Committee Substitute for
House Bill 4252

BY DELEGATE FOSTER

[Passed March 6, 2020; in effect from passage.]
Committee Substitute

for

House Bill 4252

BY DELEGATE FOSTER

[Passed March 6, 2020; in effect from passage.]
AN ACT to amend and reenact §64-9-1 et seq. of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Board of Acupuncture to promulgate a legislative rule relating to fees for the Board of Acupuncture; authorizing the Board of Acupuncture to promulgate a legislative rule relating to auricular detoxification therapy certificate; authorizing the Board of Acupuncture to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Acupuncture to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; 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 Fresh Food Act; 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 poultry rules for hatcheries, growers, and contractors pertaining to poultry disease control and eradication; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to grade "A" pasteurized milk; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia manufacture-grade milk; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to employment reference and inquiries and background checks; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Spay-Neuter Assistance Program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to hemp products;
authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervid farming; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia exempted dairy farms and milk and milk products processing rules; authorizing the Board of Architects to promulgate a legislative rule relating to registration of architects; authorizing the Board of Architects to promulgate a legislative rule relating to fees for registration of architects; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Dentistry to promulgate a legislative rule relating to rule for the West Virginia Board of Dental Examiners; authorizing the Board of Dentistry to promulgate a legislative rule relating to dental advertising; authorizing the Board of Dietitians to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the Board of Dietitians to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity; authorizing the Election Commission to promulgate a legislative rule relating to regulation of campaign finance; authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to application for waiver of initial
licensing fees for certain individuals; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Landscape Architects to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to waiver of initial licensing fees for certain initial licensure applicants; authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to fees for services rendered by the Board; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to request for waiver of initial licensing fees for certain individuals; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Optometry to promulgate a legislative rule relating to rules for the West Virginia Board of Optometry; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to waiver of initial licensing fees for certain initial licensure applicants; authorizing the Board of Pharmacy to
promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing
the Board of Pharmacy to promulgate a legislative rule relating to record keeping and
automated data processing systems; authorizing the Board of Pharmacy to promulgate a
legislative rule relating to Board of Pharmacy rules for registration of pharmacy
technicians; authorizing the Board of Pharmacy to promulgate a legislative rule relating to
Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy
interns; authorizing the Board of Pharmacy to promulgate a legislative rule relating to
Board of Pharmacy rules for centralized prescription processing; authorizing the Board of
Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy
permits; authorizing the Board of Pharmacy to promulgate a legislative rule relating to
regulations governing pharmacists; authorizing the Board of Pharmacy to promulgate a
legislative rule relating to application for waiver of initial licensing fees for certain
individuals; authorizing the Board of Physical Therapy to promulgate a legislative rule
relating to general provisions for physical therapist and physical therapist assistants;
authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees
for physical therapist and physical therapist assistant; authorizing the Board of Physical
Therapy to promulgate a legislative rule relating to general provisions for athletic trainers;
authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees
for athletic trainers; authorizing the Board of Physical Therapy to promulgate a legislative
rule relating to application for waiver of initial licensing fees for certain individuals;
authorizing the Board of Registration for Professional Engineers to promulgate a
legislative rule relating to examination, licensure and practice of professional engineers;
authorizing the Board of Professional Surveyors to promulgate a legislative rule relating
to examination and licensing of professional surveyors in West Virginia; authorizing the
Board of Psychologists to promulgate a legislative rule relating to consideration of prior
criminal convictions in initial licensure determinations and application for waiver of initial
licensing fees for certain individuals; 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 Commission to promulgate a legislative rule
relating to application for waiver of initial licensing fees for certain individuals; authorizing
the Real Estate Commission to promulgate a legislative rule relating to consideration of
prior criminal convictions in initial license eligibility determination; authorizing the Board of
Registered Professional Nurses to promulgate a legislative rule relating to requirements
for registration and licensure and conduct constituting professional misconduct; authorizing
the Board of Registered Professional Nurses to promulgate a legislative rule
relating to request for waiver of initial licensing fees for certain individuals; authorizing the
Board of Respiratory Care to promulgate a legislative rule relating to establishment of fees;
authorizing the Board of Respiratory Care to promulgate a legislative rule relating to
student temporary permit; authorizing the Board of Respiratory Care to promulgate a
legislative rule relating to consideration of prior criminal convictions in initial licensure
determinations; authorizing the Board of Sanitarians to promulgate a legislative rule
relating to waiver of initial application fees and criteria for initial licensure; authorizing the
Board of Social Work to promulgate a legislative rule relating to qualifications for the
profession of social work; authorizing the Board of Social Work to promulgate a legislative
rule relating to fee schedule; authorizing the Board of Speech-Language Pathology and
Audiology to promulgate a legislative rule relating to licensure of speech-pathology and
audiology; authorizing the Board of Speech-Language Pathology and Audiology to
promulgate a legislative rule relating to disciplinary and complaint procedures for speech-
language pathology and audiology; authorizing the State Auditor to promulgate a
legislative rule relating to local government purchasing card program; authorizing the State
Conservation Committee to promulgate a legislative rule relating to State Conservation
Committee Grant Program; authorizing the Board of Veterinary Medicine to promulgate a
Be it enacted by the Legislature of West Virginia:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-1. Board of Accountancy.

The legislative rule filed in the State Register on September 27, 2019, authorized under the authority of §30-9-5 of this code, modified by the Board of Accountancy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 8, 2019, relating to the Board of Accountancy (board rules and rules of professional conduct, 1 CSR 01), is authorized.

§64-9-2. Board of Acupuncture.

(a) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §30-36-7 of this code, modified by the Board of Acupuncture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 10, 2019, relating to the Board of Acupuncture (fees for the Board of Acupuncture, 32 CSR 04), is authorized.

(b) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §30-36-7 of this code, modified by the Board of Acupuncture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 17, 2019, relating to the Board of Acupuncture (auricular detoxification therapy certificate, 32 CSR 14), is authorized.
(c) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Acupuncture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 10, 2019, relating to the Board of Acupuncture (application for waiver of initial licensing fees for certain individuals, 32 CSR 15), is authorized.

(d) The legislative rule filed in the State Register on September 24, 2019, authorized under the authority of §30-1-24 of this code, modified by the Board of Acupuncture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 14, 2019, relating to the Board of Acupuncture (consideration of prior criminal convictions in initial licensure determinations, 32 CSR 16), is authorized.


(a) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §19-9-2 of this code, relating to the Commissioner of Agriculture (animal disease control, 61 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-37-3 of this code, relating to the Commissioner of Agriculture (Fresh Food Act, 61 CSR 10), is authorized.

(c) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-2C-3a of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 1, 2019, relating to the Commissioner of Agriculture (auctioneers, 61 CSR 11B), is authorized.

(d) The legislative rule filed in the State Register on July 11, 2019, authorized under the authority of §19-9-2 of this code, relating to the Commissioner of Agriculture (poultry rules for hatcheries, growers, and contractors pertaining to poultry disease control and eradication, 61 CSR 13A), is authorized.
(e) The legislative rule filed in the State Register on January 7, 2020, authorized under the authority of §19-11E-8 of this code, relating to the Commissioner of Agriculture (grade “A" pasteurized milk, 61 CSR 15), is authorized.

(f) The legislative rule filed in the State Register on January 6, 2020, authorized under the authority of §19-11E-8 of this code, relating to the Commissioner of Agriculture (West Virginia manufacture-grade milk, 61 CSR 19), is authorized.

(g) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-1-3b of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 1, 2019, relating to the Commissioner of Agriculture (employment reference and inquiries and background checks, 61 CSR 20), is authorized.

(h) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-20C-3 of this code, relating to the Commissioner of Agriculture (West Virginia Spay-Neuter Assistance Program, 61 CSR 24), is authorized with the following amendments:

On page two, subsection 3.10, after the word “rule” by inserting the following words “to perform spay neuter services for eligible owners and caretakers”;

On page two, after subdivision 3.10.b., by inserting a new subsection, designated 3.11, to read as follows:

“3.11. "Low-income restricted program” means a spay neuter program that provides spay neuter services to owners or caretakers currently receiving assistance from at least one of the state and federal public assistance programs:

3.11.a. The Supplemental Nutrition Assistance Program (SNAP);
3.11.b. Medicaid;
3.11.c. Supplemental Security Income (SSI);
3.11.d. Thee West Virginia Low Income Energy Assistance Program (LIEAP);
3.11.e. Social Security Disability;
3.11.f. Temporary Assistance for Needy Families (TANF);
3.11.g. Aid to Families with Dependent Children (AFCD);
3.11.h. Children’s Health Insurance Program (CHIP); or
3.11.i. Low Income Veterans Assistance under 38 USC 2044.”; and re-numbering the remaining subsections;

On page four, subsection 6.1, after the word “delivery.” by adding the following sentence: “The Advisory Committee shall give preference to applicants that intend to operate a low-income restricted program.”

On page four, subsection 6.2, after the word “application.” by adding the following sentence: “The Commission shall give preference to applicants that intend to operate a low-income restricted program.”

And,

On page five, by striking out all of §61-24-7 and renumbering the remaining section.

(i) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-12E-7 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 6, 2020, relating to the Commissioner of Agriculture (industrial hemp, 61 CSR 29), is authorized with the following amendment:

On page six, section 5.6. by striking everything after the words “the commissioner may” and inserting in lieu thereof the following:

“upon request, and if permitted by the United States Department of Agriculture, permit a licensee to submit a Corrective Action Plan and request a second sampling and test of the crop following implementation of the Corrective Action Plan.”

(j) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-12E-7 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
January 6, 2020, relating to the Commissioner of Agriculture (hemp products, 61 CSR 30), is authorized with the following amendments:

On page four, section four, subdivision 4.6.a, after the words “changes in”, by adding the words “the chemical composition or formula of”;

On page five, section four, subdivision 4.6.c, after the words "changes to", by adding the words "health-related";

On page five, section four after subdivision 4.6.c, by renumbering the remaining subsections;

On page five, section four, subsection 4.7, after the word “retailer”, by adding the words “or distributor”;

On page five, section five, after subdivision 5.7, by inserting a new subdivision, designated subdivision 5.8 to read as follows:

5.8. A distributor of hemp products that does not itself engage in retail sales is not required to register under this section.

On page six, section seven, subsection 7.2, after the words “produced for”, by adding the word “topical”; 

On page six, section seven, subsection 7.2, by striking the words “Cosmetic Product” and inserting in lieu thereof the words “Cosmetic Products”;

On page six, section seven, subsection 7.3, by striking the word “medical” and inserting in lieu thereof the words “disease or drug”;

On page six, section seven, by striking subsection 7.7 and renumbering the remaining subsections;

(k) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §19-2H-12 of this code, relating to the Commissioner of Agriculture (captive cervid farming, 61 CSR 34), is authorized with the following amendment:

On page 9, section 11, by striking out all of section 11.15 and inserting in lieu thereof the
11.15. The owner shall have a West Virginia licensed and accredited veterinarian or
designee perform an annual visual examination of each animal and take an inventory to reconcile
inventory records submitted with the license application or renewal. When the veterinarian
performs the annual visual examination of each animal and takes an inventory, the West Virginia
licensed and accredited veterinarian shall submit the veterinarian report to the Department within
sixty (60) days of receipt and the inventory within thirty (30) days of completion."

(I) The legislative rule filed in the State Register on July 26, 2019, authorized under the
authority of §19-35-4 of this code, modified by the Commissioner of Agriculture to meet the
objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
October 2, 2019, relating to the Commissioner of Agriculture (farmers markets, 61 CSR 38), is
authorized with the following amendment:

On page 7, section 7, subsection 7.4, after the word “products”, by inserting the words
“excluding whole uncut produce and”.

(m) The legislative rule filed in the State Register on January 6, 2020, authorized under
the authority of §19-11E-8 of this code, relating to the Commissioner of Agriculture (West Virginia
exempted dairy farms and milk and milk products processing rules, 61 CSR 40), is authorized.

§64-9-4. Board of Architects.

(a) The legislative rule filed in the State Register on September 24, 2019, authorized under
the authority of §30-12-1 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 November
18, 2019, relating to the Board of Architects (registration of architects, 2 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 16, 2019, authorized under the
authority of §30-12-3 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 November
§64-9-5. Board of Chiropractic Examiners.

(a) The legislative rule filed in the State Register on July 10, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Chiropractic Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2019, relating to the Board of Chiropractic Examiners (application for waiver of initial licensing fees for certain individuals, 4 CSR 07), is authorized.

(b) The legislative rule filed in the State Register on September 10, 2019, authorized under the authority of §30-1-24 of this code, modified by the Board of Chiropractic Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 18, 2019, relating to the Board of Chiropractic Examiners (consideration of prior criminal convictions in initial licensure determinations, 4 CSR 08), is authorized.


The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 9, 2019, relating to the Board of Examiners in Counseling (application for waiver of initial licensing fees for certain individuals, 27 CSR 13), is authorized.

§64-9-7. West Virginia Board of Dentistry.

(a) The legislative rule filed in the State Register on September 20, 2019, authorized under the authority of §30-4-6 of this code, relating to the West Virginia Board of Dentistry (rule for the West Virginia Board of Dental Examiners, 5 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 19, 2019, authorized under the authority of §30-4-6 of this code, modified by the West Virginia Board of Dentistry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
November 18, 2019, relating to the West Virginia Board of Dentistry (dental advertising, 5 CSR 08), is authorized.


(a) The legislative rule filed in the State Register on August 30, 2019, authorized under the authority of §30-35-4 of this code, modified by the Board of Licensed Dietitians to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 1, 2019, relating to the Board of Licensed Dietitians (licensure and renewal requirements, 31 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Licensed Dietitians to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 2, 2019, relating to the Board of Licensed Dietitians (application for waiver of initial licensing fees for certain individuals, 31 CSR 06), is authorized.


(a) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §3-8-8 of this code, modified by the Election Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2019, relating to the Election Commission (corporate and membership organization political activity, 146 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §3-1A-5 of this code, modified by the Election Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2019, relating to the Election Commission (regulation of campaign finance, 146 CSR 03), is authorized.


(a) The legislative rule filed in the State Register on July 23, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Funeral Service Examiners to meet
the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
on October 10, 2019, relating to the Board of Funeral Service Examiners (application for waiver
of initial licensing fees for certain individuals, 6 CSR 05), is authorized.

(b) The legislative rule filed in the State Register on September 27, 2019, authorized under
the authority of §30-1-24 of this code, modified by the Board of Funeral Service Examiners to
meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
Register on November 7, 2019, relating to the Board of Funeral Service Examiners (consideration
of prior criminal convictions in initial licensure determinations, 6 CSR 06), is authorized.


(a) The legislative rule filed in the State Register on July 25, 2019, authorized under the
authority of §30-1-23 of this code, modified by the Board of Hearing Aid Dealers to meet the
objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
October 21, 2019, relating to the Board of Hearing Aid Dealers (application for waiver of initial
licensing fees for certain individuals, 8 CSR 04), is authorized.

(b) The legislative rule filed in the State Register on September 27, 2019, authorized under
the authority of §30-1-24 of this code, modified by the Board of Hearing Aid Dealers to meet the
objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
November 7, 2019, relating to the Board of Hearing Aid Dealers (consideration of prior criminal
convictions in initial licensure determinations, 8 CSR 05), is authorized.

§64-9-12. Board of Landscape Architects.

The legislative rule filed in the State Register on September 27, 2019, authorized under
the authority of §30-1-24 of this code, modified by the Board of Landscape Architects to meet the
objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
November 21, 2019, relating to the Board of Landscape Architects (consideration of prior criminal
convictions in initial licensure determinations, 9 CSR 05), is authorized.
Enr. CS for HB 4252


(a) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §30-1-23 of this code, modified by the Massage Therapy Licensure Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 10, 2019, relating to the Massage Therapy Licensure Board (application for waiver of initial licensing fees for certain individuals, 194 CSR 05), is authorized.

(b) The legislative rule filed in the State Register on September 24, 2019, authorized under the authority of §30-1-24 of this code, modified by the Massage Therapy Licensure Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2019, relating to the Massage Therapy Licensure Board (consideration of prior criminal convictions in initial licensure determinations, 194 CSR 06), is authorized.


The legislative rule filed in the State Register on September 27, 2019, authorized under the authority of §30-23-7 of this code, modified by the Medical Imaging and Radiation Therapy Technology Board of Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 31, 2019, relating to the Medical Imaging and Radiation Therapy Technology Board of Examiners (West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, 18 CSR 01), is authorized.


(a) The legislative rule filed in the State Register on July 25, 2019, authorized under the authority of §30-3E-3 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 October 8, 2019, relating to the Board of Medicine (licensure, disciplinary and complaint procedures, continuing education, physician assistants, 11 CSR 01B), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2019, authorized under the authority of §30-1-23 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 October 8, 2019, relating to the Board of Medicine (waiver of initial licensing fees for certain initial licensure applicants, 11 CSR 13), is authorized.


The legislative rule filed in the State Register on November 26, 2019, authorized under the authority of §30-25-6 of this code, modified by the Nursing Home Administrators Licensing Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 27, 2019, relating to the Nursing Home Administrators Licensing Board (nursing home administrators, 21 CSR 01), is authorized.

§64-9-17. Board of Occupational Therapy.

(a) The legislative rule filed in the State Register on July 3, 2019, authorized under the authority of §30-28-7 of this code, relating to the Board of Occupational Therapy (fees for services rendered by the Board, 13 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on July 3, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Occupational Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 30, 2019, relating to the Board of Occupational Therapy (request for waiver of initial licensing fees for certain individuals, 13 CSR 07), is authorized.

(c) The legislative rule filed in the State Register on December 2, 2019, authorized under the authority of §30-1-24 of this code, relating to the Board of Occupational Therapy (consideration of prior criminal convictions in initial licensure determinations, 13 CSR 08), is authorized.

§64-9-18. Board of Optometry.

The legislative rule filed in the State Register on October 1, 2019, authorized under the authority of §30-8-6 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 November
Enr. CS for HB 4252

4 26, 2019, relating to the Board of Optometry (rules for the West Virginia Board of Optometry, 14
5 CSR 01), is authorized.


1 (a) The legislative rule filed in the State Register on July 31, 2019, authorized under the
2 authority of §30-3E-3 of this code, modified by the Board of Osteopathic Medicine to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 November 14, 2019, relating to the Board of Osteopathic Medicine (osteopathic physician
5 assistants, 24 CSR 02), is authorized.

6 (b) The legislative rule filed in the State Register on July 30, 2019, authorized under the
7 authority of §30-1-23 of this code, modified by the Board of Osteopathic Medicine to meet the
8 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
9 November 14, 2019, relating to the Board of Osteopathic Medicine (waiver of initial licensing fees
10 for certain initial licensure applicants, 24 CSR 08), is authorized.

§64-9-20. Board of Pharmacy.

1 (a) The legislative rule filed in the State Register on July 26, 2019, authorized under the
2 authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the
3 Legislative Rule-Making Review Committee and refiled in the State Register on December 2,
4 2019, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 01), is
5 authorized.

6 (b) The legislative rule filed in the State Register on July 26, 2019, authorized under the
7 authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the
8 Legislative Rule-Making Review Committee and refiled in the State Register on October 10, 2019,
9 relating to the Board of Pharmacy (record keeping and automated data processing systems, 15
10 CSR 04), is authorized.

11 (c) The legislative rule filed in the State Register on July 26, 2019, authorized under the
12 authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the
Enr. CS for HB 4252

Legislative Rule-Making Review Committee and refiled in the State Register on October 11, 2019, relating to the Board of Pharmacy (Board of Pharmacy rules for registration of pharmacy technicians, 15 CSR 07), is authorized with the following amendments:

On page 5, section 4, by striking subdivision 4.3.c and inserting the following:

"4.3.c. has not been convicted of a crime bearing a rational nexus to the practice duties of a pharmacy technician. For other convictions not bearing a rational nexus to the practice of pharmacy, the Board shall permit the applicant to apply for initial licensure if:"

And

On page 10, section 6, by striking subsection 6.7 and 6.8 and inserting the following:

"6.7. has not been convicted of a crime bearing a rational nexus to the practice duties of a pharmacy technician. For other convictions not bearing a rational nexus to the practice of pharmacy, the Board shall permit the applicant to apply for initial licensure if:

6.7.a. a period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

6.7.b. the individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

6.7.c. the conviction was not for an offense of a violent or sexual nature: \textit{Provided}, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the individual board."

And,

By renumbering the remaining subsections.

(d) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-5-7 of this code, relating to the Board of Pharmacy (Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy interns, 15 CSR 12), is authorized.

(e) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the
Enr. CS for HB 4252

Legislative Rule-Making Review Committee and refiled in the State Register on October 10, 2019, relating to the Board of Pharmacy (Board of Pharmacy rules for centralized prescription processing, 15 CSR 14), is authorized.

(f) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 11, 2019, relating to the Board of Pharmacy (regulations governing pharmacy permits, 15 CSR 15), is authorized.

(g) The legislative rule filed in the State Register on October 10, 2019, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2019, relating to the Board of Pharmacy (regulations governing pharmacists, 15 CSR 16), is authorized.

(h) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 11, 2019, relating to the Board of Pharmacy (application for waiver of initial licensing fees for certain individuals, 15 CSR 18), is authorized.


(a) The legislative rule filed in the State Register on September 30, 2019, authorized under the authority of §30-20-6 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 27, 2019, relating to the Board of Physical Therapy (general provisions for physical therapist and physical therapist assistants, 16 CSR 01), is authorized.
(b) The legislative rule filed in the State Register on September 30, 2019, authorized under the authority of §30-20-6 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 27, 2019, relating to the Board of Physical Therapy (fees for physical therapist and physical therapist assistant, 16 CSR 04), is authorized.

(c) The legislative rule filed in the State Register on September 23, 2019, authorized under the authority of §30-20A-2 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 27, 2019, relating to the Board of Physical Therapy (general provisions for athletic trainers, 16 CSR 05), is authorized.

(d) The legislative rule filed in the State Register on September 23, 2019, authorized under the authority of §30-20A-2 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 27, 2019, relating to the Board of Physical Therapy (fees for athletic trainers, 16 CSR 06), is authorized.

(e) The legislative rule filed in the State Register on July 18, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 27, 2019, relating to the Board of Physical Therapy (application for waiver of initial licensing fees for certain individuals, 16 CSR 09), is authorized.

§64-9-22. Board of Registration for Professional Engineers.

The legislative rule filed in the State Register on September 20, 2019, authorized under the authority of §30-13-9 of this code, modified by the Board of Registration for Professional Engineers to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 18, 2019, relating to the Board of Registration for Professional Engineers (application for waiver of initial licensing fees for certain individuals, 16 CSR 09), is authorized.

The legislative rule filed in the State Register on September 17, 2019, authorized under the authority of §30-13A-6 of this code, modified by the Board of Professional Surveyors to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2019, relating to the Board of Professional Surveyors (examination and licensing of professional surveyors in West Virginia, 23 CSR 01), is authorized.


The legislative rule filed in the State Register on October 11, 2019, authorized under the authority of §30-1-23 and §30-1-24 of this code, modified by the Board of Psychologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 8, 2020, relating to the Board of Psychologists (consideration of prior criminal convictions in initial licensure determinations and application for waiver of initial licensing fees for certain individuals, 17 CSR 07), is authorized.

§64-9-25. Real Estate Appraiser Licensing and Certification Board.

The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-38-9 of this code, modified by the Real Estate Appraiser Licensing and Certification Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 6, 2019, relating to the Real Estate Appraiser Licensing and Certification Board (requirements for licensure and certification, 190 CSR 02), is authorized.


(a) The legislative rule filed in the State Register on July 2, 2019, authorized under the authority of §30-1-23 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 7,
Enr. CS for HB 4252

2019, relating to the Real Estate Commission (application for waiver of initial licensing fees for certain individuals, 174 CSR 06), is authorized.

(b) The legislative rule filed in the State Register on September 27, 2019, authorized under the authority of §30-1-24 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 3, 2019, relating to the Real Estate Commission (consideration of prior criminal convictions in initial license eligibility determination, 174 CSR 07), is authorized.

§64-9-27. Board of Examiners for Registered Professional Nurses.

(a) The legislative rule filed in the State Register on October 11, 2019, authorized under the authority of §30-7-4 of this code, relating to the Board of Examiners for Registered Professional Nurses (requirements for registration and licensure and conduct constituting professional misconduct, 19 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on August 22, 2019, authorized under the authority of §30-1-23 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 October 7, 2019, relating to the Board of Examiners for Registered Professional Nurses (request for waiver of initial licensing fees for certain individuals, 19 CSR 15), is authorized.


(a) The legislative rule filed in the State Register on June 27, 2019, authorized under the authority of §30-34-6a of this code, modified by the West Virginia Board of Respiratory Care to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 1, 2019, relating to the West Virginia Board of Respiratory Care (establishment of fees, 30 CSR 02), is authorized.

(b) The legislative rule filed in the State Register on June 27, 2019, authorized under the authority of §30-34-6a of this code, modified by the West Virginia Board of Respiratory Care to
meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 2, 2019, relating to the West Virginia Board of Respiratory Care (student temporary permit, 30 CSR 09), is authorized.

(c) The legislative rule filed in the State Register on December 10, 2019, authorized under the authority of §30-1-24 of this code, relating to the Board of Respiratory Care (consideration of prior criminal convictions in initial licensure determinations, 30 CSR 10), is authorized.

§64-9-29. Board of Sanitarians.
The legislative rule filed in the State Register on November 1, 2019, authorized under the authority of §30-17-6 of this code, modified by the Board of Sanitarians to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 7, 2020, relating to the Board of Sanitarians (waiver of initial application fees and criteria for initial licensure, 20 CSR 05), is authorized.

(a) The legislative rule filed in the State Register on September 27, 2019, authorized under the authority of §30-30-6 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 November 1, 2019, relating to the Board of Social Work (qualifications for the profession of social work, 25 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 10, 2019, authorized under the authority of §30-30-6 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 October 10, 2019, relating to the Board of Social Work (fee schedule, 25 CSR 03), is authorized.

(a) The legislative rule filed in the State Register on June 28, 2019, authorized under the authority of §30-32-7 of this code, modified by the Board of Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in
Enr. CS for HB 4252

4 the State Register on November 4, 2019, relating to the Board of Speech-Language Pathology
5 and Audiology (licensure of speech-pathology and audiology, 29 CSR 01), is authorized with the
6 following amendments:
7    On page seven, subdivision 10.8.1.a., following the word "for", by inserting the words,
8    "active duty".
9     And,
10    On page seven, subdivision 10.8.2.a., following the word "for", by inserting the words,
11    "active duty".
12    (b) The legislative rule filed in the State Register on September 17, 2019, authorized under
13    the authority of §30-32-7 of this code, modified by the Board of Speech-Language Pathology and
14    Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in
15    the State Register on November 5, 2019, relating to the Board of Speech-Language Pathology
16    and Audiology (disciplinary and complaint procedures for speech-language pathology and
17    audiology, 29 CSR 04), is authorized.

1    The legislative rule filed in the State Register on July 8, 2019, authorized under the
2    authority of §6-9-2a of this code, relating to the State Auditor (local government purchasing card
3    program, 155 CSR 06), is authorized.

1    The legislative rule filed in the State Register on July 10, 2019, authorized under the
2    authority of §19-21A-4(g)(11) of this code, relating to the State Conservation Committee (State
3    Conservation Committee Grant Program, 63 CSR 03), is authorized.

§64-9-34. Board of Veterinary Medicine.
1    (a) The legislative rule filed in the State Register on September 9, 2019, authorized under
2    the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the
3    objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
(b) The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 2, 2020, relating to the Board of Veterinary Medicine (registration of veterinary technicians, 26 CSR 03), is authorized.

(c) The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 2, 2020, relating to the Board of Veterinary Medicine (schedule of fees, 26 CSR 06), is authorized with the amendments set forth below:

On page 2, Section 3.6, by striking out “$100.00” and inserting in lieu thereof “$10.00”;

On page 2, Section 3.7, by striking out “$80.00” and inserting in lieu thereof “$5.00”;

On page 2, Section 3.8, by striking out “$25.00” and inserting in lieu thereof “$2.00”;

And,

On page 2, Section 3.9, by striking out “$80.00” and inserting in lieu thereof “$6.00”.
Enr. CS for HB 4252

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

[Signatures]

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect from passage.

[Signatures]

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 25th day of March, 2020.

[Signature]

Governor