

E N R O L L E D

COMMITTEE SUBSTITUTE

for

H.B. 2689

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

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

AN ACT to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the

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

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

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

Be it enacted by the Legislature of West Virginia:

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

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

§64-9-1. Board of Medicine.

- 1 (a) The legislative rule filed in the State Register on the
- 2 twenty-eighth day of August, two thousand twelve, authorized
- 3 under the authority of section five-a, article nine, chapter sixty-a,
- 4 of this code, modified by the Board of Medicine to meet the
- 5 objections of the Legislative Rule-Making Review Committee

6 and refiled in the State Register on the sixth day of December,
7 two thousand twelve, relating to the Board of Medicine
8 (practitioner requirements for accessing the West Virginia
9 controlled substances monitoring program data base, 11 CSR
10 10), is authorized.

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

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

§64-9-2. Board of Optometry.

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

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

1 (a) The legislative rule filed in the State Register on the
2 twenty-eighth day of August, two thousand twelve, authorized
3 under the authority of section four, article one, chapter thirty, of
4 this code, modified by the Board of Osteopathic Medicine to
5 meet the objections of the Legislative Rule-Making Review
6 Committee and refiled in the State Register on the twelfth day of
7 December, two thousand twelve, relating to the Board of
8 Osteopathic Medicine (licensing procedures for osteopathic
9 physicians, 24 CSR 1), is authorized with the following
10 amendments:

11 On page four, subsection 4.11., after the word “licensure.”
12 by adding the following: The training shall be provided by a
13 Board approved program.;

14 On page thirteen, subdivision 15.2.g., after the words
15 “minimum of three (3) hours of” by inserting the words “board
16 approved”;

17 (b) The legislative rule filed in the State Register on the
18 twenty-eighth day of August, two thousand twelve, authorized
19 under the authority of section five-a, article nine, chapter sixty-a,
20 of this code, modified by the Board of Osteopathic Medicine to
21 meet the objections of the Legislative Rule-Making Review
22 Committee and refiled in the State Register on the twelfth day of
23 December, two thousand twelve, relating to the Board of
24 Osteopathic Medicine (practitioner requirements for controlled
25 substances licensure and accessing the West Virginia controlled
26 substances monitoring program database, 24 CSR 7), is
27 authorized.

28 (c) The legislative rule filed in the State Register on the
29 twenty-eighth day of August, two thousand twelve, authorized
30 under the authority of section four, article one, chapter thirty, of
31 this code, modified by the Board of Osteopathic Medicine to
32 meet the objections of the Legislative Rule-Making Review

33 Committee and refiled in the State Register on the twelfth day of
34 December, two thousand twelve, relating to the Board of
35 Osteopathic Medicine (osteopathic physician assistants, 24 CSR
36 2), is authorized with the following amendments:

37 On page eleven, subsection 7.4., after the words “3 hours of”
38 by inserting the words “Board approved”;

§64-9-4. Board of Pharmacy.

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

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

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

1 (a) The legislative rule filed in the State Register on the
2 thirty-first day of August, two thousand twelve, authorized under
3 the authority of section nine, article thirty-eight, chapter thirty,
4 of this code, modified by the Real Estate Appraiser Licensing
5 and Certification Board to meet the objections of the Legislative
6 Rule-Making Review Committee and refiled in the State
7 Register on the nineteenth day of December, two thousand
8 twelve, relating to the Real Estate Appraiser Licensing and

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

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

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

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

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

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

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

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

§64-9-7. Secretary of State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§64-9-9. Commissioner of Agriculture.

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

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

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

§64-9-10. Board of Architects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§64-9-11. Board of Dental Examiners.

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

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

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

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

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

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

§64-9-13. Treasurer's Office.

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

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

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

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

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

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

§64-9-15. Board of Social Work.

1 (a) The legislative rule filed in the State Register on the
2 thirty-first day of August, two thousand twelve, authorized under
3 the authority of section six, article thirty, chapter thirty, of this
4 code, modified by the Board of Social Work to meet the
5 objections of the Legislative Rule-Making Review Committee
6 and refiled in the State Register on the twenty-third day of

7 January, two thousand thirteen, relating to the Board of Social
8 Work (fee schedule, 25 CSR 3), is authorized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 And relettering the remaining paragraphs accordingly;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§64-9-17. Conservation Committee.

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

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

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

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2013.

Governor

