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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009

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ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2819**

(By Delegates Brown, D. Poling, Talbott,
Miley, Overington and Sobonya)

—●—
Passed April 10, 2009

In Effect from Passage

HB 2819

E N R O L L E D FILED

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COMMITTEE SUBSTITUTE

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 2819

(BY DELEGATES BROWN, D. POLING, TALBOTT,
MILEY, OVERINGTON AND SOBONYA)

[Passed April 10, 2009; 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 and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules; 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 the Board of Accountancy to

01 : promulgate a legislative rule relating to the Board and rules of professional conduct; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to a schedule of charges for inspection services: fruit; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the disposal of dead poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to commercial feed; authorizing the Board of Architects to promulgate a legislative rule relating to the fees for registration of architects; authorizing the Board of Architects to promulgate a legislative rule relating to the registration of architects; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the Board; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of dental corporations; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law enforcement training standards; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary, complaint procedures, continuing education, and physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of a restricted license issued to an applicant in extraordinary circumstances; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and the practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the regulation of charitable clinic pharmacies; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to policies, standards and criteria for the

evaluation and accreditation of colleges, departments or schools of nursing; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to student temporary permits; authorizing the Secretary of State to promulgate a legislative rule relating to the administration of the address confidentiality program; authorizing the Board of Social Work Examiners to promulgate a legislative rule relating to a fee schedule; authorizing the Treasurer's Office to promulgate a legislative rule relating to the selection of state depositories for receipt accounts; and authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees.

Be it enacted by the Legislature of West Virginia:

That article nine, 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. Board of Accountancy.

1 The legislative rule filed in the State Register on the
 2 twenty-ninth day of August, two thousand eight, authorized
 3 under the authority of section four, article nine, chapter thirty
 4 of this code, modified by the Board of Accountancy to meet
 5 the objections of the Legislative Rule-Making Review
 6 Committee and refiled in the State Register on the twenty-
 7 first day of January, two thousand nine, relating to the Board
 8 of Accountancy (the Board and rules of professional conduct,
 9 1 CSR 1), is authorized, with the following amendment:

10 On page 2, former subsection 2.9., by reinserting the
11 stricken language in said former subsection 2.9. and
12 renumbering the subsection as subsection 2.10 and
13 renumbering the remaining subsections in the section
14 accordingly;

15 On page 3, subsection 2.10 which is renumbered as
16 subsection 2.11 by the above amendment, after the word
17 "Reciprocal" by inserting the words "substantial
18 equivalency" and in the same subsection after the words
19 "issued under" by striking out the words "reciprocal
20 regulations of prior law" and inserting in lieu thereof the
21 words "the provisions of *W. Va. Code* §30-9-9";

22 On page 6, subdivision 4.1.c., in the second sentence of
23 said subdivision after the words "a West Virginia registered
24 public accountant or" by inserting the words "a holder of";

25 On page 7, in the title to §1-1-5., after the word
26 "Reciprocal" by inserting the words "Substantial
27 Equivalency";

28 On page 7, subsection 5.1., after the words "application
29 for a reciprocal" by inserting the words "substantial
30 equivalency";

31 On page 7, subdivision 5.1.a., after the word
32 "Reciprocal" by inserting the words "Substantially
33 Equivalent";

34 On page 8, subdivision 5.1.a., after the word "reciprocal"
35 by inserting the words "substantially equivalent";

36 On page 8, subdivision 5.1.b., after the word
37 "Reciprocal" by inserting the words "Substantially
38 Equivalent";

39 On page 8, subdivision 5.1.b., after the words “Board
40 shall issue a reciprocal” by inserting the words “substantially
41 equivalent”;

42 On page 8, subdivision 5.1.c., after the word
43 “Reciprocal” by inserting the words “Substantially
44 Equivalent”;

45 On page 8, subdivision 5.1.c., after the words “Board
46 shall issue a reciprocal” by inserting the words “substantially
47 equivalent”;

48 On page 9, paragraph 5.1.d, after the word “Reciprocal”
49 by inserting the words “Substantial Equivalency”;

50 On page 10, paragraph 5.1.d.1., after the words “issuance
51 of a reciprocal” by inserting the words “substantial
52 equivalency”;

53 On page 10, paragraph 5.1.d.2., after the words “received
54 a certificate” by striking out the remainder of the paragraph
55 and inserting in lieu thereof the words “he or she may not
56 establish a place of business in this state.”;

57 On page 10, paragraph 5.1.d.3, by striking out said
58 paragraph 5.1.d.3 in its entirety;

59 On page 19, subdivision 6.8.e., at the beginning of the
60 sentence before the words “In any case” by inserting the
61 words “After a hearing”;

62 On page 19, subdivision 6.8.e., in the last sentence of the
63 subdivision, after the words “for the examination,” by
64 striking out the remainder of the sentence and inserting in
65 lieu thereof the words “a copy of the final order containing
66 findings of fact and conclusions of law.”;

67 On page 20, subdivision 7.3.a., in the last sentence of the
68 subdivision, after the words “the Board shall” by striking out
69 the words “apply the following standards” and inserting in
70 lieu thereof the words “consider whether”;

71 On page 21, paragraph 7.3.a.1, after the words “The
72 program” by striking out the words “should contribute” and
73 inserting in lieu thereof the word “contributes”;

74 On page 21, paragraph 7.3.a.2., after the words
75 “objectives of a program” by striking out the word “should”;

76 On page 21, paragraph 7.3.a.3., after the words “for the
77 program” by striking out the words “should be stated” and
78 inserting in lieu thereof the words “are stated with
79 specificity”;

80 On page 21, paragraph 7.3.a.4., after the words “used in
81 programs” by striking out the words “should be” and
82 inserting in lieu thereof the word “are”;

83 On page 21, paragraph 7.3.a.5., after the words “Program
84 content” by striking out the words “should be” and inserting
85 in lieu thereof the word “is”;

86 On page 21, paragraph 7.3.a.6., after the word
87 “Programs” by striking out the words “should be” and
88 inserting in lieu thereof the word “are”;

89 On page 21, paragraph 7.3.a.7., after the word
90 “Programs” by striking out the word “should”;

91 On page 27, subsection 12.1., after the words
92 “practitioner or” by striking out the words “business entity”
93 and inserting in lieu thereof the word “firm”;

94 And,

95 On page 27, subsection 12.1., after the words
96 “authorization issued by this Board” by striking out the
97 remainder of subsection 12.1. in its entirety and inserting in
98 lieu thereof the words “unless the individual practitioner or
99 firm meets the substantial equivalency practice privilege
100 exceptions below:

101 a. Individual practitioners who have substantial
102 equivalency practice privileges who provide only compilation
103 services performed in accordance with Statements on
104 Standards for Accounting and Review Services who:

105 1. Sign compilation reports as a certified public
106 accountant;

107 2. Meet the competency requirements set forth in the
108 professional standards for those services; and

109 3. Are undergoing a peer review program that
110 conforms with applicable laws and rules;

111 b. Out-of-state firms who provide only compilation
112 services performed in accordance with the Statements on
113 Standards for Accounting and Review Services who:

114 1. Meet firm ownership requirements;

115 2. Are undergoing a peer review program that
116 conforms with applicable rules; and

117 3. Performs the services through an individual with
118 substantial equivalency practice privileges.”.

§64-9-2. Commissioner of Agriculture.

1 (a) The legislative rule filed in the state register on the
2 thirtieth day of July, two thousand eight, authorized under the

3 authority of section five, article two, chapter nineteen, of this
4 code, relating to the Commissioner of Agriculture (schedule
5 of charges for inspection services: fruit, 61 CSR 8B), is
6 authorized.

7 (b) The legislative rule filed in the state register on the
8 twenty-ninth day of August, two thousand eight, authorized
9 under the authority of section two, article nine, chapter
10 nineteen, of this code, modified by the Commissioner of
11 Agriculture to meet the objections of the legislative rule-
12 making review committee and refiled in the state register on
13 the twenty-first day of October, two thousand eight, relating
14 to the Commissioner of Agriculture (animal disease control,
15 61 CSR 1), is authorized.

16 (c) The legislative rule filed in the state register on the
17 thirtieth day of July, two thousand eight, authorized under the
18 authority of section thirty-four-a, article nine, chapter
19 nineteen, of this code, modified by the Commissioner of
20 Agriculture to meet the objections of the legislative rule-
21 making review committee and refiled in the state register on
22 the twenty-ninth day of September, two thousand eight,
23 relating to the Commissioner of Agriculture (disposal of dead
24 poultry, 61 CSR 1C), is authorized.

25 (d) The legislative rule filed in the state register on the
26 thirtieth day of July, two thousand eight, authorized under the
27 authority of section three, article fourteen, chapter nineteen,
28 of this code, modified by the Commissioner of Agriculture to
29 meet the objections of the legislative rule-making review
30 committee and refiled in the state register on the twenty-ninth
31 day of September, two thousand eight, relating to the
32 Commissioner of Agriculture (commercial feed, 61 CSR 5),
33 is authorized.

§64-9-3. Board of Architects.

1 (a) The legislative rule filed in the state register on the
2 twenty-eighth day of August, two thousand eight, authorized
3 under the authority of section one, article twelve, chapter
4 thirty, of this code, relating to the Board of Architects (fees
5 for registration of architects, 2 CSR 3), is authorized.

6 (b) The legislative rule filed in the state register on the
7 twenty-eighth day of August, two thousand eight, authorized
8 under the authority of section one, article twelve, chapter
9 thirty, of this code, modified by the Board of Architects to
10 meet the objections of the legislative rule-making review
11 committee and refiled in the state register on the fourteenth
12 day of January, two thousand nine, relating to the Board of
13 Architects (registration of architects, 2 CSR 1), is authorized,
14 with the following amendment:

15 On page 5, paragraph 3.11.2.d., after the words "all
16 documents" by striking out the remainder of paragraph
17 3.11.2.d. and inserting in lieu thereof the words "exempt
18 from disclosure by the provisions of *W. Va. Code*
19 §29B-1-4.";

20 On page 5, subsection 3.13., after the words "web site"
21 by striking out the words "at www.wvbrdarch.org";

22 On page 6, subdivision 5.1.2., after the words "Board
23 considers the" by striking out the words "qualifications to be
24 equivalent" and inserting in lieu thereof the words
25 "experience to be equivalent to the registration
26 requirements";

27 And,

28 On page 7, subsection 8.2., after the words "web site" by
29 striking out the words "at www.wvbrdarch.org".

§64-9-4. Board of Dental Examiners.

1 (a) The legislative rule filed in the state register on the
2 fifteenth day of July, two thousand eight, authorized under
3 the authority of section six, article four, chapter thirty, of this
4 code, modified by the Board of Dental Examiners to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the twenty-third day of
7 January, two thousand nine, relating to the Board of Dental
8 Examiners (rule for the West Virginia Board of Dental
9 Examiners, 5 CSR 1), is authorized, with the following
10 amendment:

11 On page ten, subsection 8.7(j)(8), following the word
12 "teeth" and the period by striking out the remainder of the
13 subdivision and inserting in lieu thereof the words:

14 "The dental hygienist and a licensed dentist shall attempt
15 to reach a collaborative agreement regarding such treatment.
16 If such an agreement cannot be reached then the dental
17 hygienist shall have a written order from a licensed dentist
18 prescribing such treatment."

19 (b) The legislative rule filed in the state register on the
20 twenty-eighth day of August, two thousand eight, authorized
21 under the authority of section six, article four, chapter thirty,
22 of this code, modified by the Board of Dental Examiners to
23 meet the objections of the legislative rule-making review
24 committee and refiled in the state register on the seventeenth
25 day of December, two thousand eight, relating to the Board
26 of Dental Examiners (formation and approval of dental
27 corporations, 5 CSR 6), is authorized.

**§64-9-5. Governor's Committee on Crime, Delinquency and
Correction.**

1 The legislative rule filed in the state register on the first
2 day of August, two thousand eight, authorized under the
3 authority of section three, article twenty-nine, chapter thirty,

4 of this code, modified by the Governor's Committee on
5 Crime, Delinquency and Correction to meet the objections of
6 the legislative rule-making review committee and refiled in
7 the state register on the seventeenth day of February, two
8 thousand nine, relating to the Governor's Committee on
9 Crime, Delinquency and Correction (law enforcement
10 training standards, 149 CSR 2), is authorized, with the
11 following amendments:

12 On page 3, subsection 3.7, after the words "and defensive
13 tactics" by inserting the word "training.";

14 On page 5, subdivision 5.1.a., after the words "law
15 enforcement" by striking out the words "instructor's
16 certification" and inserting in lieu thereof the words
17 "instructors' certifications";

18 On page 6, subdivision 5.1.b., after the words "keep
19 their" by striking out the word "certification" and inserting in
20 lieu thereof the word "certifications";

21 On page 6, paragraph 5.1.b.1., after the word "original"
22 by striking out the word "certification" and inserting in lieu
23 thereof the word "certifications";

24 On page 6, subdivision 5.2.a., after the word "shall" by
25 striking out the words "have the following";

26 On page 6, paragraph 5.2.a.1., at the beginning of the
27 sentence before the word "Experience" by inserting the word
28 "Have";

29 On page 6, paragraph 5.2.a.2., at the beginning of the
30 sentence before the words "a handgun" by striking out the
31 word "Completed" and inserting in lieu thereof the word
32 "Complete";

33 On page 6, subdivision 5.2.b., after the words “keep
34 their” by striking out the word “certification” and inserting in
35 lieu thereof the word “certifications”;

36 On page 7, paragraph 5.2.b.1., after the words “original
37 instructor” by striking out the word “certification” and
38 inserting in lieu thereof the word “certifications”;

39 On page 7, subdivision 5.2.c., after the words “original
40 instructor” by striking out the word “certification” and
41 inserting in lieu thereof the word “certifications”;

42 On page 7, subdivision 5.5.d., after the words “omitted
43 information” by striking out the word “required”;

44 On page 8, subsection 6.3., after the words “to obtain
45 75% on” by striking out the word “a” and inserting in lieu
46 thereof the word “an”;

47 On page 9, subsection 8.1., inserting a comma after the
48 words “but are not limited to”;

49 On page 9, subsection 8.1., after the words “job
50 description and” by striking the words “they must” and
51 inserting in lieu thereof the words “the ability to”;

52 On page 9, subdivision 8.1.a., after the words “training
53 requirements for” by striking out the word “such” and
54 inserting in lieu thereof the word “the”;

55 On page 9, subdivision 8.1.a., after the words “position,
56 and” by inserting the word “to”;

57 On page 10, paragraph 8.3.a.11., after the words “Check
58 for” by striking out the words “wants or” and after the words
59 “persons through” by striking out the word “DMV/NCIC”
60 and inserting in lieu thereof the word “NCIC”;

61 On page 18, subparagraph 8.5.d.1.B., after the word
62 “eyeglasses” by striking out the words “is commonly
63 accepted”;

64 On page 18, subparagraph 8.5.d.1.F., after the words
65 “perform the essential” by striking out the word “task” and
66 inserting in lieu thereof the word “tasks”;

67 On page 18, subparagraph 8.5.d.2.A., after the words “the
68 applicant” by striking out the words “should not have or”;

69 On page 18, subparagraph 8.5.d.3.C., after the words “or
70 mouth” by inserting a comma and the following words
71 “except as described in subparagraphs 8.5.d.3.A. and
72 8.5.d.3.B.”;

73 On page 21, subparagraph 8.5.d.7.L., after the words
74 “e.g.,” by striking out the word “Scleroderm” and inserting
75 in lieu thereof the word “Scleroderma”;

76 On page 21, subparagraph 8.5.d.8.K., after the words
77 “Tract Infection” by striking out the words “(now
78 disqualifying)”;

79 On page 23, paragraph 8.5.d.13., after the words “listed
80 in this” by striking the word “section” and inserting in lieu
81 thereof the word “subsection”;

82 On page 27, subsection 13.4., after the words “and the
83 head of” by striking the word “each” and inserting in lieu
84 thereof the words “the applicant's employing”;

85 On page 31, subdivision 16.1.h., at the beginning of the
86 sentence by striking out the word “Whose” and inserting in
87 lieu thereof the words “Having his or her”;

88 And,

89 On page 31, subsection 16.4., after the words “outlined
90 in this” by striking through the word “rule” and inserting in
91 lieu thereof the word “section”.

§64-9-6. Board of Medicine.

1 (a) The legislative rule filed in the state register on the
2 eighteenth day of July, two thousand eight, authorized under
3 the authority of section sixteen, article three, chapter thirty,
4 of this code, modified by the Board of Medicine to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the nineteenth day of
7 November, two thousand eight, relating to the Board of
8 Medicine (licensure, disciplinary and complaint procedures;
9 continuing education; and physician assistants, 11 CSR 1B),
10 is authorized.

11 (b) The legislative rule filed in the state register on the
12 eighteenth day of July, two thousand eight, authorized under
13 the authority of section ten, article three, chapter thirty, of
14 this code, modified by the Board of Medicine to meet the
15 objections of the legislative rule-making review committee
16 and refiled in the state register on the fifteenth day of
17 October, two thousand eight, relating to the Board of
18 Medicine (establishment and regulation of restricted license
19 issued to an applicant in extraordinary circumstances, 11
20 CSR 2), is authorized, with the following amendment:

21 On page three, subsection 3.8. after the word “not” by
22 striking out the word “be”.

§64-9-7. Board of Pharmacy.

1 (a) The legislative rule filed in the state register on the
2 twenty-ninth day of August, two thousand eight, authorized
3 under the authority of section twelve, article five, chapter
4 thirty, of this code, modified by the Board of Pharmacy to

5 meet the objections of the legislative rule-making review
6 committee and refiled in the state register on the twentieth
7 day of February, two thousand nine, relating to the Board of
8 Pharmacy (licensure and the practice of pharmacy, 15 CSR
9 1), is authorized.

10 (b) The legislative rule filed in the state register on the
11 twenty-ninth day of August, two thousand eight, authorized
12 under the authority of section thirty, article five, chapter
13 thirty, of this code, modified by the Board of Pharmacy to
14 meet the objections of the legislative rule-making review
15 committee and refiled in the state register on the twentieth
16 day of February, two thousand nine, relating to the Board of
17 Pharmacy (immunizations administered by pharmacists, 15
18 CSR 12), is authorized.

19 (c) The legislative rule filed in the state register on the
20 twenty-ninth day of August, two thousand eight, authorized
21 under the authority of section one, article five, chapter thirty,
22 of this code, modified by the Board of Pharmacy to meet the
23 objections of the legislative rule-making review committee
24 and refiled in the state register on the twentieth day of
25 February, two thousand nine, relating to the Board of
26 Pharmacy (regulation of charitable clinic pharmacies, 15
27 CSR 13), is authorized, with the following amendment:

28 On pages one and two, section seven, by striking out all
29 of subsection 1.5.

§64-9-8. Physical Therapy.

1 The legislative rule filed in the state register on the
2 twenty-eighth day of August, two thousand eight, authorized
3 under the authority of section five, article twenty, chapter
4 thirty, of this code, modified by the Board of Physical
5 Therapy to meet the objections of the legislative rule-making
6 review committee and refiled in the state register on the

7 twenty-fourth day of October, two thousand eight, relating to
8 the Board of Physical Therapy (general provisions, 16 CSR
9 1), is authorized, with the following amendments:

10 On page 1, subsection 16-1-2.4, after the words
11 “assistance in the practice of physical therapy.” by striking
12 out the following sentence, “”Massage therapists, exercise
13 physiologists, athletic trainers or other persons who have
14 technical or professional education or training, and who assist
15 the physical therapist, should be considered physical therapy
16 aides and be represented as such.”;

17 On page 3, subsection 16-1-7.2, by removing the
18 underlined language and inserting in lieu thereof the
19 following, “provide on-site supervision.”;

20 On page 4, subsection 16-1-9.1(c)(3), by removing the
21 following new language, “physical therapists holding a
22 temporary permit”;

23 On page 7, subdivision 16-1-11.2.b. by striking out the
24 dollar amount “\$110.00” and inserting in lieu thereof the
25 dollar amount “\$220.00”;

26 And,

27 On page 7, subdivision 16-1-11.2.g. by striking out the
28 dollar amount “\$70.00” and inserting in lieu thereof the
29 dollar amount “\$140.00”.

§64-9-9. Board of Examiners for Registered Professional Nurses.

1 (a) The legislative rule filed in the state register on the
2 twenty-ninth day of July, two thousand eight, authorized
3 under the authority of section four, article seven, chapter
4 thirty, of this code, modified by the Board of Examiners for
5 Registered Professional Nurses to meet the objections of the

6 legislative rule-making review committee and refiled in the
7 state register on the ninth day of January, two thousand nine,
8 relating to the Board of Examiners for Registered
9 Professional Nurses (policies, standards and criteria for the
10 evaluation and accreditation of colleges, departments or
11 schools of nursing, 19 CSR 1), is authorized, with the
12 following amendment:

13 On page 3, subsection 4.1, after the words “on-site visit
14 is” by reinserting the stricken words “fifty dollars (\$50.00)”,
15 and by striking the underscored words “as set forth in the
16 board’s rule Fees, 19 CSR 12.”.

17 (b) The legislative rule filed in the state register on the
18 first day of August, two thousand eight, authorized under the
19 authority of section fifteen-a, article seven, chapter thirty, of
20 this code, modified by the Board of Examiners for Registered
21 Professional Nurses to meet the objections of the legislative
22 rule-making review committee and refiled in the state register
23 on the twentieth day of January, two thousand nine, relating
24 to the Board of Examiners for Registered Professional Nurses
25 (limited prescriptive authority for nurses in advanced
26 practice, 19 CSR 8), is authorized.

§64-9-10. Board of Respiratory Care.

1 The legislative rule filed in the state register on the
2 twenty-fifth day of July, two thousand eight, authorized
3 under the authority of section six-a, article thirty-four,
4 chapter thirty, of this code, modified by the Board of
5 Respiratory Care to meet the objections of the legislative
6 rule-making review committee and refiled in the state register
7 on the twenty-third day of October, two thousand eight
8 relating to the Board of Respiratory Care (student temporary
9 permits, 30 CSR 9), is authorized, with the following
10 amendment:

11 On page 1, subdivision 2.2b, by striking subdivision 2.2b
12 in its entirety and inserting in lieu thereof a new subdivision
13 2.2b to read as follows:

14 "2.2b. An official transcript indicating successful
15 completion of a minimum of thirty semester hours or the
16 quarter hour equivalent, eighteen of which must be specific
17 to respiratory care core curriculum, and at least two hundred
18 clinical hours;"

§64-9-11. Secretary of State.

1 The legislative rule filed in the state register on the
2 fifteenth day of February, two thousand eight, authorized
3 under the authority of section one hundred ten, article twenty-
4 eight-a, chapter forty-eight, of this code, modified by the
5 Secretary of State to meet the objections of the legislative
6 rule-making review committee and refiled in the state register
7 on the seventh day of August, two thousand eight, relating to
8 the Secretary of State (administration of the address
9 confidentiality program, 153 CSR 37), is authorized, with the
10 following amendment:

11 On page 8, subsection 153-37-15, by striking section 15.1
12 in its entirety and inserting in lieu thereof the following:

13 "15.1. If any post election challenges are brought
14 pertaining to the outcome of any election and it becomes
15 necessary to check the validity of all absentee ballots cast in
16 the election by verifying the names and addresses of all
17 voters casting absentee ballots, a protected records voter's
18 ballot shall not be included in the review unless the county
19 canvassing board determines that such a ballot would be
20 determinative of a county election outcome. When the county
21 canvassing board has determined that review of a protected
22 records voter's ballot is necessary, the designated county
23 contact shall verify the protected records voter's ballot, in

24 executive session, using extreme caution to ensure continued
25 confidentiality.

26 15.2. When the Secretary of State determines the review
27 of a protected records voter's ballot is necessary to determine
28 the outcome of any election that would be determined by
29 voters outside that county, the county canvassing board shall
30 review the protected ballots."

§64-9-12. Board of Social Work Examiners.

1 The legislative rule filed in the state register on the
2 twenty-eighth day of July, two thousand eight, authorized
3 under the authority of section three, article thirty, chapter
4 thirty, of this code, relating to the Board of Social Work
5 Examiners (fee schedule, 25 CSR 3), is authorized.

§64-9-13. Treasurer's Office.

1 The legislative rule filed in the state register on the
2 twenty-ninth day of August, two thousand eight, authorized
3 under the authority of section two, article one, chapter
4 twelve, of this code, modified by the Treasurer's Office to
5 meet the objections of the legislative rule-making review
6 committee and refiled in the state register on the fourth day
7 of February, two thousand nine, relating to the Treasurer's
8 Office (selection of state depositories for receipt accounts,
9 112 CSR 7), is authorized, with the following amendments:

10 On page 3, beginning on line twelve, by striking out all
11 of subdivisions 3.1.b. and 3.1.c. and inserting in lieu thereof
12 the following:

13 "3.1.b. Be insured by an agency of the federal government;

14 3.1.c. For deposits of state funds in excess of any amount
15 insured by an agency of the federal government, be insured by:

16 3.1.c.i. A deposit guaranty bond issued by a valid
17 bankers' surety company acceptable to the Treasurer;
18 and/or

19 3.1.c.ii. A collaterally secured bond, first approved by the
20 Treasurer, in the amount of not less than Ten Thousand
21 Dollars (\$10,000.00).”;

22 On page 6, following subsection 4.11., by adding a new
23 subsection to read as follows:

24 “4.12. A deposit guaranty bond issued by an approved
25 bankers' surety company to insure state funds on deposit with
26 an eligible state depository may only secure those funds in
27 the custody of the Treasurer.”;

28 On page 7, following subsection 5.3., by adding a new
29 subsection to read as follows:

30 “5.4. If a state depository insured through a collaterally
31 secured bond or through letters of credit becomes insolvent
32 or in any way breaches its contract with the Treasurer and
33 fails to cure the insolvency or breach within five (5) business
34 days, the holder of the collateral or the obligor for the letters
35 of credit for the depository shall, upon written demand from
36 the Treasurer, within three (3) business days remit to the
37 Treasurer the collateral securing state funds on deposit with
38 the state depository.”;

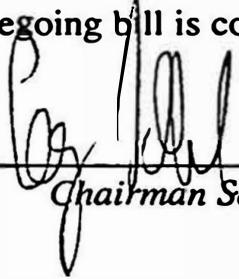
39 And,

40 On page 8, subsection 8.1, following the words “with the
41 Treasurer”, by striking out the comma and the word “the”
42 and inserting in lieu thereof a period and the word “The”.

§64-9-14. Board of Veterinary Medicine.

1 The legislative rule filed in the state register on the
2 twenty-ninth day of August, two thousand eight, authorized
3 under the authority of section four, article ten, chapter thirty,
4 of this code, modified by the West Virginia, 1931, as
5 amended, relating to authorizing the Board of Veterinary
6 Medicine to meet the objections of the legislative rule-
7 making review committee and refiled in the state register on
8 the fifth day of December, two thousand eight, relating to the
9 West Virginia, 1931, as amended, relating to the Board of
10 Veterinary Medicine (schedule of fees, 26 CSR 6), is
11 authorized.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 30th
day of April, 2009.



Governor

PRESENTED TO THE
GOVERNOR

APR 29 2009

Time 11:35