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

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

353 On page one, subsection 3.2., after the word
354 "registrant" by striking out the words "during the
355 month of April of each year";

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

359 And,

360 On page one, subsection 3.4., after the word "June",
361 by inserting a comma and the words "the registrant's
362 license".

§64-9-8. Massage Therapy Licensure Board.

1 The legislative rule filed in the State Register on the
2 seventeenth day of July, two thousand six, authorized
3 under the authority of section six, article thirty-seven,

4 chapter thirty of this code, modified by the Massage
5 Therapy Licensure Board to meet the objections of the
6 Legislative Rule-Making Review Committee and refiled
7 in the State Register on the third day of August, two
8 thousand six, relating to the Massage Therapy
9 Licensure Board (general provisions, 194 CSR 1) is
10 authorized with the following amendment:

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

§64-9-9. Board of Medicine.

1 The legislative rule filed in the State Register on the
2 twenty-second day of May, two thousand six,
3 authorized under the authority of section seven, article
4 three, chapter thirty of this code, modified by the Board
5 of Medicine to meet the objections of the Legislative
6 Rule-Making Review Committee and refiled in the State
7 Register on the twenty-sixth day of July, two thousand
8 six, relating to the Board of Medicine (licensing and
9 disciplinary procedures for physicians and podiatrists,
10 11 CSR 1A) is authorized.

§64-9-10. Board of Osteopathy.

1 The legislative rule filed in the State Register on the
2 twenty-seventh day of July, two thousand six,
3 authorized under the authority of section one, article
4 fourteen-a, chapter thirty of this code relating to the
5 Board of Osteopathy (osteopathic physician assistants,
6 24 CSR 2) is authorized.

§64-9-11. Board of Pharmacy.

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

§64-9-12. Real Estate Commission.

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

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

§64-9-13. Board of Registered Professional Nurses.

1 (a) The legislative rule filed in the State Register on
2 the sixteenth day of June, two thousand six, authorized
3 under the authority of section four, article seven,
4 chapter thirty of this code, modified by the Board of
5 Examiners for Registered Professional Nurses to meet
6 the objections of the Legislative Rule-Making Review
7 Committee and refiled in the State Register on the
8 twenty-eighth day of July, two thousand six, relating to

9 the Board of Examiners for Registered Professional
10 Nurses (policies and criteria for the evaluation and
11 accreditation of colleges, departments or schools of
12 nursing, 19 CSR 1) is authorized.

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

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

28 On page one, subsection 1.2, by striking out "and §30-
29 1-4";

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

34 On page one, subsection 2.3., by striking out the words
35 "Professional Character" and inserting in lieu thereof
36 the words "professional character" and by striking out
37 the word "Board" and inserting in lieu thereof the word
38 "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 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.

67 3.1.a.4.F. Instead of requiring the applicant to apply
68 directly to the State Police for the criminal history
69 records checks, the board may contract with a company
70 specializing in the services required by this paragraph.

71 3.1.a.4.G. The board may deny licensure or
72 certification to any applicant who fails or refuses to
73 submit the criminal history records checks required by
74 this subsection.;

75 On page two, subdivision 3.1.b., by striking out the
76 word "Veterans" and inserting in lieu thereof the word
77 "veterans";

78 On page two, subdivision 3.1.b., after the words "et
79 seq." by inserting the words "an applicant who is a
80 veteran";

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

83 3.1.b.5. request and submit to the board the results of
84 a state and a national electronic criminal history
85 records check by the State Police.

86 3.1.b.5.A. The applicant shall furnish to the State
87 Police a full set of fingerprints and any additional
88 information required to complete the criminal history
89 records checks.

90 3.1.b.5.B. The applicant is responsible for any fees
91 required by the State Police in order to complete the
92 criminal history records checks.

93 3.1.b.5.C. The criminal history records required by

94 this paragraph must have been requested within
95 the twelve (12) months immediately before the
96 application is filed with the Board.

97 3.1.b.5.D. The board may require the applicant to
98 obtain an electronic criminal history records check from
99 a similar agency in the state of the technician or
100 applicant's residence, if outside of West Virginia.

101 3.1.b.5.E. To be qualified for licensure, the results of
102 the criminal history records checks must be
103 unremarkable and verified by a source acceptable to the
104 board other than the applicant.

105 3.1.b.5.F. Instead of requiring the applicant to apply
106 directly to the State Police for the criminal history
107 records checks, the board may contract with a company
108 specializing in the services required by this paragraph.

109 3.1.b.5.G. The board may deny licensure or
110 certification to any applicant who fails or refuses to
111 submit the criminal history records checks required by
112 this subsection.;

113 On page four, by redesignating subparagraph
114 3.1.c.5.B. as part 3.1.c.5.B.1. and by redesignating part
115 3.1.c.5.B.1. as part 3.1.c.5.B.2.;

116 On page four, subparagraph 3.1.c.5.C., by striking out
117 the word "Provide" and inserting in lieu thereof the
118 word "provide";

119 On page four, by striking out paragraph 3.1.c.6. in its
120 entirety and inserting in lieu thereof the following:

121 3.1.c.6. Request and submit to the board the results of
122 a state and a national electronic criminal history
123 records check by the State Police.

124 3.1.c.6.A. The applicant shall furnish to the State
125 Police a full set of fingerprints and any additional
126 information required to complete the criminal history
127 records checks.

128 3.1.c.6.B. The applicant is responsible for any fees
129 required by the State Police in order to complete the
130 criminal history records checks.

131 3.1.c.6.C. The criminal history records required by
132 this paragraph must have been requested within
133 the twelve (12) months immediately before the
134 application is filed with the Board.

135 3.1.c.6.D. The board may require the applicant to
136 obtain an electronic criminal history records check from
137 a similar agency in the state of the technician or
138 applicant's residence, if outside of West Virginia.

139 3.1.c.6.E. To be qualified for licensure, the results of
140 the criminal history records checks must be
141 unremarkable and verified by a source acceptable to the
142 board other than the applicant.

143 3.1.c.6.F. Instead of requiring the applicant to apply
144 directly to the State Police for the criminal history
145 records checks, the board may contract with a company
146 specializing in the services required by this paragraph.

147 3.1.c.6.G. The board may deny licensure or
148 certification to any applicant who fails or refuses to

149 submit the criminal history records checks required by
150 this subsection.;

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

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

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

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

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

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

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

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

172 On page nine, subdivision 7.1.c., by striking out the
173 word "Board" and inserting in lieu thereof the word
174 "board";

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175 On page nine, subdivision 7.1.d., after the word
176 "system" by striking out the word "as";

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

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

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

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

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

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

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

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

200 On page twelve, subsection 9.2., by striking out

201 "9.2.a";

202 On page twelve, subsection 9.3., by striking out
203 "9.3.a";

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

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

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

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

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

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

222 On page thirteen, section eleven, by striking out
223 "11.1";

224 On page thirteen, section eleven, line eight, by striking
225 out the word "as";

226 On page thirteen, subsection 12.1., after the words
227 “registration and” by striking out the word “a” and
228 inserting the word “the”;

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

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

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

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

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

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

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

248 14.3. Based on the nature of the complaint filed
249 against a licensee, technician, or of the information
250 received about an applicant, the Board may require the
251 technician or applicant to request and submit to the
252 Board the results of a state and a national electronic

253 criminal history records check by the State Police.

254 14.3.a. The licensee, technician, or applicant under
255 investigation shall furnish to the State Police a full set
256 of fingerprints and any additional information required
257 to complete the criminal history records check.

258 14.3.b. The licensee, technician, or applicant under
259 investigation is responsible for any fees required by the
260 State Police in order to complete the criminal history
261 records check.

262 14.3.c. The Board may require the licensee, technician,
263 or applicant to obtain an electronic criminal history
264 records check from a similar agency in the state of the
265 technician or applicant's residence, if outside of West
266 Virginia.

267 14.3.d. Instead of requiring the licensee, technician, or
268 applicant under investigation to apply directly to the
269 State Police for the criminal history records checks, the
270 Board may contract with a private vendor to provide
271 the services required in this subsection.

272 14.3.e. The Board may deny licensure or certification
273 or take disciplinary action against any licensee,
274 technician, or applicant who fails or refuses to submit
275 the criminal history records checks required by this
276 subsection.;

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

280 On page eighteen, subdivision 15.1.c., after the words

281 “satisfaction of” by striking out the word “Board’s” and
282 inserting in lieu thereof the word “board’s”;

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

286 And,

287 On page eighteen, section sixteen, by striking out
288 “16.1”.

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

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

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

304 And,

305 On page six, paragraph 4.4.2.a, by striking out the
306 word “completed” and inserting in lieu thereof the word
307 “Completing”.

308 (d) The legislative rule filed in the State Register on
309 the thirtieth day of August, two thousand five,
310 authorized under the authority of sections six and
311 seven, article seven-c, chapter thirty of this code,
312 modified by the Board of Examiners for Registered
313 Professional Nurses to meet the objections of the
314 Legislative Rule-Making Review Committee and refiled
315 in the State Register on the twenty-eighth day of July,
316 two thousand six, relating to the Board of Examiners
317 for Registered Professional Nurses (dialysis technicians,
318 19 CSR 13) is authorized with the following
319 amendments:

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

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

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

327 2.1. "Advisory council" means the Dialysis Technician
328 Advisory Council provided for in W. Va. Code §30-7C-9;

329 2.2. "Board" means the West Virginia Board of
330 Examiners for Registered Professional Nurses;

331 and by renumbering the remaining subsections
332 accordingly;

333 On page one, subsection 2.1., line two, by striking out
334 the words "comprised of" and inserting in lieu thereof
335 a comma and the word "including";

336 On page one, subsection 2.4., by striking out the words
337 “upon delegation by the registered professional nurse or
338 physician”;

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

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

343 2.8. “Nurse administrator” means the registered
344 professional nurse responsible for administering a
345 Board-approved dialysis technician training program;

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

348 2.11. “Training program” means a dialysis training
349 program;

350 On page two, subsection 3.1., by striking out the
351 words “providing hemodialysis care” and after the word
352 “provide” by inserting the word “hemodialysis”;

353 On page two, subsection 3.1, by striking out the words
354 “that the performance of the care be delegated” and
355 inserting in lieu thereof the words “the delegation of
356 authority”;

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

359 3.2. The dialysis technician may not being dialysis
360 care until a registered professional nurse or physician
361 has first assessed the patient upon entering the dialysis

362 unit to assure that he or she is stable and then delegated
363 dialysis care to the dialysis technician.;

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

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

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

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

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

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

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

387 On page four, by striking out paragraph 3.5.g.8. in its
388 entirety and inserting in lieu thereof the following:

389 3.5.g.8. Not engage in sexual misconduct or in conduct
390 that may reasonably be interpreted as sexual or in any
391 verbal behavior that is or may reasonably be interpreted
392 as seductive or sexually demeaning to a patient. The
393 patient is always presumed incapable of giving free, full
394 or informed consent to these behaviors; and;

395 On page four, paragraph 3.5.g.9., by striking out the
396 word "Treats" and inserting in lieu thereof the word
397 "Treat";

398 On page four, subdivision 3.5.h., after the word
399 "technician" by inserting the word "shall";

400 On page four, paragraph 3.5.h.1., by striking out the
401 word "Implements" and inserting in lieu thereof the
402 word "Implement";

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

407 On page four, paragraph 3.5.h.1., by striking out
408 "3.5.h.1.a" and by redesignating parts 3.5.h.1.a.1 and
409 3.5.h.1.a.2 as subparagraphs 3.5.h.1.A. and 3.5.h.1.B.;

410 On page five, paragraph 3.5.h.2., by striking out the
411 word "Initiates" and inserting in lieu thereof the word
412 "Initiate";

413 On page five, subdivision 3.5.i., by striking out the
414 word "shall" and inserting in lieu thereof the word
415 "may";

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416 On page five, subsection 3.7., after the words “subject
417 to” by inserting the word “disciplinary”;

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

420 On page five, subsection, 4.1., by striking out the word
421 “only” and, after the word “medications” by striking
422 out the word “as” and inserting in lieu thereof the word
423 “if”;

424 On page five, subsection, 4.1., after the words
425 “prescription and” by striking out the word “as”;

426 On page five, subsection, 4.2., by striking out the
427 words “Administration of” and inserting in lieu thereof
428 the words “Except as provided by this rule, a dialysis
429 technician may not administer” and after the word
430 “medications” by striking out the remainder of the
431 subsection;

432 On page six, subdivision 5.1.a., by striking out the
433 words “to be approved” and inserting in lieu thereof the
434 word “approval” and, after the word “shall” by striking
435 out the colon and inserting the word “shall”;

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

440 On page seven, subsection 5.2., by striking out the
441 words “make a determination regarding the approval
442 status of” and inserting in lieu thereof the words “either
443 approve or disapprove”;

444 On page seven, subsection 5.3., by striking out the
445 words "be current" and inserting in lieu thereof the
446 word "continue";

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

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

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

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

458 6.1.c. The training program shall immediately notify
459 the Board in writing when the nurse administrator
460 vacates the position or is replaced and provide the name
461 and qualifications of the new or interim nurse
462 administrator. A training program may not initiate a
463 new class of dialysis technician trainees unless the new
464 or interim nurse administrator meets the has the
465 qualifications required by this rule.;

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

469 On page eight, paragraph 6.1.d.1., after the word
470 "instructor" by striking out the words "shall be
471 provided";

472 On page eight, paragraph 6.1.d.2., by striking out the
473 words "registered professional nurse who is responsible
474 for administering the program" and inserting in lieu
475 thereof the words "nurse administrator";

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

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

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

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

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

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

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

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

496 On page nine, subdivision 6.1.f., after the word
497 "twenty" by inserting "(320)";

498 On page nine, subdivision 6.1.f., line four, by striking
499 out the words "shall include";

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

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

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

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

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

515 6.1.f.2. The program shall develop written tests for
516 each unit in the curriculum, including a final test, and
517 shall conduct a skills performance evaluation.

518 On page eleven, by striking out subparagraph
519 6.1.f.2.A. in its entirety and inserting in lieu thereof the
520 following:

521 6.1.f.2.A. Exams may be administered by paper/pencil
522 or by computer;

523 On page twelve, subdivision 6.1.g., by striking out the

524 words "registered professional nurse responsible for
525 administering the program" and inserting in lieu
526 thereof the words "nurse administrator";

527 On page twelve, subdivision 6.1.g., after the word
528 "adopt" by inserting the word "written";

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

531 On page twelve, paragraph 6.1.g.5., after the words
532 "completed the" by inserting the words "three hundred
533 twenty";

534 On page twelve, subparagraph 6.1.g.6.A., by striking
535 out the words "dialysis technician-";

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

540 On page thirteen, subparagraph 6.1.g.6.C., by striking
541 out the word "completed" and inserting in lieu thereof
542 the word "completes";

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

547 On page fourteen, subdivision 6.1.h., after the words
548 "training program," by inserting the words "the
549 program shall notify";

550 On page fourteen, subdivision 6.1.h., by striking out
551 the words "shall be notified";

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

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

557 6.1.i. If any changes are made to the training program
558 previously approved by the Board when a facility
559 changes ownership, the training program may only be
560 approved as a new program;

561 On page fifteen, subdivision 7.2.c., by striking out the
562 words "registered professional nurse responsible for
563 administering the program" and inserting in lieu
564 thereof the words "nurse administrator";

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

568 On page sixteen, subdivision 8.2.c., after the words
569 "deficiency report" and "any" by changing the
570 semicolons to commas;

571 On page seventeen, subdivision 10.1.b., by striking out
572 the word "organization" and inserting in lieu thereof
573 the word "organization's";

574 On page eighteen, subsection 10.3., after the words
575 "set forth in" by striking out the words "subdivision
576 13.10.1" and inserting in lieu thereof "subsection 10.1";

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577 On page eighteen, subsection 10.3., by striking out the
578 words "subdivision 13.10.1" and inserting in lieu
579 thereof subsection 10.1";

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

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

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

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

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

594 On page eighteen, section eleven, by striking out
595 "11.1." and by redesignating subdivisions 11.1.a.
596 through 11.1.c. as subdivisions 11.1. through 11.3.;

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

601 On page eighteen, section eleven, after the word
602 "organization" by striking out the words "approved by
603 the Board of Nursing. The approved testing

604 organizations are”;

605 On page nineteen, subsection 12.5., by striking out
606 “fo” and inserting in lieu thereof the word “for”;

607 On page nineteen, by striking out “13.1”;

608 On page nineteen, section thirteen, after the words
609 “July 1” by striking out the comma;

610 On page nineteen, subsection 14.1., by striking out the
611 words “in order to engage in dialysis care”;

612 On page twenty, subdivision 14.1.a., by striking out
613 the words “shall be submitted”;

614 On page twenty, subdivision 14.1.d., after the
615 semicolon by inserting the word “and”;

616 On page twenty, subdivision 14.1.e., after “DUI)” by
617 striking out the semicolon;

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

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

623 On page twenty-one, subdivision 14.8.a., by striking
624 out the word “Boards” and inserting in lieu thereof the
625 word “Board’s”;

626 On page twenty-one, subdivision 14.8.e., by striking
627 out the word “Completion” and inserting in lieu thereof

628 the words "The results";

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

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

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

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

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

642 16.3. Based on the nature of the complaint filed
643 against a technician or of the information received
644 about an applicant, the

645 Board may require the technician or applicant to
646 request and submit to the Board the results of a state
647 and a national electronic criminal history records check
648 by the State Police.

649 16.3.a. The technician or applicant under investigation
650 shall furnish to the State Police a full set of fingerprints
651 and any additional information required to complete
652 the criminal history records check.

653 16.3.b. The technician or applicant under

654 investigation is responsible for any fees required by the
655 State Police in order to complete the criminal history
656 records check.

657 16.3.c. The Board may require the technician or
658 applicant to obtain an electronic criminal history
659 records check from a similar agency in the state of the
660 technician or applicant's residence, if outside of West
661 Virginia.

662 16.3.d. Instead of requiring the technician or applicant
663 under investigation to apply directly to the State Police
664 for the criminal history records checks, the Board may
665 contract with a private vendor to provide the services
666 required in this subsection.

667 16.3.e. The Board may deny certification or take
668 disciplinary action against any technician or applicant
669 who fails or refuses to submit the criminal history
670 records checks required by this subsection.;

671 And,

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

§64-9-14. Secretary of State.

1 (a) The legislative rule filed in the State Register on
2 the twenty-eighth day of July, two thousand six,
3 authorized under the authority of section six, article
4 one-a, chapter three of this code, modified by the
5 Secretary of State to meet the objections of the
6 Legislative Rule-Making Review Committee and refiled
7 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

40 of State (procedures for handling ballots and counting
41 write-in votes in counties using optical scan ballots, 153
42 CSR 27) is authorized.

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

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

§64-9-15. State Treasurer.

1 The legislative rule filed in the State Register on the
2 twenty-fifth day of July, two thousand six, authorized
3 under the authority of section six, article three-a,
4 chapter twelve of this code, modified by the Treasurer's
5 Office to meet the objections of the Legislative Rule-
6 Making Review Committee and refiled in the State

7 Register on the twenty-seventh day of October, two
8 thousand six, relating to the Treasurer's Office
9 (providing services to political subdivisions, 112 CSR
10 13) is authorized with the following amendments:

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

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

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

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

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

31 On page two, subsection 2.8., after the word
32 "Discount" by striking out the word "Fee" and
33 inserting in lieu thereof the word "fee"; by striking out
34 the word "Merchant" and inserting in lieu thereof the
35 word "merchant"; and by striking out the words "Card

36 Issuer” and inserting in lieu thereof the words “card
37 issuer”;

38 On page two, subsection 2.9., by striking out the
39 words “Electronic Payment” and inserting in lieu
40 thereof the words “electronic payment”;

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

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

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

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

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

62 On page three, subsection 2.19., after the words “Point
63 of” by striking out the word “Sale Terminal” and

64 inserting in lieu thereof the words "sale terminal"; after
65 the word "POS" by striking out the word "Terminal"
66 and inserting in lieu thereof the word "terminal"; and,
67 on lines three and four, by striking out the words
68 "Financial Institution" and inserting in lieu thereof the
69 words "financial institution";

70 On page three, subsection 2.21., by striking out the
71 words "Lockbox Services" and inserting in lieu thereof
72 the words "lockbox services";

73 On page three, subsection 2.25., by striking out the
74 words "Wholesale Lockbox" and inserting in lieu
75 thereof the words "wholesale lockbox"; by striking out
76 "Wholesale Lockbox Services" and inserting in lieu
77 thereof the words "wholesale lockbox services"; and by
78 striking out "Wholesale Lockbox Services" and
79 inserting in lieu thereof "wholesale lockbox services";

80 On page three, subsection 2.26., after the word "Wire"
81 by striking out the word "Transfer" and inserting in
82 lieu thereof the word "transfer";

83 On page three, subsection 3.1., after the word
84 "Political" by striking out the word "Subdivision" and
85 inserting in lieu thereof the word "subdivision";

86 On page four, subsections 3.2. and 3.3., by striking out
87 the words "Political Subdivision" and inserting in lieu
88 thereof the words "political subdivision";

89 On page four, subsection 3.5., by striking out the word
90 "Services" and inserting in lieu thereof the word
91 "services";

92 On page four, subsection 3.7., by striking out the
93 words "Political Subdivision" and inserting in lieu
94 thereof the words "political subdivision" and by
95 striking out the word "Services" and inserting in lieu
96 thereof the word "services";

97 On page four, subsections 4.1., 4.3., and 4.4., after the
98 word "Political" by striking out the word
99 "Subdivisions" and inserting in lieu thereof the word
100 "subdivisions" and by striking out the word "Services"
101 and inserting in lieu thereof the word "services";

102 On page four, subsection 4.2., by striking out the
103 words "Political Subdivision" and inserting in lieu
104 thereof the words "political subdivision";

105 On page four, subsections 4.5., by striking out the
106 words "Political Subdivisions" and inserting in lieu
107 thereof the words "political subdivisions";

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

111 On page five, subdivisions 5.5.(b) and 5.5.(f), by
112 striking out the words "Political Subdivision" and
113 inserting in lieu thereof the words "political
114 subdivision";

115 On page five, subdivision 5.5.(c), by striking out the
116 words "Political Subdivision" and inserting in lieu
117 thereof the words "political subdivision" and by
118 striking out the word "Services" and inserting in lieu
119 thereof the word "services";

120 On page five, subdivision 5.5.(d), by striking out the
121 words "Political Subdivisions" and inserting in lieu
122 thereof the words "political subdivisions" and by
123 striking out the word "Services" and inserting in lieu
124 thereof the word "services";

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

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

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

141 And,

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

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

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 ten, chapter
4 thirty of this code, modified by the Board of Veterinary
5 Medicine to meet the objections of the Legislative Rule-
6 Making Review Committee and refiled in the State
7 Register on the twentieth day of October, two thousand
8 six, relating to the Board of Veterinary Medicine
9 (registration of veterinary technicians, 26 CSR 3) is
10 authorized with the following amendments:

11 On page one, subsection 1.2., by striking out “30-10-
12 7” and inserting in lieu thereof “30-10-1 and §30-10-4”;

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

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

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

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

28 On page three, subsection 9.B, after subdivision (10),
29 by inserting the word “and” and a new subdivision (11)
30 to read as follows:

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”.

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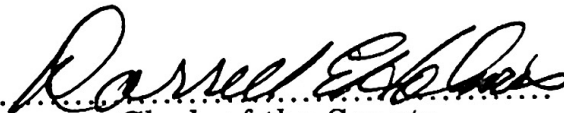
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee


.....
Chairman House Committee

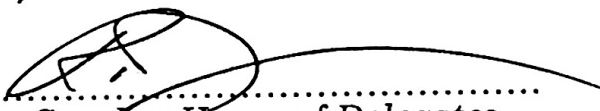
Originated in the Senate.

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
the *4th* Day of *April* 2007.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 03 2007

Time 1:35 pm