

HB 4039

FILED

2014 MAR 26 P 4: 28

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4039

(By Delegates Poore, Marcum,
Eldridge, Fleischauer and Frich)



Passed March 8, 2014

In effect from its passage.

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H.B. 4039

(BY DELEGATES POORE, MARCUM,
ELDRIDGE, FLEISCHAUER AND FRICH)

[Passed March 8, 2014; in effect from its 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

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the Legislature; authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to policemen's and firemen's pensions disability calculation; authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of a brokerage business; authorizing the Real Estate Commission to promulgate a legislative rule relating to a schedule of fees; authorizing the State Election Commission to promulgate a legislative rule relating to the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program; 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 or certification; authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to a schedule of fees; repealing the Treasurer's Office legislative rule relating to procedure for deposit of funds in the Treasurer's Office by state agencies; authorizing the Treasurer's Office to promulgate a legislative rule relating to the procedure for deposit of monies with the office by state agencies; authorizing the Treasurer's Office to promulgate a legislative rule relating to the selection of state depositories for disbursement accounts through competitive bidding; authorizing the Treasurer's Office to promulgate a legislative rule relating to the selection of state depositories for receipt accounts; repealing the Treasurer's Office legislative rule relating to rules for the reporting of debt capacity; authorizing the Treasurer's Office to promulgate a legislative rule relating to reporting debt; authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for fees in collections by charge, credit or debit card or by electronic payment; authorizing the Treasurer's Office to promulgate a legislative rule relating to providing services to political subdivisions; authorizing the Bureau of Senior Services to promulgate a legislative rule relating to the In-home Care Worker Registry; 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 auctioneers; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the inspection of meat and poultry; 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; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to speech-language pathology and audiology assistants; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to a code of ethics; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to the regulation of chiropractic practice; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to fees pertaining to the practice of chiropractic; 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 professional limited liability companies; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to fees established by the Board; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of dental corporations and dental practice ownership; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to dental advertising; 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 administration of anesthesia by dentists; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to mobile dental facilities and portable dental units; authorizing the State Board of Examiners for Licensed Practical Nurses to promulgate a legislative rule relating to policies regulating licensure of the licensed practical nurse; authorizing the State Board of Examiners for Licensed Practical 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 State Board of Examiners for Licensed Practical Nurses to promulgate a legislative rule relating to continuing competence; authorizing the Board of Pharmacy to promulgate a legislative rule relating to continuing education for licensure of pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing the Board of Sanitarians to promulgate a legislative rule relating to the practice of public health sanitation; authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to the examination and licensing of professional surveyors in West Virginia; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to the registration of veterinary technicians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees; and authorizing the Infrastructure and Jobs Development Council to promulgate a legislative rule relating to the Council.

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. Municipal Pensions Oversight Board.

1 The legislative rule filed in the State Register on July 26,
2 2013, authorized under the authority of section eighteen-a,
3 article twenty-two, chapter eight of this code, modified by the
4 Municipal Pensions Oversight Board to meet the objections of
5 the Legislative Rule-Making Review Committee and refiled in
6 the State Register on November 25, 2013, relating to the
7 Municipal Pensions Oversight Board (policemen's and firemen's
8 pensions disability calculation, 211 CSR 1), is authorized.

§64-9-2. Real Estate Commission.

1 (a) The legislative rule filed in the State Register on July 25,
2 2013, authorized under the authority of section eight, article
3 forty, chapter thirty of this code, modified by the Real Estate
4 Commission to meet the objections of the Legislative Rule-
5 Making Review Committee and refiled in the State Register on
6 December 3, 2013, relating to the Real Estate Commission
7 (requirements in licensing real estate brokers, associate brokers
8 and salespersons and the conduct of brokerage business, 174
9 CSR 1), is authorized.

10 (b) The legislative rule filed in the State Register on June 24,
11 2013, authorized under the authority of section eight, article
12 forty, chapter thirty of this code, modified by the Real Estate
13 Commission to meet the objections of the Legislative Rule-
14 Making Review Committee and refiled in the State Register on
15 November 12, 2013 relating to the Real Estate Commission
16 (schedule of fees, 174 CSR 2), is authorized.

§64-9-3. State Election Commission.

1 The legislative rule filed in the State Register on July 11,
2 2013, authorized under the authority of section fourteen, article

3 twelve, chapter three of this code, modified by the State Election
4 Commission to meet the objections of the Legislative Rule-
5 Making Review Committee and refiled in the State Register on
6 August 6, 2013, relating to the State Election Commission (West
7 Virginia Supreme Court of Appeals Public Campaign Financing
8 Pilot Program, 146 CSR 5), is authorized.

§64-9-4. Real Estate Appraiser Licensing and Certification Board.

1 (a) The legislative rule filed in the State Register on
2 February 4, 2014, authorized under the authority of section nine,
3 article thirty-eight, chapter thirty of this code, relating to the
4 Real Estate Appraiser Licensing and Certification Board
5 (requirements for licensure and certification, 190 CSR 2), is
6 authorized with the following amendment:

7 On page thirty-two, by striking out the words “10.2.p. One
8 roster: thirty-five dollars (\$35); Roster subscription fee:;” and
9 inserting in lieu thereof the following:

10 10.2.q. One roster: thirty-five dollars (\$35); 10.2.r. Roster
11 subscription fee: fifty dollars (\$50);

12 And by relettering the remaining subdivisions.

13 On page 43, subdivision 11.8.b, line one, by striking out the
14 words and date “Effective January 1, 2015” and on line four after
15 after the words “certification number” and the period, by striking
16 out the words and date “Effective January 1, 2015”.

17 (b) The legislative rule filed in the State Register on July 26,
18 2013, authorized under the authority of section nine, article
19 thirty-eight, chapter thirty of this code, modified by the Real
20 Estate Appraiser Licensing and Certification Board to meet the
21 objections of the Legislative Rule-Making Review Committee
22 and refiled in the State Register on December 23, 2013, relating
23 to the Real Estate Appraiser Licensing and Certification Board
24 (renewal of licensure or certification, 190 CSR 3), is authorized,
25 with the following amendments:

26 On page 1, subsection 1.3, after the words “Filing Date. —”
27 by striking out the word “April”;

28 On page 1, subsection 1.4, after the words “Effective Date.
29 —” by striking out the word “April”;

30 On page 1, subsection 2.3, after the words “each 60” by
31 striking out the words “minute segment of instruction” and
32 inserting in lieu thereof the words “minutes actual classroom
33 instruction”;

34 On page 1, underlined subsection 2.7, after the words “W.
35 Va. Code” by striking the words “§30-38 et seq.” and inserting
36 in lieu thereof the words “§30-38-1 et seq.” and after the words
37 “Requirements for Licensure and Certification” by striking out
38 the reference “190CSR2, subdivision 11.2” and inserting in lieu
39 thereof the reference “190CSR2, subsection 11”;

40 On page 2, section 3.2, by underlining the words “License
41 renewals are due 30 days prior to September 30” and after the
42 words “delinquent license fee” by inserting the words “pursuant
43 to 190 CSR 2”;

44 On page 2, subsection 4.1, after the words “classroom hours”
45 by inserting the words “or classroom hours of distance
46 education” and after the words “renewal term” by inserting the
47 words”: *Provided*. That with the exception of the 7-hour USPAP
48 course, no credit shall be awarded for completion of a continuing
49 education course on the same topic more than once every three
50 (3) years”;

51 On page 2, paragraph 4.1.b.2, after the word “Arbitration” by
52 underlining the comma and space;

53 On page 3, subsection 4.2, by removing the underlining of
54 “4.2” and by striking out the words “Beginning in 2015” and
55 inserting in lieu thereof the words “Effective January 1, 2015”;

56 On page 3, after subsection 4.4, by inserting a new
57 subsection “4.5. The board may grant credit for up to seven (7)
58 hours of a licensee’s continuing education requirement to
59 teachers of appraisal courses which the board has approved and
60 for which the board grants credit.” and by renumbering the
61 following subsection;

62 And,

63 On page 4, subsection 5.4, by striking out the words
64 “subdivisions 5.1.g., 6.1.h., or 6.1.i.”.

§64-9-5. Massage Therapy Licensure Board.

1 The legislative rule filed in the State Register on July 23,
2 2013, authorized under the authority of section seven, article
3 thirty-six, chapter thirty of this code, relating to the Massage
4 Therapy Licensure Board (schedule of fees, 194 CSR 4), is
5 authorized.

§64-9-6. Treasurer’s Office.

1 (a) The legislative rule filed in the State Register on July 26,
2 2013, authorized under the authority of section two, article two,
3 chapter twelve of this code, relating to the Treasurer’s Office
4 (procedure for deposit of funds in the Treasurer’s Office by state
5 agencies, 112 CSR 1), is repealed.

6 (b) The legislative rule filed in the State Register on July 26,
7 2013, authorized under the authority of section two, article two,
8 chapter twelve of this code, modified by the Treasurer’s Office
9 to meet the objections of the Legislative Rule-Making Review
10 Committee and refiled in the State Register on November 12,
11 2013, relating to the Treasurer’s Office (procedure for deposit of
12 monies with the Office by state agencies, 112 CSR 4), is
13 authorized.

14 (c) The legislative rule filed in the State Register on July 26,
15 2013, authorized under the authority of section two, article one,

16 chapter twelve of this code, modified by the Treasurer's Office
17 to meet the objections of the Legislative Rule-Making Review
18 Committee and refiled in the State Register on November 12,
19 2013, relating to the Treasurer's Office (selection of state
20 depositories for disbursement accounts through competitive
21 bidding, 112 CSR 6), is authorized.

22 (d) The legislative rule filed in the State Register on July 26,
23 2013, authorized under the authority of section two, article one,
24 chapter twelve of this code, modified by the Treasurer's Office
25 to meet the objections of the Legislative Rule-Making Review
26 Committee and refiled in the State Register on November 12,
27 2013, relating to the Treasurer's Office (selection of state
28 depositories for receipt accounts, 112 CSR 7), is authorized.

29 (e) The legislative rule filed in the Office of the Secretary of
30 State and made effective May 7, 1998, authorized under the
31 authority of section four, article six-b, chapter twelve of this
32 code, relating to the Treasurer's Office (rules for the reporting of
33 debt capacity, 112 CSR 9), and pursuant to the proposal to repeal
34 the same filed in the Office of the Secretary of State on July 26,
35 2013, is repealed.

36 (f) The legislative rule filed in the State Register on July 26,
37 2013, authorized under the authority of section seven, article six-
38 a, chapter twelve of this code, modified by the Treasurer's
39 Office to meet the objections of the Legislative Rule-Making
40 Review Committee and refiled in the State Register on
41 November 13, 2013, relating to the Treasurer's Office (reporting
42 debt, 112 CSR 10), is authorized, with the following
43 amendments:

44 On page two, following subsection 2.2, beginning on line
45 seven, by inserting a new subsection 2.3 to read as follows:

46 "2.3. "Division" means the Division of Debt Management in
47 the office of the State Treasurer.", and by redesignating the
48 remaining subsections accordingly;

49 And,

50 On page six, subsection 7.1, line twenty-eight, following the
51 word "June" and the number "30" by inserting the words "of the
52 next preceding fiscal year".

53 (g) The legislative rule filed in the State Register on July 26,
54 2013, authorized under the authority of section six, article three-
55 a, chapter thirteen of this code, modified by the Treasurer's
56 Office to meet the objections of the Legislative Rule-Making
57 Review Committee and refiled in the State Register on
58 November 15, 2013, relating to the Treasurer's Office
59 (procedures for fees in collections by charge, credit or debit card
60 or by electronic payment, 112 CSR 12), is authorized, with the
61 following amendment:

62 On page four, subsection 5.5, beginning on line nineteen,
63 following the words "timely or", by striking out the words "if the
64 spending unit has not been authorized to collect convenience
65 fees".

66 (h) The legislative rule filed in the State Register on July 26,
67 2013, authorized under the authority of section six, article three-
68 a, chapter twelve of this code, modified by the Treasurer's
69 Office to meet the objections of the Legislative Rule-Making
70 Review Committee and refiled in the State Register on
71 November 12, 2013, relating to the Treasurer's Office (providing
72 services to political subdivisions, 112 CSR 13), is authorized,
73 with the following amendments:

74 On page two, subsection 2.5, line two, following the words
75 "the unpaid balance", by striking out the words the remainder of
76 the sentence;

77 On page three, subsection 2.16, line one, by striking out the
78 words "spending unit or";

79 And,

80 On page three, subsection 2.23, by striking out the
81 subsection in its entirety and re-designating the remaining
82 subsection accordingly.

§64-9-7. Bureau of Senior Services.

1 The legislative rule filed in the State Register on July 26,
2 2013, authorized under the authority of section fifteen, article
3 five-p, chapter sixteen of this code, relating to the Bureau of
4 Senior Services (In-home Care Worker Registry, 76 CSR 2), is
5 authorized with the following amendment:

6 On page three, section 7, by striking out all of subsection
7 7.3.;

§64-9-8. Commissioner of Agriculture.

1 (a) The legislative rule filed in the State Register on July 26,
2 2013, authorized under the authority of section five, article two,
3 chapter nineteen of this code, modified by the Commissioner of
4 Agriculture to meet the objections of the Legislative Rule-
5 Making Review Committee and refiled in the State Register on
6 September 30, 2013, relating to the Commissioner of Agriculture
7 (schedule of charges for inspection services: fruit, 61 CSR 8B),
8 is authorized.

9 (b) The legislative rule filed in the State Register on July 24,
10 2013, authorized under the authority of section five, article two-
11 c, chapter nineteen of this code, modified by the Commissioner
12 of Agriculture to meet the objections of the Legislative Rule-
13 Making Review Committee and refiled in the State Register on
14 October 2, 2013, relating to the Commissioner of Agriculture
15 (auctioneers, 61 CSR 11B), is authorized.

16 (c) The legislative rule filed in the State Register on July 23,
17 2013, authorized under the authority of section three, article two-
18 b, chapter nineteen of this code, relating to the Commissioner of

19 Agriculture (inspection of meat and poultry, 61 CSR 16), is
20 authorized with the following amendment:

§16-16-9. Poultry Exemptions.

1 9.1 A poultry producer who otherwise meets the
2 requirements of the exemption for poultry producers that
3 slaughter or process 20,000 or fewer birds per calendar year
4 under the federal Poultry Products Inspection Act, 21 U. S. C.
5 464(c) (3), may not keep a poultry flock of more than 3,000 birds
6 at any one time.

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

1 (a) The legislative rule filed in the State Register on July 25,
2 2013, authorized under the authority of section seven, article
3 thirty-two, chapter thirty of this code, modified by the Board of
4 Examiners for Speech-Language Pathology and Audiology to
5 meet the objections of the Legislative Rule-Making Review
6 Committee and refiled in the State Register on December 18,
7 2013, relating to the Board of Examiners for Speech-Language
8 Pathology and Audiology (licensure of speech-pathology and
9 audiology, 29 CSR 1), is authorized.

10 (b) The legislative rule filed in the State Register on July 25,
11 2013, authorized under the authority of section seven, article
12 thirty-two, chapter thirty of this code, modified by the Board of
13 Examiners for Speech-Language Pathology and Audiology to
14 meet the objections of the Legislative Rule-Making Review
15 Committee and refiled in the State Register on November 26,
16 2013, relating to the Board of Examiners for Speech-Language
17 Pathology and Audiology (speech-language pathology and
18 audiology assistants, 29 CSR 2), is authorized, with the
19 following amendment:

20 On page 1, subsection 2.3, at the beginning of the subsection,
21 by striking out the words "Indirect/General supervision:

22 Indirect/General” and inserting in lieu thereof the words
23 “Indirect supervision: Indirect”;

24 On page 1, after subsection 2.6, by adding a new subsection
25 2.7, to read as follows:

26 “2.7. Medically fragile patient/client: A medically fragile
27 patient/client means a patient/client who has any condition that
28 interferes with the airway, breathing, and/or circulatory system.”,

29 And by renumbering the remaining subsections accordingly;

30 On page 2, subsection 4.1, subdivision (f), at the beginning
31 of subsection (f), by restoring the stricken first sentence:

32 On page 3, subsection 4.1, subdivision (h), by striking out
33 said subdivision (h) and inserting a new subdivision (h) to read
34 as follows:

35 “(h) Provide 20% direct supervision and 10% indirect
36 supervision for the first ninety (90) days, and thereafter ensure
37 that he or she has direct contact with each patient/client at least
38 once for every two weeks of treatment provided: *Provided*, That
39 supervisors shall provide 100% direct supervision of an assistant
40 who is providing treatment to a medically fragile patient/client.”;

41 On page 3, subsection 4.1, subdivision (o), after the words
42 “ethical responsibility” by striking out the words “patient/client
43 services provided or omitted”; and

44 On page 3, subsection 4.1, subdivision (u), by striking out
45 subdivision (u) in its entirety and inserting in lieu thereof a new
46 subdivision (u) to read as follows:

47 “(u) Accurately document all direct and indirect supervisory
48 activities on forms prescribed by the board, and submit the same
49 annually upon application for renewal of registration”.

50 (c) The legislative rule filed in the State Register on July 25,
51 2013, authorized under the authority of section seven, article
52 thirty-two, chapter thirty of this code, modified by the Board of
53 Examiners for Speech-Language Pathology and Audiology to
54 meet the objections of the Legislative Rule-Making Review
55 Committee and refiled in the State Register on November 26,
56 2013, relating to the Board of Examiners for Speech-Language
57 Pathology and Audiology (disciplinary and complaint procedures
58 for speech-language pathology and audiology, 29 CSR 4), is
59 authorized.

60 (d) The legislative rule filed in the State Register on July 25,
61 2013, authorized under the authority of section seven, article
62 thirty-two, chapter thirty of this code, relating to the Board of
63 Examiners for Speech-Language Pathology and Audiology (code
64 of ethics, 29 CSR 5), is authorized.

§64-9-10. Board of Chiropractic Examiners.

1 (a) The legislative rule filed in the State Register on July 25,
2 2013, authorized under the authority of section five, article
3 sixteen, chapter thirty of this code, modified by the Board of
4 Chiropractic Examiners to meet the objections of the Legislative
5 Rule-Making Review Committee and refiled in the State
6 Register on December 12, 2013, relating to the Board of
7 Chiropractic Examiners (regulation of chiropractic practice, 4
8 CSR 1), is authorized, with the following amendment:

9 On page 4, subsection 6.4, after the words "is prohibited" by
10 striking out the words "as outlined in W. Va. Code § 30-16-20".

11 (b) The legislative rule filed in the State Register on July 25,
12 2013, authorized under the authority of section five, article
13 sixteen, chapter thirty of this code, relating to the Board of
14 Chiropractic Examiners (fees pertaining to the practice of
15 chiropractic, 4 CSR 6), is authorized.

§64-9-11. Board of Dental Examiners.

1 (a) The legislative rule filed in the State Register on July 22,
2 2013, authorized under the authority of section six, article four,
3 chapter thirty of this code, relating to the Board of Dental
4 Examiners (rule for the West Virginia Board of Dental
5 Examiners, 5 CSR 1), is authorized.

6 (b) The legislative rule filed in the State Register on July 22,
7 2013, authorized under the authority of section one thousand
8 three hundred four, article thirteen, chapter thirty-one-b of this
9 code, relating to the Board of Dental Examiners (formation and
10 approval of professional limited liability companies, 5 CSR 2),
11 is authorized.

12 (c) The legislative rule filed in the State Register on July 24,
13 2013, authorized under the authority of section six, article four,
14 chapter thirty of this code, modified by the Board of Dental
15 Examiners to meet the objections of the Legislative Rule-
16 Making Review Committee and refiled in the State Register on
17 November 22, 2013, relating to the Board of Dental Examiners
18 (fees established by the Board, 5 CSR 3), is authorized, with the
19 following amendment:

20 On page 1, subsection 2.4, by striking out said subsection 2.4
21 in its entirety and re-designating the remaining subsections
22 accordingly.

23 (d) The legislative rule filed in the State Register on July 22,
24 2013, authorized under the authority of section six, article four,
25 chapter thirty of this code, relating to the Board of Dental
26 Examiners (formation and approval of dental corporations; and
27 dental practice ownership, 5 CSR 6), is authorized.

28 (e) The legislative rule filed in the State Register on July 22,
29 2013, authorized under the authority of section six, article four,
30 thirty of this code, relating to the Board of Dental Examiners
31 (dental advertising, 5 CSR 8), is authorized.

32 (f) The legislative rule filed in the State Register on July 22,
33 2013, authorized under the authority of section five-a, article
34 nine, chapter sixty-a of this code, modified by the Board of
35 Dental Examiners to meet the objections of the Legislative Rule-
36 Making Review Committee and refiled in the State Register on
37 October 31, 2013, relating to the Board of Dental Examiners
38 (practitioner requirements for accessing the West Virginia
39 controlled substances monitoring program database, 5 CSR 10),
40 is authorized.

41 (g) The legislative rule filed in the State Register on July 24,
42 2013, authorized under the authority of section six, article four,
43 chapter thirty of this code, relating to the Board of Dental
44 Examiners (continuing education requirements, 5 CSR 11), is
45 authorized.

46 (h) The legislative rule filed in the State Register on July 24,
47 2013, authorized under the authority of section six, article four,
48 chapter thirty of this code, relating to the Board of Dental
49 Examiners (administration of anesthesia by dentists, 5 CSR 12),
50 is authorized.

51 (i) The legislative rule filed in the State Register on July 22,
52 2013, authorized under the authority of section six, article four,
53 chapter thirty of this code, relating to the Board of Dental
54 Examiners (expanded duties of dental hygienists and dental
55 assistants, 5 CSR 13), is authorized.

56 (j) The legislative rule filed in the State Register on July 24,
57 2013, authorized under the authority of section six, article four,
58 chapter thirty of this code, modified by the Board of Dental
59 Examiners to meet the objections of the Legislative Rule-
60 Making Review Committee and refiled in the State Register on
61 November 22, 2013, relating to the Board of Dental Examiners
62 (mobile dental facilities and portable dental units, 5 CSR 14), is
63 authorized, with the following amendments:

64 On page 1, subsection 2.2, after the words “American Dental
65 Association” by striking out the words “beginning not later than
66 one year of age”;

67 On page 1, subsection 2.4, after the words “to employ” by
68 inserting the words “or contract with”;

69 On page 2, subsection 4.4, subdivision (a), after the words
70 “telephone number of each” by striking out the words “dentist or
71 dental hygienist” and inserting in lieu thereof the words “dentist,
72 dental hygienist or operator”;

73 On page 3, subsection 4.4, subdivision (g), after the words
74 “statement that the applicant” by striking out the word “posses”
75 and inserting in lieu thereof the word “possesses”; and

76 On page 7, subsection 8.3, after the words “written report for
77 the” by striking out the word “proceeding” and inserting in lieu
78 thereof the word “preceding”.

§64-9-12. State Board of Examiners for Licensed Practical Nurses.

1 (a) The legislative rule filed in the State Register on April
2 29, 2013, authorized under the authority of section six, article
3 seven-a, chapter thirty of this code, modified by the State Board
4 of Examiners for Licensed Practical Nurses to meet the
5 objections of the Legislative Rule-making Review Committee
6 and refiled in the State Register on October 1, 2013, relating to
7 the State Board of Examiners for Licensed Practical Nurses
8 (policies regulating licensure of the licensed practical nurse, 10
9 CSR 2), is authorized, with the following amendment:

10 On page 1, subdivision 2.1.c., after the citation “10 CSR 1”
11 by striking out the words “or a board approved program from
12 another US jurisdiction” and inserting in lieu thereof the words
13 “program approved by a board that licenses Licensed Practical
14 Nurses in another state or US territory.”.

15 (b) The legislative rule filed in the State Register on April
16 29, 2013, authorized under the authority of section seven, article
17 seven-a, chapter thirty of this code, modified by the State Board
18 of Examiners for Licensed Practical Nurses to meet the
19 objections of the Legislative Rule-Making Review Committee
20 and refiled in the State Register on July 26, 2013, relating to the
21 State Board of Examiners for Licensed Practical Nurses (fees for
22 services rendered by the Board and supplemental renewal fee for
23 the Center for Nursing, 10 CSR 4), is authorized.

24 (c) The legislative rule filed in the State Register on April
25 29, 2013, authorized under the authority of section five, article
26 seven-a, chapter thirty of this code, modified by the State Board
27 of Examiners for Licensed Practical Nurses to meet the
28 objections of the Legislative Rule-Making Review Committee
29 and refiled in the State Register on September 4, 2013, relating
30 to the State Board of Examiners for Licensed Practical Nurses
31 (continuing competence, 10 CSR 6), is authorized.

§64-9-13. Board of Pharmacy.

1 (a) The legislative rule filed in the State Register on October
2 18, 2013, authorized under the authority of section seven, article
3 five, chapter thirty of this code, modified by the Board of
4 Pharmacy to meet the objections of the Legislative Rule-Making
5 Review Committee and refiled in the State Register on
6 December 20, 2013, relating to the Board of Pharmacy
7 (continuing education for licensure of pharmacists, 15 CSR 3),
8 is authorized, with the following amendment:

9 On page 2, subsection 2.9, after the words "National
10 Association of Boards of Pharmacy" by adding the words
11 "(NABP) and".

12 (b) The legislative rule filed in the State Register on October
13 18, 2013, authorized under the authority of section six, article
14 nine, chapter sixty-a of this code, modified by the Board of

15 Pharmacy to meet the objections of the Legislative Rule-Making
16 Review Committee and refiled in the State Register on
17 December 20, 2013, relating to the Board of Pharmacy
18 (controlled substances monitoring, 15 CSR 8), is authorized.

§64-9-14. Sanitarians.

1 The legislative rule filed in the State Register on July 24,
2 2013, authorized under the authority of section six, article
3 seventeen, chapter thirty of this code, relating to the Board of
4 Sanitarians (practice of public health sanitation, 20 CSR 4), is
5 authorized.

§64-9-15. Board of Professional Surveyors.

1 The legislative rule filed in the State Register on July 23,
2 2013, authorized under the authority of section six, article
3 thirteen-a, chapter thirty of this code, relating to the Board of
4 Professional Surveyors (examination and licensing of
5 professional surveyors in West Virginia, 23 CSR 1), is
6 authorized.

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

1 (a) The legislative rule filed in the State Register on July 26,
2 2013, authorized under the authority of section six, article ten,
3 chapter thirty of this code, modified by the Board of Veterinary
4 Medicine to meet the objections of the Legislative Rule-Making
5 Review Committee and refiled in the State Register on
6 November 5, 2013, relating to the Board of Veterinary Medicine
7 (registration of veterinary technicians, 26 CSR 3), is authorized.

8 (b) The legislative rule filed in the State Register on July 26,
9 2013, authorized under the authority of section six, article ten,
10 chapter thirty of this code, relating to the Board of Veterinary
11 Medicine (certified animal euthanasia technicians, 26 CSR 5), is
12 authorized.

13 (c) The legislative rule filed in the State Register on July 26,
14 2013, authorized under the authority of section six, article ten,
15 chapter thirty of this code, modified by the Board of Veterinary
16 Medicine to meet the objections of the Legislative Rule-Making
17 Review Committee and refiled in the State Register on
18 November 5, 2013, relating to the Board of Veterinary Medicine
19 (schedule of fees, 26 CSR 6), is authorized.

§64-9-17. Infrastructure and Jobs Development Council.

1 The legislative rule filed in the State Register on July 9,
2 2013, authorized under the authority of section four, article
3 fifteen-a, chapter thirty-one of this code, modified by the
4 Infrastructure and Jobs Development Council to meet the
5 objections of the Legislative Rule-Making Review Committee
6 and refiled in the State Register on July 29, 2013, relating to the
7 Infrastructure and Jobs Development Council (Infrastructure and
8 Jobs Development Council, 167 CSR 1), is authorized.

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

Danny Wells

Chairman, House Committee

Rocky Fitzsimmons
Chairman, Senate Committee

Originating in the House.

In effect from its passage.

FILED
2014 MAR 26 P 4: 28
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Bryan D. Boy

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 26th
day of March, 2014.

Carl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2014

Time 11:05 am