

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 2689**

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

6
7 [Passed April 13, 2013; in effect from passage.]

8
9
10 AN ACT to amend and reenact article 9, chapter 64 of the Code of
11 West Virginia, 1931, as amended, relating generally to the
12 promulgation of administrative rules by the various executive
13 or administrative agencies and the procedures relating
14 thereto; legislative mandate or authorization for the
15 promulgation of certain legislative rules; authorizing certain
16 of the agencies to promulgate certain legislative rules in the
17 form that the rules were filed in the State Register;
18 authorizing certain of the agencies to promulgate certain
19 legislative rules with various modifications presented to and
20 recommended by the Legislative Rule-Making Review Committee;
21 authorizing certain of the agencies to promulgate certain
22 legislative rules as amended by the Legislature; authorizing
23 certain of the agencies to promulgate certain legislative
24 rules with various modifications presented to and recommended
25 by the Legislative Rule-Making Review Committee and as amended
26 by the Legislature; authorizing the Board of Medicine to

1 promulgate a legislative rule relating to practitioner
2 requirements for accessing the West Virginia controlled
3 substances monitoring program data base; authorizing the Board
4 of Medicine to promulgate a legislative rule relating to
5 licensure, disciplinary and complaint procedures; continuing
6 education; and physician assistants; authorizing the Board of
7 Medicine to promulgate a legislative rule relating to
8 continuing education for physicians and podiatrists;
9 authorizing the Board of Optometry to promulgate a legislative
10 rule relating to continuing education; authorizing the Board
11 of Osteopathic Medicine to promulgate a legislative rule
12 relating to licensing procedures for osteopathic physicians;
13 authorizing the Board of Osteopathic Medicine to promulgate a
14 legislative rule relating to practitioner requirements for
15 controlled substances licensure and accessing the West
16 Virginia controlled substances monitoring program database;
17 authorizing the Board of Osteopathic Medicine to promulgate a
18 legislative rule relating to osteopathic physician assistants;
19 authorizing the Board of Pharmacy to promulgate a legislative
20 rule relating to ephedrine and pseudoephedrine control;
21 authorizing the Board of Pharmacy to promulgate a legislative
22 rule relating to controlled substances monitoring; authorizing
23 the Real Estate Appraiser Licensing and Certification Board to
24 promulgate a legislative rule relating to requirements for
25 licensure and certification; authorizing the Real Estate
26 Appraiser Licensing and Certification Board to promulgate a

1 legislative rule relating to renewal of licensure -
2 qualifications for renewal; authorizing the Board of Examiners
3 for Registered Professional Nurses to promulgate a legislative
4 rule relating to fees for services rendered by the Board and
5 supplemental renewal fee for the center for nursing;
6 authorizing the Board of Examiners for Registered Professional
7 Nurses to promulgate a legislative rule relating to
8 practitioner requirements for accessing the West Virginia
9 controlled substances monitoring program database; authorizing
10 the Board of Examiners for Registered Professional Nurses to
11 promulgate a legislative rule relating to the announcement of
12 advanced practice; authorizing the Board of Examiners for
13 Registered Professional Nurses to promulgate a legislative
14 rule relating to limited prescriptive authority for nurses in
15 advanced practice; authorizing the Secretary of State to
16 promulgate a legislative rule relating to the Uniform
17 Commercial Code; authorizing the Secretary of State to
18 promulgate a legislative rule relating to administration of
19 the address confidentiality program; authorizing the Secretary
20 of State to promulgate a legislative rule relating to the
21 regulation of political party headquarters financing;
22 authorizing the Secretary of State to promulgate a legislative
23 rule relating to the regulation of late registration;
24 authorizing the Board of Barbers and Cosmetologists to
25 promulgate a legislative rule relating to the procedures,
26 criteria and curricula for examination and licensure of

1 barbers, cosmetologists, nail technicians, aestheticians and
2 hair stylists; authorizing the Board of Barbers and
3 Cosmetologists to promulgate a legislative rule relating to
4 barber apprenticeships; authorizing the Board of Barbers and
5 Cosmetologists to promulgate a legislative rule relating to
6 the operational standards for schools of barbering and beauty
7 culture; authorizing the Commissioner of Agriculture to
8 promulgate a legislative rule relating to animal disease
9 control; authorizing the Commissioner of Agriculture to
10 promulgate a legislative rule relating to poultry litter and
11 manure movement into primary poultry breeder rearing areas;
12 authorizing the Board of Architects to promulgate a
13 legislative rule relating to the registration of architects;
14 authorizing the Board of Dental Examiners to promulgate a
15 legislative rule relating to the Board; authorizing the Board
16 of Dental Examiners to promulgate a legislative rule relating
17 to practitioner requirements for accessing the West Virginia
18 controlled substances monitoring program database; authorizing
19 the Board of Dental Examiners to promulgate a legislative rule
20 relating to continuing education requirements; authorizing the
21 Board of Dental Examiners to promulgate a legislative rule
22 relating to the expanded duties of dental hygienists and
23 dental assistants; authorizing the Hatfield-McCoy Regional
24 Recreation Authority to promulgate a legislative rule relating
25 to rules for use of the facility; authorizing the Treasurer's
26 Office to promulgate a legislative rule relating to the

1 enforcement of the Uniform Unclaimed Property Act; authorizing
2 the Board of Veterinary Medicine to promulgate a legislative
3 rule relating to the organization and operation and licensing
4 of veterinarians; authorizing the Board of Veterinary Medicine
5 to promulgate a legislative rule relating to a schedule of
6 fees; authorizing the Board of Social Work to promulgate a
7 legislative rule relating to a fee schedule; authorizing the
8 Board of Social Work to promulgate a legislative rule relating
9 to qualifications for the profession social work; authorizing
10 the Board of Social Work to promulgate a legislative rule
11 relating to applications; authorizing the Board of Social Work
12 to promulgate a legislative rule relating to continuing
13 education for social workers and providers; authorizing the
14 Board of Social Work to promulgate a legislative rule relating
15 to a code of ethics; authorizing the Board of Examiners for
16 Speech-Language Pathology and Audiology to promulgate a
17 legislative rule relating to the licensure of speech-pathology
18 and audiology; and authorizing the Conservation Committee to
19 promulgate a legislative rule relating to the operation of the
20 West Virginia State Conservation Committee and conservation
21 districts.

22 *Be it enacted by the Legislature of West Virginia:*

23 That article 9, chapter 64 of the Code of West Virginia, 1931,
24 as amended, be amended and reenacted to read as follows:

25 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO**

1 **PROMULGATE LEGISLATIVE RULES.**

2 **§64-9-1. Board of Medicine.**

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

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

21 (c) The legislative rule filed in the State Register on the
22 twenty-eighth day of August, two thousand twelve, authorized under
23 the authority of section seven, article three, chapter thirty, of
24 this code, modified by the Board of Medicine to meet the objections
25 of the Legislative Rule-Making Review Committee and refiled in the

1 State Register on the sixth day of December, two thousand twelve,
2 relating to the Board of Medicine (continuing education for
3 physicians and podiatrists, [11 CSR 6](#)), is authorized.

4 **§64-9-2. Board of Optometry.**

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

13 **§64-9-3. Board of Osteopathic Medicine.**

14 (a) The legislative rule filed in the State Register on the
15 twenty-eighth day of August, two thousand twelve, authorized under
16 the authority of section four, article one, chapter thirty, of this
17 code, modified by the Board of Osteopathic Medicine to meet the
18 objections of the Legislative Rule-Making Review Committee and
19 refiled in the State Register on the twelfth day of December, two
20 thousand twelve, relating to the Board of Osteopathic Medicine
21 (licensing procedures for osteopathic physicians, [24 CSR 1](#)), is
22 authorized with the following amendments:

23 On page four, subsection 4.11., after the word "licensure." by
24 adding the following: The training shall be provided by a Board
25 approved program.;

1 On page thirteen, subdivision 15.2.g., after the words
2 "minimum of three (3) hours of" by inserting the words "Board
3 approved";

4 (b) The legislative rule filed in the State Register on the
5 twenty-eighth day of August, two thousand twelve, authorized under
6 the authority of section five-a, article nine, chapter sixty-a, of
7 this code, modified by the Board of Osteopathic Medicine to meet
8 the objections of the Legislative Rule-Making Review Committee and
9 refiled in the State Register on the twelfth day of December, two
10 thousand twelve, relating to the Board of Osteopathic Medicine
11 (practitioner requirements for controlled substances licensure and
12 accessing the West Virginia controlled substances monitoring
13 program database, [24 CSR 7](#)), is authorized.

14 (c) The legislative rule filed in the State Register on the
15 twenty-eighth day of August, two thousand twelve, authorized under
16 the authority of section four, article one, chapter thirty, of this
17 code, modified by the Board of Osteopathic Medicine to meet the
18 objections of the Legislative Rule-Making Review Committee and
19 refiled in the State Register on the twelfth day of December, two
20 thousand twelve, relating to the Board of Osteopathic Medicine
21 (osteopathic physician assistants, [24 CSR 2](#)), is authorized with
22 the following amendments:

23 On page eleven, subsection 7.4., after the words "3 hours of"
24 by inserting the words "Board approved";

25 **§64-9-4. Board of Pharmacy.**

26 (a) The legislative rule filed in the State Register on the

1 thirty-first day of August, two thousand twelve, authorized under
2 the authority of section six, article nine, chapter sixty-a, of
3 this code, modified by the Board of Pharmacy to meet the objections
4 of the Legislative Rule-Making Review Committee and refiled in the
5 State Register on the seventh day of February, two thousand
6 thirteen, relating to the Board of Pharmacy (ephedrine and
7 pseudoephedrine control, [15 CSR 11](#)), is authorized.

8 (b) The legislative rule filed in the State Register on the
9 thirty-first day of August, two thousand twelve, authorized under
10 the authority of section six, article nine, chapter sixty-a, of
11 this code, modified by the Board of Pharmacy to meet the objections
12 of the Legislative Rule-Making Review Committee and refiled in the
13 State Register on the seventh day of February, two thousand
14 thirteen, relating to the Board of Pharmacy (controlled substances
15 monitoring, [15 CSR 8](#)), is authorized.

16 **§64-9-5. Real Estate Appraiser Licensing and Certification Board**

17 (a) The legislative rule filed in the State Register on the
18 thirty-first day of August, two thousand twelve, authorized under
19 the authority of section nine, article thirty-eight, chapter
20 thirty, of this code, modified by the Real Estate Appraiser
21 Licensing and Certification Board to meet the objections of the
22 Legislative Rule-Making Review Committee and refiled in the State
23 Register on the nineteenth day of December, two thousand twelve,
24 relating to the Real Estate Appraiser Licensing and Certification
25 Board (requirements for licensure and certification, [190 CSR 2](#)), is
26 authorized.

1 (b) 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 nine, article thirty-eight, chapter
4 thirty, of this code, relating to the Real Estate Appraiser
5 Licensing and Certification Board (renewal of licensure -
6 qualifications for renewal, [190 CSR 3](#)), is authorized.

7 **§64-9-6. Board of Examiners for Registered Professional Nurses**

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

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

1 monitoring program database, [19 CSR 14](#)), is authorized.

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

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

21 **§64-9-7. Secretary of State.**

22 (a) The legislative rule filed in the State Register on the
23 thirty-first day of August, two thousand twelve, authorized under
24 the authority of section five hundred twenty-six, article nine,
25 chapter forty-six, of this code, modified by the Secretary of State
26 to meet the objections of the Legislative Rule-Making Review

1 Committee and refiled in the State Register on the eighteenth day
2 of January, two thousand thirteen, relating to the Secretary of
3 State (Uniform Commercial Code, [153 CSR 35](#)), is authorized.

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

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

21 (d) The legislative rule filed in the State Register on the
22 thirty-first day of August, two thousand twelve, authorized under
23 the authority of section six-a, article two, chapter three, of this
24 code, modified by the Secretary of State to meet the objections of
25 the Legislative Rule-Making Review Committee and refiled in the
26 State Register on the eighteenth day of January, two thousand

1 thirteen, relating to the Secretary of State (regulation of late
2 registration, [153 CSR 44](#)), is authorized.

3 **§64-9-8. Board of Barbers and Cosmetologists.**

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

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

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

1 and beauty culture, [3 CSR 4](#)), is authorized, with the following
2 amendment:

3 On page 4, subdivision 3.2(1), after the stricken word
4 "within" by striking the words, "five (5) day"; and

5 On page four, subsection 3.2, subdivision (1), by striking out
6 the words "Student catalogs and" and inserting in lieu thereof
7 "School catalogs";

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

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

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

14 "7.1 Daily Records - Each school shall keep a daily class
15 record of each student, showing the number hours earned daily, the
16 total number of hours the student is in attendance and the days
17 each student is absent. Daily hours shall be recorded by the
18 school using a time tracking system that can not be edited by a
19 student. Each student shall clock himself or herself in and out of
20 school."

21 **§64-9-9. Commissioner of Agriculture.**

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

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

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

13 **§64-9-10. Board of Architects.**

14 The legislative rule filed in the State Register on the
15 sixteenth day of August, two thousand twelve, authorized under the
16 authority of section one, article twelve, chapter thirty, of this
17 code, modified by the Board of Architects to meet the objections of
18 the Legislative Rule-Making Review Committee and refiled in the
19 State Register on the tenth day of October, two thousand twelve,
20 relating to the Board of Architects (registration of architects, [2](#)
21 [CSR 1](#)), is authorized, with the following amendment:

22 On page four, subdivision 2.2.17. after the word "apartment"
23 by inserting the word "and";

24 On page four, subdivision 2.2.17. after the word
25 "Condominiums" by striking out the words "and dormitories,";

26 On page six, subdivision 2.2.26. after the words "Other

1 review, or review and corrections, of technical submissions after"
2 by striking out the word "thy" and inserting in lieu thereof the
3 word "they";

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

7 On page nine, paragraph 3.11.2.a. after the word "grading" by
8 inserting a comma;

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

13 On page ten, subsection 4.1. after the words "an applicant
14 for" by reinserting the stricken words "a certificate of";

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

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

20 On page eleven, paragraph 5.1.1.b. after the word "NCARB's" by
21 striking out the remainder of said paragraph and inserting in lieu
22 thereof the words "education standards applicable upon passage of
23 this rule during the 2013 Regular Session of the West Virginia
24 Legislature";

25 On page eleven, paragraph 5.1.1.c. after the words "stipulated
26 by NCARB" by striking out the underlined words "and as accepted by

1 the board”;

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

5 On page eleven, subdivision 5.1.4. by reinserting the stricken
6 words “Prior to granting a certificate of registration”, and by
7 striking out the underlined words “When evaluation qualifications”
8 and by striking out the comma and the underlined words “prior to
9 reaching its decision”;

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

13 On page thirteen, subdivision 7.3.3. after both instances of
14 the the words “the Board” by striking both instances of the word
15 “will” and inserting in lieu thereof in both instances the word
16 “shall”;

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

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

21 On page seventeen, subdivision 9.1.2 after the words “and
22 municipal building laws” by reinserting the stricken words “and
23 rules and ordinances”;

24 On page seventeen, subdivision 9.1.2 after the words “in
25 violation of those laws” by reinserting the stricken words “and
26 rules and ordinances”;

1 On page nineteen, subdivision 9.3.3.a. after the words
2 "municipal building laws" by restoring the stricken words "and
3 rules or ordinances";

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

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

16 **§64-9-11. Board of Dental Examiners.**

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

22 (b) The legislative rule filed in the State Register on the
23 thirty-first day of August, two thousand twelve, authorized under
24 the authority of section five-a, article nine, chapter sixty-a, of
25 this code, modified by the Board of Dental Examiners to meet the
26 objections of the Legislative Rule-Making Review Committee and

1 refiled in the State Register on the sixth day of December, two
2 thousand twelve, relating to the Board of Dental Examiners
3 (practitioner requirements for accessing the West Virginia
4 controlled substances monitoring program database, [5 CSR 10](#)), is
5 authorized.

6 (c) The legislative rule filed in the State Register on the
7 thirty-first day of August, two thousand twelve, authorized under
8 the authority of section seven-a, article one, chapter thirty, of
9 this code, modified by the Board of Dental Examiners to meet the
10 objections of the Legislative Rule-Making Review Committee and
11 refiled in the State Register on the sixth day of December, two
12 thousand twelve, relating to the Board of Dental Examiners
13 (continuing education requirements, [5 CSR 11](#)), is authorized.

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

19 **§64-9-12. Hatfield-McCoy Regional Recreation Authority.**

20 The legislative rule filed in the State Register on the
21 thirtieth day of August, two thousand twelve, authorized under the
22 authority of section five, article fourteen, chapter twenty, of
23 this code, modified by the Hatfield-McCoy Regional Recreation
24 Authority to meet the objections of the Legislative Rule-Making
25 Review Committee and refiled in the State Register on the sixth day
26 of December, two thousand twelve, relating to the Hatfield-McCoy

1 Regional Recreation Authority (rules for use of facility, [204 CSR](#)
2 [1](#)), is authorized.

3 **§64-9-13. Treasurer's Office.**

4 The legislative rule filed in the State Register on the
5 sixteenth day of August, two thousand twelve, authorized under the
6 authority of section twenty-eight, article eight, chapter thirty-
7 six, of this code, modified by the Treasurer's Office to meet the
8 objections of the Legislative Rule-Making Review Committee and
9 refiled in the State Register on the twenty-fifth day of September,
10 two thousand twelve, relating to the Treasurer's Office
11 (enforcement of the Uniform Unclaimed Property Act, [112 CSR 5](#)), is
12 authorized, with the following amendment:

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

17 **§64-9-14. Board of Veterinary Medicine.**

18 (a) The legislative rule filed in the State Register on the
19 thirtieth day of July, two thousand twelve, authorized under the
20 authority of section six, article ten, chapter thirty, of this
21 code, modified by the Board of Veterinary Medicine to meet the
22 objections of the Legislative Rule-Making Review Committee and
23 refiled in the State Register on the twenty-fifth day of October,
24 two thousand twelve, relating to the Board of Veterinary Medicine
25 (organization and operation and licensing of veterinarians, 26 CSR

1 1), is authorized.

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

10 **§64-9-15. Board of Social Work.**

11 (a) The legislative rule filed in the State Register on the
12 thirty-first day of August, two thousand twelve, authorized under
13 the authority of section six, article thirty, chapter thirty, of
14 this code, modified by the Board of Social Work to meet the
15 objections of the Legislative Rule-Making Review Committee and
16 refiled in the State Register on the twenty-third day of January,
17 two thousand thirteen, relating to the Board of Social Work (fee
18 schedule, [25 CSR 3](#)), is authorized.

19 (b) The legislative rule filed in the State Register on the
20 thirty-first day of August, two thousand twelve, authorized under
21 the authority of section six, article thirty, chapter thirty, of
22 this code, modified by the Board of Social Work to meet the
23 objections of the Legislative Rule-Making Review Committee and
24 refiled in the State Register on the fifth day of February, two
25 thousand thirteen, relating to the Board of Social Work
26 (qualifications for for the profession social work, [25 CSR 1](#)), is

1 authorized, with the following amendment:

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

4 On page three, subdivision 3.2.2, by striking out "3.2.2." and
5 inserting in lieu thereof "3.2.1.";

6 On page three, subdivision 3.2.3., by striking out "3.2.3."
7 and inserting in lieu thereof "3.2.2.";

8 On page three, subdivision 3.2.3., renumbered by this
9 amendment as 3.2.2., after the word "candidate" by inserting the
10 word "may";

11 On page four, subsection 3.3., after the words "sociology,
12 psychology, counseling," by inserting the words "criminal
13 justice,";

14 On page four, subsection 3.3., after the words "qualified
15 supervision and employment" by inserting the words "critical social
16 work workforce shortage";

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

20 "(b) Documentation showing the applicant has met the
21 requirements set forth in W.Va. Code §30-30-16.";

22 On page four, subdivision 3.3.2., after the words "applicant
23 must submit" by striking out the remainder of the subdivision and
24 inserting in lieu thereof the words "a provisional license
25 agreement contract on a form provided by the board. Along with the
26 contract, the applicant must submit evidence of full time social

1 work employment under a provisional license supervisor.”;

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

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

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

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

9 And relettering the remaining paragraphs accordingly;

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

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

17 On page six, subdivision 3.3.9., after the words “while under
18 the” by striking out the words “employment of the agency.” and
19 inserting in lieu thereof the words “supervision of the
20 supervisor.”;

21 On page six, paragraph 3.3.11.(e), by striking out the words
22 “The Provisional Supervisor shall not have” and inserting in lieu
23 thereof the word “Has not”;

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

26 On page seven, subdivision 3.3.6, by renumbering said

1 subdivision as subdivision 3.3.13;

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

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

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

10 On page seven, beginning with subsection 3.9, by striking out
11 said subsection 3.9 in its entirety, and striking out subdivision
12 3.9.1, the first subdivision 3.9.2 and the second subdivision
13 3.9.2, and inserting in lieu thereof the following:

14 "3.6. As set forth in W. Va. Code §30-30-8, a licensed
15 independent clinical social worker may apply social work theory,
16 methods, assessment, ethics and the professional use of self to the
17 diagnosis, treatment and prevention of psychological dysfunction,
18 disability or impairment, including emotional and mental disorders
19 and developmental disabilities.

20 3.6.1. To be approved by the board to serve as a clinical
21 supervisor, a West Virginia licensed independent clinical social
22 worker, or a licensed clinical social worker from another
23 jurisdiction, shall:

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

26 (b) Submit a clinical supervision contract which identifies

1 the clinical supervisor and the person being supervised, and sets
2 forth the respective duties of employment. A clinical supervisor
3 from another jurisdiction shall provide evidence of having a
4 current, valid clinical social work license in good standing; and

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

12 (c) The legislative rule filed in the State Register on the
13 twenty-ninth day of January, two thousand thirteen, authorized
14 under the authority of section six, article thirty, chapter thirty,
15 of this code, relating to the Board of Social Work (applications,
16 [25 CSR 4](#)), is authorized, with the following amendment:

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

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

1 On page one, subdivision 3.1.1., after the words "at least" by
2 striking out the word "thirty";

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

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

8 On page two, subdivision 3.3.1., after the words
9 "satisfactorily completing:" by inserting the words "individual
10 professional activities as follows:";

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

14 On page two, subdivision 3.4.3., after the words "three (3)
15 years of time" by striking out the remainder of said subdivision
16 3.4.3. and inserting in lieu thereof the words "preceding the date
17 of renewal. Once the license is renewed, the Board may expunge the
18 records.";

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

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

25 On page four, subdivision 4.2.6., after the words "provisions
26 of the" by striking out the word "American's" and inserting in lieu

1 thereof the word "Americans";

2 On page five, subdivision 4.3.12., after the words "provisions
3 of the" by striking out the word "American's" and inserting in lieu
4 thereof the word "Americans"; and

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

9 (e) The legislative rule filed in the State Register on the
10 twenty-ninth day of January, two thousand thirteen, authorized
11 under the authority of section six, article thirty, chapter thirty,
12 of this code, relating to the Board of Social Work (code of ethics,
13 [25 CSR 7](#)), is authorized.

14 **§64-9-16. Board of Examiners for Speech-Language Pathology and**
15 **Audiology.**

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

22 **§64-9-17. Conservation Committee.**

23 The legislative rule filed in the State Register on the
24 twenty-seventh day of August, two thousand twelve, authorized under
25 the authority of section four, article twenty-one-a, chapter

1 nineteen, of this code, modified by the Conservation Committee to
2 meet the objections of the Legislative Rule-Making Review Committee
3 and refiled in the State Register on the seventeenth day of
4 December, two thousand twelve relating to the Conservation
5 Committee (operation of the West Virginia State Conservation
6 Committee and conservation districts, [63 CSR 1](#)), is authorized,
7 with the following amendment:

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

11 On page three, section two, by striking out all of subsection
12 2.6.