

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2013

**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2689**

(By Delegate(s) Poore, Marcum, Fleischauer and Eldridge.)

Passed April 13, 2013

In effect from passage.

FILED  
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(BY DELEGATE(S) POORE, MARCUM, FLEISCHAUER, AND ELDRIDGE.)

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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 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 Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatrists; authorizing the Board of Optometry to promulgate a legislative rule relating to continuing education; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Pharmacy to promulgate a legislative rule relating to ephedrine and pseudoephedrine control; authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to renewal of licensure - qualifications for renewal; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the Board and supplemental renewal fee for the center for nursing; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to the**

announcement of advanced practice; 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 Secretary of State to promulgate a legislative rule relating to the Uniform Commercial Code; authorizing the Secretary of State to promulgate a legislative rule relating to administration of the address confidentiality program; authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of political party headquarters financing; authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of late registration; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to barber apprenticeships; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operational standards for schools of barbering and beauty culture; 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 poultry litter and manure movement into primary poultry breeder rearing areas; 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 practitioner requirements for accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the Hatfield-McCoy Regional Recreation Authority to promulgate a

legislative rule relating to rules for use of the facility; authorizing the Treasurer's Office to promulgate a legislative rule relating to the enforcement of the Uniform Unclaimed Property Act; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to the organization and operation and licensing of veterinarians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees; authorizing the Board of Social Work to promulgate a legislative rule relating to a fee schedule; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession social work; authorizing the Board of Social Work to promulgate a legislative rule relating to applications; authorizing the Board of Social Work to promulgate a legislative rule relating to continuing education for social workers and providers; authorizing the Board of Social Work to promulgate a legislative rule relating to a code of ethics; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech-pathology and audiology; and authorizing the Conservation Committee to promulgate a legislative rule relating to the operation of the West Virginia State Conservation Committee and conservation districts.

*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. Board of Medicine.**

- 1 (a) The legislative rule filed in the State Register on the
- 2 twenty-eighth day of August, two thousand twelve, authorized
- 3 under the authority of section five-a, article nine, chapter sixty-a,
- 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 sixth day of December,  
7 two thousand twelve, relating to the Board of Medicine  
8 (practitioner requirements for accessing the West Virginia  
9 controlled substances monitoring program data base, 11 CSR  
10 10), is authorized.

11 (b) The legislative rule filed in the State Register on the  
12 twenty-eighth day of August, two thousand twelve, authorized  
13 under the authority of section seven, article three, chapter thirty,  
14 of 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 sixth day of December,  
17 two thousand twelve, relating to the Board of Medicine  
18 (licensure, disciplinary and complaint procedures; continuing  
19 education; and physician assistants, 11 CSR 1B), is authorized.

20 (c) The legislative rule filed in the State Register on the  
21 twenty-eighth day of August, two thousand twelve, authorized  
22 under the authority of section seven, article three, chapter thirty,  
23 of this code, modified by the Board of Medicine to meet the  
24 objections of the Legislative Rule-Making Review Committee  
25 and refiled in the State Register on the sixth day of December,  
26 two thousand twelve, relating to the Board of Medicine  
27 (continuing education for physicians and podiatrists, 11 CSR 6),  
28 is authorized.

**§64-9-2. Board of Optometry.**

1 (a) The legislative rule filed in the State Register on the  
2 thirty-first day of August, two thousand twelve, authorized under  
3 the authority of section six, article eight, chapter thirty, of this  
4 code, modified by the Board of Optometry to meet the objections  
5 of the Legislative Rule-Making Review Committee and refiled  
6 in the State Register on the fourteenth day of December, two  
7 thousand twelve, relating to the Board of Optometry (continuing  
8 education, 14 CSR 10), is authorized.

9 Certification Board (requirements for licensure and certification,  
10 190 CSR 2), is authorized.

11 (b) The legislative rule filed in the State Register on the  
12 thirty-first day of August, two thousand twelve, authorized under  
13 the authority of section nine, article thirty-eight, chapter thirty,  
14 of this code, relating to the Real Estate Appraiser Licensing and  
15 Certification Board (renewal of licensure - qualifications for  
16 renewal, 190 CSR 3), is authorized.

**§64-9-6. Board of Examiners for Registered Professional Nurses.**

1 (a) The legislative rule filed in the State Register on the first  
2 day of August, two thousand twelve, authorized under the  
3 authority of section five, article seven, chapter thirty, of this  
4 code, modified by the Board of Examiners for Registered  
5 Professional Nurses to meet the objections of the Legislative  
6 Rule-Making Review Committee and refiled in the State  
7 Register on the seventh day of December, two thousand twelve,  
8 relating to the Board of Examiners for Registered Professional  
9 Nurses (fees for services rendered by the Board and  
10 supplemental renewal fee for the center for nursing, 19 CSR 12),  
11 is authorized.

12 (b) The legislative rule filed in the State Register on the  
13 thirty-first day of July, two thousand twelve, authorized under  
14 the authority of section five-a, article nine, chapter sixty-a, of  
15 this code, modified by the Board of Examiners for Registered  
16 Professional Nurses to meet the objections of the Legislative  
17 Rule-Making Review Committee and refiled in the State  
18 Register on the seventh day of December, two thousand twelve,  
19 relating to the Board of Examiners for Registered Professional  
20 Nurses (practitioner requirements for accessing the West  
21 Virginia controlled substances monitoring program database, 19  
22 CSR 14), is authorized.

23 (c) The legislative rule filed in the State Register on the  
24 second day of August, two thousand twelve, authorized under the

25 authority of section one, article seven, chapter thirty, of this  
26 code, modified by the Board of Examiners for Registered  
27 Professional Nurses to meet the objections of the Legislative  
28 Rule-Making Review Committee and refiled in the State  
29 Register on the seventh day of December, two thousand twelve,  
30 relating to the Board of Examiners for Registered Professional  
31 Nurses (announcement of advanced practice, 19 CSR 7), is  
32 authorized.

33 (d) The legislative rule filed in the State Register on the first  
34 day of August, two thousand twelve, authorized under the  
35 authority of section fifteen-a, article seven, chapter thirty, of this  
36 code, modified by the Board of Examiners for Registered  
37 Professional Nurses to meet the objections of the Legislative  
38 Rule-Making Review Committee and refiled in the State  
39 Register on the seventh day of December, two thousand twelve,  
40 relating to the Board of Examiners for Registered Professional  
41 Nurses (limited prescriptive authority for nurses in advanced  
42 practice, 19 CSR 8), is authorized.

**§64-9-7. Secretary of State.**

1 (a) The legislative rule filed in the State Register on the  
2 thirty-first day of August, two thousand twelve, authorized under  
3 the authority of section five hundred twenty-six, article nine,  
4 chapter forty-six, of this code, modified by the Secretary of State  
5 to meet the objections of the Legislative Rule-Making Review  
6 Committee and refiled in the State Register on the eighteenth  
7 day of January, two thousand thirteen, relating to the Secretary  
8 of State (Uniform Commercial Code, 153 CSR 35), is  
9 authorized.

10 (b) The legislative rule filed in the State Register on the  
11 fourteenth day of August, two thousand twelve, authorized under  
12 the authority of section one hundred ten, article twenty-eight-a,  
13 chapter forty-eight, of this code, modified by the Secretary of  
14 State to meet the objections of the Legislative Rule-Making

15 Review Committee and refiled in the State Register on the  
16 eighteenth day of January, two thousand thirteen, relating to the  
17 Secretary of State (administration of the address confidentiality  
18 program, 153 CSR 37), is authorized.

19 (c) The legislative rule filed in the State Register on the  
20 twenty-seventh day of August, two thousand twelve, authorized  
21 under the authority of section six-a, article two, chapter three, of  
22 this code, modified by the Secretary of State to meet the  
23 objections of the Legislative Rule-Making Review Committee  
24 and refiled in the State Register on the twenty-third day of  
25 January, two thousand thirteen, relating to the Secretary of State  
26 (regulation of political party headquarters financing, 153 CSR  
27 43), is authorized.

28 (d) The legislative rule filed in the State Register on the  
29 thirty-first day of August, two thousand twelve, authorized under  
30 the authority of section six-a, article two, chapter three, of this  
31 code, modified by the Secretary of State to meet the objections  
32 of the Legislative Rule-Making Review Committee and refiled  
33 in the State Register on the eighteenth day of January, two  
34 thousand thirteen, relating to the Secretary of State (regulation  
35 of late registration, 153 CSR 44), is authorized.

**§64-9-8. Board of Barbers and Cosmetologists.**

1 (a) The legislative rule filed in the State Register on the  
2 twenty-ninth day of June, two thousand twelve, authorized under  
3 the authority of section six, article twenty-seven, chapter thirty,  
4 of this code, relating to the Board of Barbers and Cosmetologists  
5 (procedures, criteria and curricula for examination and licensure  
6 of barbers, cosmetologists, nail technicians, aestheticians and  
7 hair stylists, 3 CSR 1), is authorized.

8 (b) The legislative rule filed in the State Register on the  
9 twenty-ninth day of June, two thousand twelve, authorized under  
10 the authority of section six, article twenty-seven, chapter thirty,

11 of this code, modified by the Board of Barbers and  
12 Cosmetologists to meet the objections of the Legislative Rule-  
13 Making Review Committee and refiled in the State Register on  
14 the tenth day of January, two thousand thirteen, relating to the  
15 Board of Barbers and Cosmetologists (barber apprenticeships, 3  
16 CSR 13), is authorized.

17 (c) The legislative rule filed in the State Register on the  
18 twenty-second day of August, two thousand twelve, authorized  
19 under the authority of section six, article twenty-seven, chapter  
20 thirty, of this code, modified by the Board of Barbers and  
21 Cosmetologists to meet the objections of the Legislative Rule-  
22 Making Review Committee and refiled in the State Register on  
23 the twenty-ninth day of January, two thousand thirteen, relating  
24 to the Board of Barbers and Cosmetologists (operational  
25 standards for schools of barbering and beauty culture, 3 CSR 4),  
26 is authorized, with the following amendment:

27 On page 4, subdivision 3.2(1), after the stricken word  
28 “within” by striking the words, “five (5) day”; and

29 On page four, subsection 3.2, subdivision (1), by striking out  
30 the words “Student Catalogs and” and inserting in lieu thereof  
31 “School Catalogs”;

32 On page four, subsection 3.2, subdivision (q), after the word  
33 “student” by striking out the words “policy book” and inserting  
34 in lieu thereof the word “handbook”;

35 On page 4, by striking subdivision 3.2(s) in its entirety; and

36 On page 7, by striking subsection 7.1, and inserting a new  
37 subsection 7.1 to read as follows,

38 “7.1 Daily Records - Each school shall keep a daily class  
39 record of each student, showing the number hours earned daily,  
40 the total number of hours the student is in attendance and the  
41 days each student is absent. Daily hours shall be recorded by the

42 school using a time tracking system that can not be edited by a  
43 student. Each student shall clock himself or herself in and out of  
44 school.”

**§64-9-9. Commissioner of Agriculture.**

1 (a) The legislative rule filed in the State Register on the  
2 thirty-first day of August, two thousand twelve, authorized under  
3 the authority of section two, article nine, chapter nineteen, of this  
4 code, relating to the Commissioner of Agriculture (animal  
5 disease control, 61 CSR 1), is authorized.

6 (b) The legislative rule filed in the State Register on the  
7 thirty-first day of August, two thousand twelve, authorized under  
8 the authority of section two, article nine, chapter nineteen, of this  
9 code, modified by the Department of Agriculture to meet the  
10 objections of the Legislative Rule-Making Review Committee  
11 and refiled in the State Register on the fifth day of December,  
12 two thousand twelve, relating to the Commissioner of  
13 Agriculture (poultry litter and manure movement into primary  
14 poultry breeder rearing areas, 61 CSR 28, is authorized, with the  
15 following amendment:

16 On page four, section five, line three, by striking out the  
17 entire section five and renumbering the remaining sections.

**§64-9-10. Board of Architects.**

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

10 On page four, subdivision 2.2.17. after the word “apartment”  
11 by inserting the word “and”;

12 On page four, subdivision 2.2.17. after the word  
13 “Condominiums” by striking out the words “and dormitories.”;

14 On page six, subdivision 2.2.26. after the words “Other  
15 review, or review and corrections, of technical submissions  
16 after” by striking out the word “thy” and inserting in lieu thereof  
17 the word “they”;

18 On page nine, subdivision 3.11.1. after the words “certificate  
19 of” by striking out the underlined words “good standing” and  
20 reinserting the stricken word “registration” and;

21 On page nine, paragraph 3.11.2.a. after the word “grading”  
22 by inserting a comma;

23 On page ten, subsection 3.12. after the words “before the  
24 Board,” by striking out the underlined words “no one shall” and  
25 reinserting the stricken words “an applicant or licensee may not”  
26 and;

27 On page ten, subsection 4.1. after the words “an applicant  
28 for” by reinserting the stricken words “a certificate of”;

29 On page ten, subdivision 5.1.1. by striking out the section in  
30 its entirety and inserting in lieu thereof the following:

31 “To be eligible for a certificate of registration, other than  
32 pursuant to §2-1-6 of this rule, an applicant shall meet the  
33 following requirements:”;

34 On page eleven, paragraph 5.1.1.b. after the word  
35 “NCARB`s” by striking out the remainder of said paragraph and  
36 inserting in lieu thereof the words “education standards  
37 applicable upon passage of this rule during the 2013 Regular  
38 Session of the West Virginia Legislature”;

39 On page eleven, paragraph 5.1.1.c. after the words  
40 “stipulated by NCARB” by striking out the underlined words  
41 “and as accepted by the board”;

42 On page eleven, paragraph 5.1.1.d. after the words “took the  
43 examination” by striking out the comma and the words “as  
44 accepted by the board” and inserting in lieu thereof a period;

45 On page eleven, subdivision 5.1.4. by reinserting the stricken  
46 words “Prior to granting a certificate of registration”, and by  
47 striking out the underlined words “When evaluation  
48 qualifications” and by striking out the comma and the underlined  
49 words “prior to reaching its decision”;

50 On page twelve, subdivision 6.1.2. after the words “to the  
51 Board concerning the applicant” by striking out the comma and  
52 the words “as the board considers pertinent”;

53 On page thirteen, subdivision 7.3.3. after both instances of  
54 the the words “the Board” by striking both instances of the word  
55 “will” and inserting in lieu thereof in both instances the word  
56 “shall”;

57 On page fifteen, subdivision 8.4.b. by restoring the stricken  
58 words “United States”;

59 On page fifteen, subsection 8.6. after the words “non-  
60 renewal of any” by reinstating the stricken words “certificate  
61 of”;

62 On page seventeen, subdivision 9.1.2 after the words “and  
63 municipal building laws” by reinserting the stricken words “and  
64 rules and ordinances”;

65 On page seventeen, subdivision 9.1.2 after the words “in  
66 violation of those laws” by reinserting the stricken words “and  
67 rules and ordinances”;

68 On page nineteen, subdivision 9.3.3.a. after the words  
69 “municipal building laws” by restoring the stricken words “and  
70 rules or ordinances”;

71 On page nineteen, paragraph 9.3.3.c. after the words “the  
72 project” by striking out the underlined words “unless the  
73 registered architect is able to cause the matter to be resolved by  
74 other means”; and

75 On page twenty, subdivision 9.4.3. after the words  
76 “disciplinary action if” by striking out the underlined words  
77 “based on grounds substantially similar to those which lead to  
78 disciplinary action in this jurisdiction, the architect was  
79 disciplined in any other United States jurisdiction” and inserting  
80 in lieu thereof the words “he or she was disciplined in another  
81 jurisdiction in the United States where the grounds for discipline  
82 are substantially similar to those in West Virginia”.

**§64-9-11. Board of Dental Examiners.**

1 (a) The legislative rule filed in the State Register on the  
2 thirty-first day of August, two thousand twelve, authorized under  
3 the authority of section six, article four, chapter thirty, of this  
4 code, relating to the Board of Dental Examiners (rule for the  
5 West Virginia Board of Dental Examiners, 5 CSR 1), is  
6 authorized.

7 (b) The legislative rule filed in the State Register on the  
8 thirty-first day of August, two thousand twelve, authorized under  
9 the authority of section five-a, article nine, chapter sixty-a, of  
10 this code, modified by the Board of Dental Examiners to meet  
11 the objections of the Legislative Rule-Making Review  
12 Committee and refiled in the State Register on the sixth day of  
13 December, two thousand twelve, relating to the Board of Dental  
14 Examiners (practitioner requirements for accessing the West  
15 Virginia controlled substances monitoring program database, 5  
16 CSR 10), is authorized.

17 (c) The legislative rule filed in the State Register on the  
18 thirty-first day of August, two thousand twelve, authorized under  
19 the authority of section seven-a, article one, chapter thirty, of  
20 this code, modified by the Board of Dental Examiners to meet  
21 the objections of the Legislative Rule-Making Review  
22 Committee and refiled in the State Register on the sixth day of  
23 December, two thousand twelve, relating to the Board of Dental  
24 Examiners (continuing education requirements, 5 CSR 11), is  
25 authorized.

26 (d) The legislative rule filed in the State Register on the  
27 thirty-first day of August, two thousand twelve, authorized under  
28 the authority of section six, article four, chapter thirty, of this  
29 code, relating to the Board of Dental Examiners (expanded  
30 duties of dental hygienists and dental assistants, 5 CSR 13), is  
31 authorized.

**§64-9-12. Hatfield-McCoy Regional Recreation Authority.**

1 The legislative rule filed in the State Register on the thirtieth  
2 day of August, two thousand twelve, authorized under the  
3 authority of section five, article fourteen, chapter twenty, of this  
4 code, modified by the Hatfield-McCoy Regional Recreation  
5 Authority to meet the objections of the Legislative Rule-Making  
6 Review Committee and refiled in the State Register on the sixth  
7 day of December, two thousand twelve, relating to the Hatfield-  
8 McCoy Regional Recreation Authority (rules for use of facility,  
9 204 CSR 1), is authorized.

**§64-9-13. Treasurer's Office.**

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

7 September, two thousand twelve, relating to the Treasurer's  
8 Office (enforcement of the Uniform Unclaimed Property Act,  
9 112 CSR 5), is authorized, with the following amendment:

10 On page six, subsection eleven, line eleven, following the  
11 words "under the Act", by striking out the words "or under the  
12 Unclaimed Stolen Property Act" and inserting in lieu thereof the  
13 words "or under W.Va Code §36-8A-1, et seq."

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

1 (a) The legislative rule filed in the State Register on the  
2 thirtieth day of July, two thousand twelve, authorized under the  
3 authority of section six, article ten, chapter thirty, of this code,  
4 modified by the Board of Veterinary Medicine to meet the  
5 objections of the Legislative Rule-Making Review Committee  
6 and refiled in the State Register on the twenty-fifth day of  
7 October, two thousand twelve, relating to the Board of  
8 Veterinary Medicine (organization and operation and licensing  
9 of veterinarians, 26 CSR 1), is authorized.

10 (b) The legislative rule filed in the State Register on the  
11 thirtieth day of July, two thousand twelve, authorized under the  
12 authority of section six, article ten, chapter thirty, of this code,  
13 modified by the Board of Veterinary Medicine to meet the  
14 objections of the Legislative Rule-Making Review Committee  
15 and refiled in the State Register on the twenty-fifth day of  
16 October, two thousand twelve, relating to the Board of  
17 Veterinary Medicine (schedule of fees, 26 CSR 6), is authorized.

**§64-9-15. Board of Social Work.**

1 (a) The legislative rule filed in the State Register on the  
2 thirty-first day of August, two thousand twelve, authorized under  
3 the authority of section six, article thirty, chapter thirty, of this  
4 code, modified by the Board of Social Work 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 thirteen, relating to the Board of Social  
8 Work (fee schedule, 25 CSR 3), is authorized.

9 (b) The legislative rule filed in the State Register on the  
10 thirty-first day of August, two thousand twelve, authorized under  
11 the authority of section six, article thirty, chapter thirty, of this  
12 code, modified by the Board of Social Work to meet the  
13 objections of the Legislative Rule-Making Review Committee  
14 and refiled in the State Register on the fifth day of February, two  
15 thousand thirteen, relating to the Board of Social Work  
16 (qualifications for for the profession social work, 25 CSR 1), is  
17 authorized, with the following amendment:

18 On page three, subsection 3.1., by striking out “30-30-8” and  
19 inserting in lieu thereof “30-30-1”;

20 On page three, subdivision 3.2.2, by striking out “3.2.2.” and  
21 inserting in lieu thereof “3.2.1.”;

22 On page three, subdivision 3.2.3., by striking out “3.2.3.”  
23 and inserting in lieu thereof “3.2.2.”;

24 On page three, subdivision 3.2.3., renumbered by this  
25 amendment as 3.2.2., after the word “candidate” by inserting the  
26 word “may”;

27 On page four, subsection 3.3., after the words “sociology,  
28 psychology, counseling,” by inserting the words “criminal  
29 justice,”;

30 On page four, subsection 3.3., after the words “qualified  
31 supervision and employment” by inserting the words “critical  
32 social work workforce shortage”;

33 On page four, subdivision 3.3.1., by striking out all of  
34 paragraph (b) and inserting in lieu thereof a new paragraph,  
35 designated paragraph (b), to read as follows:

36       “(b) Documentation showing the applicant has met the  
37 requirements set forth in W.Va. Code §30-30-16.”;

38       On page four, subdivision 3.3.2., after the words “applicant  
39 must submit” by striking out the remainder of the subdivision  
40 and inserting in lieu thereof the words “a provisional license  
41 agreement contract on a form provided by the board. Along with  
42 the contract, the applicant must submit evidence of full time  
43 social work employment under a provisional license  
44 supervisor.”;

45       On page four, subdivision 3.3.4., after the words “license  
46 period.” by striking out the remainder of the subsection and  
47 inserting in lieu thereof the words “Successful completion means  
48 receiving a passing grade.”;

49       On page four, by striking out all of paragraph 3.3.4.(a);

50       On page five, by striking out all of paragraph 3.3.4.(b);

51       On page five, by striking out all of paragraph 3.3.4.(d);

52       And relettering the remaining paragraphs accordingly;

53       On page six, paragraph 3.3.8.(a), after the words “made prior  
54 to” by striking out the remainder of the paragraph and inserting  
55 in lieu thereof the words “submitting an application to employ a  
56 provisional licensee; and”;

57       On page six, subdivision 3.3.9., at the beginning of the  
58 subdivision, by striking out the words “An employer” and  
59 inserting in lieu thereof the words “A provisional licensing  
60 supervisor”;

61       On page six, subdivision 3.3.9., after the words “while under  
62 the” by striking out the words “employment of the agency.” and  
63 inserting in lieu thereof the words “supervision of the  
64 supervisor.”;

65 On page six, paragraph 3.3.11.(e), by striking out the words  
66 "The Provisional Supervisor shall not have" and inserting in lieu  
67 thereof the word "Has not";

68 On page six, at the end of paragraph 3.3.11.(e), by inserting  
69 the word "and";

70 On page seven, subdivision 3.3.6, by renumbering said  
71 subdivision as subdivision 3.3.13;

72 On page seven, subsection 3.6, by renumbering said  
73 subsection as subsection 3.4;

74 On page seven, subdivision 3.6., renumbered by this  
75 amendment as 3.4., after the words "attempting the examination"  
76 by striking out the words "an additional time" and inserting in  
77 lieu thereof the word "thereafter";

78 On page seven, subsection 3.8, by renumbering said  
79 subsection as subsection 3.5;

80 On page seven, beginning with subsection 3.9, by striking  
81 out said subsection 3.9 in its entirety, and striking out  
82 subdivision 3.9.1, the first subdivision 3.9.2 and the second  
83 subdivision 3.9.2, and inserting in lieu thereof the following:

84 "3.6. As set forth in W. Va. Code §30-30-8, a licensed  
85 independent clinical social worker may apply social work theory,  
86 methods, assessment, ethics and the professional use of self to  
87 the diagnosis, treatment and prevention of psychological  
88 dysfunction, disability or impairment, including emotional and  
89 mental disorders and developmental disabilities.

90 3.6.1. To be approved by the board to serve as a clinical  
91 supervisor, a West Virginia licensed independent clinical social  
92 worker, or a licensed clinical social worker from another  
93 jurisdiction, shall:

94 (a) Have completed no less than two years of clinical  
95 practice since the initial issuance of the clinical license;

96 (b) Submit a clinical supervision contract which identifies  
97 the clinical supervisor and the person being supervised, and sets  
98 forth the respective duties of employment. A clinical supervisor  
99 from another jurisdiction shall provide evidence of having a  
100 current, valid clinical social work license in good standing; and

101 (c) Maintain records of supervision, initialed by both parties,  
102 of each face-to-face session, for 100 hours, over the course of  
103 two years of full time employment or 3,000 hours of part time  
104 employment: *Provided*, That up to 30 of the 100 hours may be  
105 conducted by electronic means, so long as confidentiality is  
106 guaranteed and the communication is not open for view or  
107 comment by other parties.”

108 (c) The legislative rule filed in the State Register on the  
109 twenty-ninth day of January, two thousand thirteen, authorized  
110 under the authority of section six, article thirty, chapter thirty, of  
111 this code, relating to the Board of Social Work (applications, 25  
112 CSR 4), is authorized, with the following amendment:

113 On page one, subsection 2.1., by striking out the words  
114 “mail, fax or email.” and inserting in lieu thereof the words  
115 “mail, by fax to 304-558-4189, or by email to  
116 bswe2@suddenlink.net or amypolen@wvsocialworkboard.org.”

117 (d) The legislative rule filed in the State Register on the  
118 twenty-ninth day of January, two thousand thirteen, authorized  
119 under the authority of section six, article thirty, chapter thirty, of  
120 this code, relating to the Board of Social Work (continuing  
121 education for social workers and providers, 25 CSR 5), is  
122 authorized, with the following amendment:

123 On page one, subdivision 3.1.1., after the words “at least” by  
124 striking out the word “thirty”;

125 On page two, subdivision 3.1.1., after the words "may be  
126 earned via" by striking out the word "technical" and inserting in  
127 lieu thereof the word "electronic";

128 On page two, subsection 3.2., after the words "licensee is  
129 not" by inserting in lieu thereof the word "required";

130 On page two, subdivision 3.3.1., after the words  
131 "satisfactorily completing:" by inserting the words "individual  
132 professional activities as follows:";

133 On page two, subdivision 3.3.1., paragraph (b), at the end of  
134 the paragraph, after the words "under contract" by striking out  
135 the words "and professional meetings";

136 On page two, subdivision 3.4.3., after the words "three (3)  
137 years of time" by striking out the remainder of said subdivision  
138 3.4.3. and inserting in lieu thereof the words "preceding the date  
139 of renewal. Once the license is renewed, the Board may expunge  
140 the records.";

141 On page three, subdivision 3.7.2., at the beginning of the  
142 subdivision, by striking out the words "The license" and  
143 inserting in lieu thereof the words "A delinquent license";

144 On page three, subsection 4.1., in the third sentence of the  
145 subsection, after the words "programs under" by striking out the  
146 word "it's" and inserting in lieu thereof the word "its";

147 On page four, subdivision 4.2.6., after the words "provisions  
148 of the" by striking out the word "American`s" and inserting in  
149 lieu thereof the word "Americans";

150 On page five, subdivision 4.3.12., after the words  
151 "provisions of the" by striking out the word "American`s" and  
152 inserting in lieu thereof the word "Americans"; and

153 On page five, subdivision 4.4.2, in the second sentence of the  
154 subdivision, after the words "conducted via" by striking out the

155 word "technical" and inserting in lieu thereof the word  
156 "electronic".

157 (e) The legislative rule filed in the State Register on the  
158 twenty-ninth day of January, two thousand thirteen, authorized  
159 under the authority of section six, article thirty, chapter thirty, of  
160 this code, relating to the Board of Social Work (code of ethics,  
161 25 CSR 7), is authorized.

**§64-9-16. Board of Examiners for Speech-Language Pathology and  
Audiology.**

1 The legislative rule filed in the State Register on the twelfth  
2 day of June, two thousand twelve, authorized under the authority  
3 of section ten, article thirty-two, chapter thirty, of this code,  
4 relating to the Board of Examiners for Speech-Language  
5 Pathology and Audiology (licensure of speech-pathology and  
6 audiology, 29 CSR 1), is authorized.

**§64-9-17. Conservation Committee.**

1 The legislative rule filed in the State Register on the twenty-  
2 seventh day of August, two thousand twelve, authorized under  
3 the authority of section four, article twenty-one-a, chapter  
4 nineteen, of this code, modified by the Conservation Committee  
5 to meet the objections of the Legislative Rule-Making Review  
6 Committee and refiled in the State Register on the seventeenth  
7 day of December, two thousand twelve relating to the  
8 Conservation Committee (operation of the West Virginia State  
9 Conservation Committee and conservation districts, 63 CSR 1),  
10 is authorized, with the following amendment:

11 One page one, section one, subsection 1.1, by striking out the  
12 comma and the words "appointment and removal" and inserting  
13 in lieu thereof the words "and appointment";and

14 On page three, section two, by striking out all of subsection  
15 2.6.

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

*Danny Wells*  
Chairman, House Committee

Member *Rocky Filburn*  
Chairman, Senate Committee

Originating in the House.

In effect from passage.

*Suzanne Sawyer*  
Clerk of the House of Delegates

*Joseph McMinard*  
Clerk of the Senate

*[Signature]*  
Speaker of the House of Delegates

*[Signature]*  
President of the Senate

The within *is approved* this the *30th*  
day of *April*, 2013.

*Earl Ray Tomblin*  
Governor

FILED  
2013 APR 30 PM 2:48  
CLERK OF STATE

PRESENTED TO THE GOVERNOR

APR 29 2013

Time 2:10 pm