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.
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
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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 twenty-eighth day of August, two thousand twelve, authorized under the authority of section five-a, article nine, chapter sixty-a, of this code, modified by the Board of Medicine to meet the objections of the Legislative Rule-Making Review Committee
and refiled in the State Register on the sixth day of December, two thousand twelve, relating to the Board of Medicine (practitioner requirements for accessing the West Virginia controlled substances monitoring program data base, 11 CSR 10), is authorized.

(b) The legislative rule filed in the State Register on the twenty-eighth day of August, two thousand twelve, authorized under the authority of section seven, article three, chapter thirty, of this code, modified by the Board of Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the sixth day of December, two thousand twelve, relating to the Board of Medicine (licensure, disciplinary and complaint procedures; continuing education; and physician assistants, 11 CSR 1B), is authorized.

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

§64-9-2. Board of Optometry.

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

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

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

(c) The legislative rule filed in the State Register on the second day of August, two thousand twelve, authorized under the
authority of section one, article seven, chapter thirty, of this code, modified by the Board of Examiners for Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the seventh day of December, two thousand twelve, relating to the Board of Examiners for Registered Professional Nurses (announcement of advanced practice, 19 CSR 7), is authorized.

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

§64-9-7. Secretary of State.

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

(b) The legislative rule filed in the State Register on the fourteenth day of August, two thousand twelve, authorized under the authority of section one hundred ten, article twenty-eight-a, chapter forty-eight, of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making
Review Committee and refiled in the State Register on the eighteenth day of January, two thousand thirteen, relating to the Secretary of State (administration of the address confidentiality program, 153 CSR 37), is authorized.

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

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

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

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

(b) The legislative rule filed in the State Register on the twenty-ninth day of June, two thousand twelve, authorized under the authority of section six, article twenty-seven, chapter thirty,
of this code, modified by the Board of Barbers and
Cosmetologists to meet the objections of the Legislative Rule-
Making Review Committee and refiled in the State Register on
the tenth day of January, two thousand thirteen, relating to the
Board of Barbers and Cosmetologists (barber apprenticeships, 3
CSR 13), is authorized.

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

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

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

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

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

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

“7.1 Daily Records - Each school shall keep a daily class
record of each student, showing the number hours earned daily,
the total number of hours the student is in attendance and the
days each student is absent. Daily hours shall be recorded by the
school using a time tracking system that can not be edited by a
student. Each student shall clock himself or herself in and out of
school."


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

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

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

§64-9-10. Board of Architects.

The legislative rule filed in the State Register on the
sixteenth day of August, two thousand twelve, authorized under
the authority of section one, article twelve, chapter thirty, of this
code, modified by the Board of Architects to meet the objections
of the Legislative Rule-Making Review Committee and refiled
in the State Register on the tenth day of October, two thousand
two, relating to the Board of Architects (registration of
architects, 2 CSR 1), is authorized, with the following
amendment:
On page four, subdivision 2.2.17. after the word “apartment” by inserting the word “and”;

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

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

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

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

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

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

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

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

On page eleven, paragraph 5.1.1.b. after the word “NCARB’s” by striking out the remainder of said paragraph and inserting in lieu thereof the words “education standards applicable upon passage of this rule during the 2013 Regular Session of the West Virginia Legislature”;
39 On page eleven, paragraph 5.1.1.c. after the words "stipulated by NCARB" by striking out the underlined words "and as accepted by the board";

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

41 On page eleven, subdivision 5.1.4. by reinserting the stricken words "Prior to granting a certificate of registration", and by striking out the underlined words "When evaluation qualifications" and by striking out the comma and the underlined words "prior to reaching its decision";

42 On page twelve, subdivision 6.1.2. after the words "to the Board concerning the applicant" by striking out the comma and the words "as the board considers pertinent";

43 On page thirteen, subdivision 7.3.3. after both instances of the words "the Board" by striking both instances of the word "will" and inserting in lieu thereof in both instances the word "shall";

44 On page fifteen, subdivision 8.4.b. by restoring the stricken words "United States";

45 On page fifteen, subsection 8.6. after the words "non-renewal of any" by reinstating the stricken words "certificate of";

46 On page seventeen, subdivision 9.1.2 after the words "and municipal building laws" by reinserting the stricken words "and rules and ordinances";

47 On page seventeen, subdivision 9.1.2 after the words "in violation of those laws" by reinserting the stricken words "and rules and ordinances";
On page nineteen, subdivision 9.3.3.a. after the words “municipal building laws” by restoring the stricken words “and rules or ordinances”;

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

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


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

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

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

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

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


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


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 code, modified by the Board of Social Work to meet the
4 objections of the Legislative Rule-Making Review Committee
5 and refiled in the State Register on the twenty-third day of
6
(b) The legislative rule filed in the State Register on the thirty-first day of August, two thousand twelve, authorized under the authority of section six, article thirty, chapter thirty, of this code, modified by the Board of Social Work to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the fifth day of February, two thousand thirteen, relating to the Board of Social Work (qualifications for the profession social work, 25 CSR 1), is authorized, with the following amendment:

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

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

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

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

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

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

On page four, subdivision 3.3.1., by striking out all of paragraph (b) and inserting in lieu thereof a new paragraph, designated paragraph (b), to read as follows:
“(b) Documentation showing the applicant has met the requirements set forth in W.Va. Code §30-30-16.”;

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

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

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

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

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

And relettering the remaining paragraphs accordingly;

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

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

On page six, subdivision 3.3.9., after the words “while under the” by striking out the words “employment of the agency.” and inserting in lieu thereof the words “supervision of the supervisor.”;
On page six, paragraph 3.3.11(e), by striking out the words “The Provisional Supervisor shall not have” and inserting in lieu thereof the word “Has not”;

On page six, at the end of paragraph 3.3.11(e), by inserting the word “and”;

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

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

On page seven, subdivision 3.6, renumbered by this amendment as 3.4, after the words “attempting the examination” by striking out the words “an additional time” and inserting in lieu thereof the word “thereafter”;

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

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

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

3.6.1. To be approved by the board to serve as a clinical supervisor, a West Virginia licensed independent clinical social worker, or a licensed clinical social worker from another jurisdiction, shall:
(a) Have completed no less than two years of clinical practice since the initial issuance of the clinical license;

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

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

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

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

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

On page one, subdivision 3.1.1., after the words "at least" by striking out the word "thirty";
On page two, subdivision 3.1.1., after the words “may be earned via” by striking out the word “technical” and inserting in lieu thereof the word “electronic”;

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

On page two, subdivision 3.3.1., after the words “satisfactorily completing:” by inserting the words “individual professional activities as follows:”; 

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

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

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

On page three, subsection 4.1., in the third sentence of the subsection, after the words “programs under” by striking out the word “it’s” and inserting in lieu thereof the word “its”;

On page four, subdivision 4.2.6., after the words “provisions of the” by striking out the word “American’s” and inserting in lieu thereof the word “Americans”;

On page five, subdivision 4.3.12., after the words “provisions of the” by striking out the word “American’s” and inserting in lieu thereof the word “Americans”; and

On page five, subdivision 4.4.2, in the second sentence of the subdivision, after the words “conducted via” by striking out the
word "technical" and inserting in lieu thereof the word "electronic".

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


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


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

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

On page three, section two, by striking out all of subsection 2.6.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Member

Chairman, Senate Committee

Originating in the House.

In effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

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

Governor
PRESENTED TO THE GOVERNOR

APR 29 2013

Time 2:10 PM