

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2219**

BY DELEGATE SOBONYA

[Passed April 8, 2017; in effect from passage.]



1 AN ACT to amend and reenact §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7,  
2 §64-9-8, §64-9-9, §64-9-10, §64-9-11, §64-9-12, §64-9-13, §64-9-14, §64-9-15, §64-9-16,  
3 §64-9-17, §64-9-18, §64-9-19, §64-9-20 and §64-9-21 of the Code of West Virginia, 1931,  
4 as amended, all relating generally to the promulgation of administrative rules by various  
5 executive or administrative agencies of the state; authorizing certain agencies to  
6 promulgate certain legislative rules in the form that the rules were filed in the State  
7 Register; authorizing certain agencies to promulgate certain legislative rules with various  
8 modifications presented to and recommended by the Legislative Rule-Making Review  
9 Committee; authorizing certain agencies to promulgate certain legislative rules with  
10 amendments recommended by the Legislative Rule-Making Review Committee;  
11 authorizing certain agencies to promulgate certain legislative rules with amendments  
12 recommended by the Legislature; directing various agencies to amend and promulgate  
13 certain legislative rules; authorizing the Commissioner of Agriculture to promulgate a  
14 legislative rule relating to animal disease control; authorizing the Commissioner of  
15 Agriculture to promulgate a legislative rule relating to dangerous wild animals; authorizing  
16 the Commissioner of Agriculture to promulgate a legislative rule relating to livestock care  
17 standards; authorizing the Commissioner of Agriculture to promulgate a legislative rule  
18 relating to captive cervid; authorizing the Board of Architects to promulgate a legislative  
19 rule relating to the registration of architects; authorizing the Athletic Commission to  
20 promulgate a legislative rule relating to administrative rules of the West Virginia State  
21 Athletic Commission; authorizing the Athletic Commission to promulgate a legislative rule  
22 relating to regulation of mixed martial arts; authorizing the Auditor's Office to promulgate  
23 a legislative rule relating to standards for requisitions for payment issued by state officers  
24 on the Auditor; authorizing the Auditor's Office to promulgate a legislative rule relating to  
25 the procedure for local levying bodies to apply for permission to extend time to meet as  
26 levying body; authorizing the Board of Barbers and Cosmetologists to promulgate a

27 legislative rule relating to qualifications, training, examination and certification of  
28 instructors in barbering and cosmetology; authorizing the Board of Barbers and  
29 Cosmetologists to promulgate a legislative rule relating to licensing schools of barbering,  
30 cosmetology, nail technology and aesthetics; authorizing the Board of Barbers and  
31 Cosmetologists to promulgate a legislative rule relating to operational standards for  
32 schools of barbering, cosmetology, hair styling, nail technology and aesthetics; authorizing  
33 the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the  
34 operation of barber, beauty, nail and aesthetic shops/salons and schools of barbering and  
35 beauty culture; authorizing the Board of Barbers and Cosmetologists to promulgate a  
36 legislative rule relating to a schedule of fees; authorizing the Board of Barbers and  
37 Cosmetologists to promulgate a legislative rule relating to continuing education;  
38 authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule  
39 relating to barber apprenticeships; authorizing the Board of Barbers and Cosmetologists  
40 to promulgate a legislative rule relating to waxing specialists; authorizing the Board of  
41 Examiners in Counseling to promulgate a legislative rule relating to licensed professional  
42 counselor fees; authorizing the Board of Examiners in Counseling to promulgate a  
43 legislative rule relating to licensed professional counselor license renewal and continuing  
44 professional education requirements; authorizing the Board of Examiners in Counseling  
45 to promulgate a legislative rule relating to marriage and family therapist fees; authorizing  
46 the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage  
47 and family therapist license renewal and continuing professional education requirements;  
48 authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to  
49 dangerous wild animals; authorizing the Board of Dentistry to promulgate a legislative rule  
50 relating to the board; authorizing the Board of Medicine to promulgate a legislative rule  
51 relating to licensing and disciplinary procedures: physicians; podiatrists; authorizing the  
52 Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and

53 complaint procedures, continuing education, physician assistants; authorizing the Board  
54 of Medicine to promulgate a legislative rule relating to the dispensing of legend drugs by  
55 practitioners; authorizing the Board of Optometry to promulgate a legislative rule relating  
56 to continuing education; authorizing the Board of Osteopathic Medicine to promulgate a  
57 legislative rule relating to licensing procedures for osteopathic physicians; authorizing the  
58 Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic  
59 physician assistants; authorizing the Board of Pharmacy to promulgate a legislative rule  
60 relating to the licensure and practice of pharmacy; authorizing the Board of Pharmacy to  
61 promulgate a legislative rule relating to mail-order and non-resident pharmacies;  
62 authorizing the Board of Pharmacy to promulgate a legislative rule, relating to the  
63 registration of pharmacy technicians; authorizing the Board of Pharmacy to promulgate a  
64 legislative rule, relating to a controlled substances monitoring program; authorizing the  
65 Board of Physical Therapy to promulgate a legislative rule relating to fees for physical  
66 therapist and physical therapist assistant; authorizing the Public Service Commission to  
67 promulgate a legislative rule relating to telephone conduit occupancy; authorizing the  
68 Board of Examiners for Registered Professional Nurses to promulgate a legislative rule  
69 relating to requirements for registration and licensure and conduct constituting  
70 professional misconduct; authorizing the Board of Examiners for Registered Professional  
71 Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses  
72 in advanced practice; authorizing the State Board of Sanitarians to promulgate a  
73 legislative rule relating to practice of public health sanitation; authorizing the Secretary of  
74 State to promulgate a legislative rule relating to voter registration at the Division of Motor  
75 Vehicles; authorizing the Secretary of State to promulgate a legislative rule relating to  
76 voter registration list maintenance by the Secretary of State; authorizing the Board of  
77 Social Work Examiners to promulgate a legislative rule relating to continuing education for  
78 social workers and providers; authorizing the Board of Speech-Language Pathology and

79           Audiology to promulgate a legislative rule relating to licensure of speech-pathology and  
80           audiology; authorizing the Treasurer's Office to promulgate a legislative rule relating to  
81           procedures for deposit of moneys with the State Treasurer's Office by state agencies;  
82           authorizing the Treasurer's Office to promulgate a legislative rule relating to selection of  
83           state depositories for disbursement accounts through competitive bidding; authorizing the  
84           Treasurer's Office to promulgate a legislative rule relating to selection of state depositories  
85           for receipt accounts; authorizing the Treasurer's Office to promulgate a legislative rule  
86           relating to procedures for processing payments from the state treasury; authorizing the  
87           Treasurer's Office to promulgate a legislative rule relating to the procedure for fees in  
88           collections by charge, credit or debit card or by electronic payment; authorizing the  
89           Treasurer's Office to promulgate a legislative rule relating to procedures for providing  
90           services to political subdivisions; and authorizing the Board of Veterinary Medicine to  
91           promulgate a legislative rule relating to standards of practice.

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

1           That §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7, §64-9-8, §64-9-9,  
2           §64-9-10, §64-9-11, §64-9-12, §64-9-13, §64-9-14, §64-9-15, §64-9-16, §64-9-17, §64-9-18, §64-  
3           9-19, §64-9-20 and §64-9-21 of the Code of West Virginia, 1931, as amended, be amended and  
4           reenacted all to read as follows:

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

**§64-9-1. Commissioner of Agriculture.**

1           (a) The legislative rule filed in the State Register on August 23, 2016, authorized under  
2           the authority of section two, article nine, chapter nineteen of this code, modified by the  
3           Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review

4 Committee and refiled in the State Register on September 23, 2016, relating to the Commissioner  
5 of Agriculture (animal disease control, 61 CSR 01), is authorized.

6 (b) The legislative rule filed in the State Register on August 23, 2016, authorized under  
7 the authority of section three, article thirty-four, chapter nineteen of this code relating to the  
8 Commissioner of Agriculture (dangerous wild animals, 61 CSR 30), is authorized.

9 (c) The legislative rule filed in the State Register on August 23, 2016, authorized under  
10 the authority of section four, article one-c, chapter nineteen of this code, relating to the  
11 Commissioner of Agriculture (livestock care standards, 61 CSR 31), is authorized.

12 (d) The legislative rule filed in the State Register on August 26, 2016, authorized under  
13 the authority of section one, article two-h, chapter nineteen of this code, modified by the  
14 Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review  
15 Committee and refiled in the State Register on September 23, 2016, relating to the Commissioner  
16 of Agriculture (captive cervid, 61 CSR 34), is authorized with the following amendments:

17 On page two, subsection 2.10, by striking out “Class II” and inserting in lieu thereof “Class  
18 I”;

19 On page two, by striking out subsection 2.17 and inserting in lieu thereof a new subsection  
20 2.17 to read as follows:

21 “2.17. Slaughter facility” means a slaughter facility with a valid captive cervid license  
22 operating under state or federal inspection that may hold cervids for up to seventy-two (72) hours  
23 prior to slaughtering, or a slaughter facility with no captive cervid facility license operating under  
24 state or federal inspection that must slaughter all cervids within the operating day of receipt of the  
25 animal(s).”;

26 On page four, by striking out subsection 5.1 and inserting in lieu thereof a new subsection  
27 5.1 to read as follows:

28 “5.1. An updated inventory record containing birth and death records, and testing results  
29 shall be provided biannually: at license renewal on June 30 and by December 31.”;

30 On page five, paragraph 8.1.a.2, by striking out “white-tailed deer” and inserting in lieu  
31 thereof “cervids”;

32 On page five, paragraph 8.1.a.5, by striking out “white-tailed deer” and inserting in lieu  
33 thereof “cervids”;

34 On page five, subparagraph 8.1.b.3.d., by striking out “Flooring” and inserting in lieu  
35 thereof “Flooding”;

36 On page eight, by striking out all of subsection 10.2 and inserting in lieu thereof a new  
37 subsection 10.2 to read as follows:

38 “10.2. A licensee shall forward a copy of the records of all acquisitions, mortalities by  
39 unknown cause, sales or possession transfers to the State Veterinarian’s Office within fifteen (15)  
40 days. Applications to receive or transfer captive cervids shall be made on forms provided by the  
41 Department.”;

42 On page eight, subsection 11.6, after the word “months”, by inserting a comma and the  
43 following words: or from an out-of-state captive cervid facility which is located within a fifteen (15)  
44 mile radius of a confirmed CWD or TB positive cervid in the last sixty (60) months.”;

45 On page ten, by striking out subsection 12.2 and inserting in lieu thereof a new subsection  
46 12.2 to read as follows:

47 “12.2. Any captive cervid that escapes from a captive cervid facility shall be dispatched by  
48 the Department or DNR personnel, unless after review by the Commissioner of Agriculture and  
49 the West Virginia State Veterinarian it is determined that the escaped captive cervid, after being  
50 secured and returned to the premise from which it escaped, does not present a health risk to the  
51 public, other captive cervids or wildlife: *Provided*, That all escaped cervids that are sourced from  
52 a known, confirmed TB and CWD containment area will be dispatched.”;

53 On page eleven, subsection 13.6, by striking out the words “if from a captive cervid facility”  
54 and inserting in lieu thereof the word “number”;

55 On page eleven, by un-striking subsection 3.7;



56           And,  
57           By renumbering the remaining subsection.

**§64-9-2. Board of Architects.**

1           The legislative rule filed in the State Register on August 26, 2016, authorized under the  
2 authority of section one, article twelve, chapter thirty of this code, modified by the Board of  
3 Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
4 the State Register on October 5, 2016, relating to the Board of Architects (registration of  
5 architects, 2 CSR 01), is authorized with the following amendments:

6           On page one, subsection 1.5, by striking out the phrase “fifteen (15)” and inserting in lieu  
7 thereof the phrase “ten (10)”.

**§64-9-3. Athletic Commission.**

1           (a) The legislative rule filed in the State Register on August 24, 2016, authorized under  
2 the authority of section twenty-four, article five-a, chapter twenty-nine of this code, modified by  
3 the Athletic Commission to meet the objections of the Legislative Rule-Making Review Committee  
4 and refiled in the State Register on December 20, 2016, relating to the Athletic Commission  
5 (administrative rules of the West Virginia State Athletic Commission, 177 CSR 01), is authorized  
6 with the following amendments:

7           On page four, after subdivision “4.5.g.” by striking out the words “No fee for amateurs. —” and  
8 inserting in lieu thereof “4.6”;

9           On page four, in the paragraph beginning with the words “No fee for amateurs” after the  
10 words “amateur contestant or a” by striking out the word “managers” and inserting in lieu thereof  
11 the word “manager”;

12           On page eight, in the section heading “11a. Testing for Older Fighters”, by striking out 11.a  
13 and inserting in lieu thereof “12”;

14           On page eight, by striking out 11a.1 and inserting in lieu thereof “12.1”;

15           On page nine, by striking out 11a.2 and inserting in lieu thereof “12.2”;

16 On page nine, by striking out 11a.3 and inserting in lieu thereof “12.3”;

17 On page nine, by striking out 11a.3.a and inserting in lieu thereof “12.3.a”;

18 On page nine, by striking out 11a.3.b and inserting in lieu thereof “12.3.b”;

19 On page nine, by striking out 11a.3.c and inserting in lieu thereof “12.3.c”;

20 On page nine, by striking out 11a.4 and inserting in lieu thereof “12.4”;

21 On page nine, after subsection 11a.4 by adding a new subsection to read as follows:

22 “12.5. The applicant, or by contract, the promoter, shall pay for any medical testing  
23 required in this section: *Provided*, That the applicant is responsible to be tested timely pursuant  
24 to the applicable rules of the Commission.” and by renumbering the remaining sections;

25 On page eleven, subsection 25.1, by striking out the words “shall neither” and inserting in  
26 lieu thereof the words “may not”;

27 On page thirteen, subsection 30.2, by striking out the word “provision” and inserting in lieu  
28 thereof the word “section”;

29 On page twenty-one, in the section heading, by striking out “45a” and inserting in lieu  
30 thereof “47”;

31 On page twenty-one, by striking out “45a.1” and inserting in lieu thereof “47.1”;

32 On page twenty-one, by striking out “45a.2” and inserting in lieu thereof “47.2”;

33 On page twenty-one, by striking out “45a.2.a” and inserting in lieu thereof “47.2.a”;

34 On page twenty-one, by striking out “45a.2.a.1” and inserting in lieu thereof “47.2.a.1”;

35 On page twenty-one, by striking out “45a.2.a.2” and inserting in lieu thereof “47.2.a.2”;

36 On page twenty-one, by striking out “45a.2.a.3” and inserting in lieu thereof “47.2.a.3”;

37 On page twenty-one, by striking out “45a.2.a.4” and inserting in lieu thereof “47.2.a.4”;

38 On page twenty-one, by striking out “45a.2.a.5” and inserting in lieu thereof “47.2.a.5”;

39 On page twenty-one, by striking out “45a.2.b” and inserting in lieu thereof “47.2.b”;

40 On page twenty-one, by striking out “45a.2.b.1” and inserting in lieu thereof “47.2.b.1”;

41 On page twenty-one, by striking out “45a.2.b.2” and inserting in lieu thereof “47.2.b.2”;

42 On page twenty-one, in paragraph “45a.2.a.2,” after the words “wear foot pads” by adding  
43 the words “or shin guard instep pads”;

44 On page twenty-one, in paragraph “45a.2.a.2,” after the word “Footpads” by adding the  
45 words “or shin guard instep pads”;

46 On page twenty-one, by striking out “45a.2.b.3” and inserting in lieu thereof “47.2.b.3”;

47 On page twenty-one, by striking out “45a.2.b.4” and inserting in lieu thereof “47.2.b.4”;

48 On page twenty-two, by striking out “45a.2.c” and inserting in lieu thereof “47.2.c”;

49 On page twenty-two, by striking out “45a.2.c.1” and inserting in lieu thereof “47.2.c.1”;

50 On page twenty-two, by striking out “45a.2.c.2” and inserting in lieu thereof “47.2.c.2”;

51 On page twenty-two, by striking out “45a.2.c.3” and inserting in lieu thereof “47.2.c.3”;

52 On page twenty-two, by striking out “45a.2.c.4” and inserting in lieu thereof “47.2.c.4”;

53 On page twenty-two, by striking out “45a.2.c.5” and inserting in lieu thereof “47.2.c.5”;

54 On page twenty-two, paragraph 45a.2.c.5., after the sentence ending with the words “two  
55 (2) minutes’ duration.” by striking out the remainder of the paragraph;

56 On page twenty-two, after 45a.2.c.5., by adding a new paragraph to read as follows:

57 “47.2.c.6. An amateur contestant’s fourth and each subsequent amateur bout shall consist  
58 of three (3) rounds and three (3) minutes duration.”;

59 On page twenty-two, by striking out “45a.3” and inserting in lieu thereof “47.3”;

60 On page twenty-two, by striking out “45a.3.a” and inserting in lieu thereof “47.3.a”;

61 On page twenty-two, by striking out “45a.3.a.1” and inserting in lieu thereof “47.3.a.1”;

62 On page twenty-two, by striking out “45a.3.a.2” and inserting in lieu thereof “47.3.a.2”;

63 On page twenty-two, by striking out “45a.3.a.3” and inserting in lieu thereof “47.3.a.3”;

64 On page twenty-two, by striking out “45a.3.b” and inserting in lieu thereof “47.3.b”;

65 On page twenty-two, by striking out “45a.3.b.1” and inserting in lieu thereof “47.3.b.1”;

66 On page twenty-two, by striking out “45a.3.b.2” and inserting in lieu thereof “47.3.b.2”;

67 On page twenty-two, by striking out “45a.3.b.3” and inserting in lieu thereof “47.3.b.3”;

68 On page twenty-two, by striking out “45a.3.b.4” and inserting in lieu thereof “47.3.b.4”;

69 On page twenty-two, by striking out “45a.3.b.5” and inserting in lieu thereof “47.3.b.5”;

70 On page twenty-two, by striking out “45a.3.b.6” and inserting in lieu thereof “47.3.b.6”;

71 On page twenty-two, by striking out “45a.3.b.7” and inserting in lieu thereof “47.3.b.7”;

72 On page twenty-three, by striking out “45a.3.c” and inserting in lieu thereof “47.3.c”;

73 On page twenty-three, by striking out “45a.3.c.1” and inserting in lieu thereof “47.3.c.1”;

74 On page twenty-three, by striking out “45a.3.c.2” and inserting in lieu thereof “47.3.c.2”;

75 On page twenty-three, by striking out “45a.3.c.3” and inserting in lieu thereof “47.3.c.3”

76 and by renumbering the remaining sections;

77 On page twenty three, paragraph 45a.3.c.3., after the sentence ending with the words “two  
78 (2) minutes duration.” by striking out the remainder of the paragraph;

79 And,

80 On page twenty-three, after 45a.3.c.3., by adding a new paragraph to read as follows:

81 “47.3.c.4. An amateur contestant’s fourth and each subsequent amateur bout shall consist  
82 of three (3) rounds and three (3) minutes’ duration.”

83 (b) The legislative rule filed in the State Register on August 24, 2016, authorized under  
84 the authority of section twenty-four, article five-a, chapter twenty-nine of this code, modified by  
85 the Athletic Commission to meet the objections of the Legislative Rule-Making Review Committee  
86 and refiled in the State Register on December 20, 2016, relating to the Athletic Commission  
87 (regulation of mixed martial arts, 177 CSR 02), is authorized.

**§64-9-4. Auditor’s Office.**

1 (a) The legislative rule filed in the State Register on August 26, 2016, authorized under  
2 the authority of section ten, article three, chapter twelve of this code, modified by the Auditor’s  
3 Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
4 State Register on September 21, 2016, relating to the Auditor’s Office (standards for requisitions

5 for payment issued by state officers on the Auditor, 155 CSR 01), is authorized with the following  
6 amendment:

7 On page eleven, by striking subdivision 10.1.e in its entirety.

8 (b) The legislative rule filed in the State Register on August 26, 2016, authorized under  
9 the authority of section nine, article eight, chapter eleven of this code, modified by the Auditor's  
10 Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
11 State Register on September 21, 2016, relating to the Auditor's Office (procedure for local levying  
12 bodies to apply for permission to extend time to meet as levying body, 155 CSR 08), is authorized.

**§64-9-5. Board of Barbers and Cosmetologists.**

1 (a) The legislative rule filed in the State Register on August 24, 2016, authorized under  
2 the authority of section six, article twenty-seven, chapter thirty of this code, modified by the Board  
3 of Barbers and Cosmetologists to meet the objections of the Legislative Rule-Making Review  
4 Committee and refiled in the State Register on January 25, 2017, relating to the Board of Barbers  
5 and Cosmetologists (qualifications, training, examination and certification of instructors in  
6 barbering and cosmetology, 3 CSR 02), is authorized.

7 (b) The legislative rule filed in the State Register on August 19, 2016, authorized under  
8 the authority of section six, article twenty-seven, chapter thirty of this code, relating to the Board  
9 of Barbers and Cosmetologists (licensing schools of barbering, cosmetology, nail technology and  
10 aesthetics, 3 CSR 03), is authorized.

11 (c) The legislative rule filed in the State Register on August 24, 2016, authorized under  
12 the authority of section six, article twenty-seven, chapter thirty of this code, modified by the Board  
13 of Barbers and Cosmetologists to meet the objections of the Legislative Rule-Making Review  
14 Committee and refiled in the State Register on January 26, 2017, relating to the Board of Barbers  
15 and Cosmetologists (operational standards for schools of barbering, cosmetology, hair styling,  
16 nail technology and aesthetics, 3 CSR 04), is authorized with the following amendment:

17 On page three, by striking out all of subdivision 3.1.r. in its entirety;

18 On page three, subdivision 3.2.d. by striking out the sentence “Theory classes shall be  
19 taught at least 12 hours per week.”;

20 And,

21 On page three, by striking out all of subdivision 3.2.s. in its entirety.

22 (d) The legislative rule filed in the State Register on August 24, 2016, authorized under  
23 the authority of section six, article twenty-seven, chapter thirty of this code, modified by the Board  
24 of Barbers and Cosmetologists to meet the objections of the Legislative Rule-Making Review  
25 Committee and refiled in the State Register on January 19, 2017, relating to the Board of Barbers  
26 and Cosmetologists (operation of barber, beauty, nail and aesthetic shops/salons and schools of  
27 barbering and beauty culture, 3 CSR 05), is authorized.

28 (e) The legislative rule filed in the State Register on August 24, 2016, authorized under  
29 the authority of section six, article twenty-seven, chapter thirty of this code, modified by the Board  
30 of Barbers and Cosmetologists to meet the objections of the Legislative Rule-Making Review  
31 Committee and refiled in the State Register on January 19, 2017, relating to the Board of Barbers  
32 and Cosmetologists (schedule of fees, 3 CSR 06), is authorized.

33 (f) The legislative rule filed in the State Register on August 24, 2016, authorized under the  
34 authority of section six, article twenty-seven, chapter thirty of this code, modified by the Board of  
35 Barbers and Cosmetologists to meet the objections of the Legislative Rule-Making Review  
36 Committee and refiled in the State Register on January 19, 2017, relating to the Board of Barbers  
37 and Cosmetologists (continuing education, 3 CSR 11), is authorized with the following  
38 amendments:

39 On page one, subsection 1.1 to read as follows:

40 Scope. – The legislative rule establishes requirements for continuing education to practice  
41 hair styling, barbering, cosmetology, manicuring/nail technology, and aesthetics. All persons  
42 licensed by the Board to practice beauty culture must earn a minimum of four (4) hours of  
43 continuing education credits annually. Licensees who have been licensed for twenty (20) years

44 or more are exempt from the continuing education requirements but must take a three (3) hour  
45 sanitation class every other year.

46 And;

47 On page three, subsection 4.4 to read as follows:

48 4.4 Licensees who have been licensed for twenty (20) years or more are exempt from the  
49 continuing education requirements but must take a three (3) hour sanitation class every other  
50 year.

51 (g) The legislative rule filed in the State Register on August 24, 2016, authorized under  
52 the authority of section eight-a, article twenty-seven, chapter thirty of this code, modified by the  
53 Board of Barbers and Cosmetologists to meet the objections of the Legislative Rule-Making  
54 Review Committee and refiled in the State Register on January 19, 2017, relating to the Board of  
55 Barbers and Cosmetologists (barber apprenticeship, 3 CSR 13), is authorized.

56 (h) The legislative rule filed in the State Register on August 24, 2016, authorized under  
57 the authority of section six, article twenty-seven, chapter thirty of this code, relating to the Board  
58 of Barbers and Cosmetologists (waxing specialist, 3 CSR 14), is authorized.

**§64-9-6. Board of Examiners in Counseling.**

1 (a) The legislative rule filed in the State Register on August 26, 2016, authorized under  
2 the authority of section six, article thirty-one, chapter thirty of this code, modified by the Board of  
3 Examiners in Counseling to meet the objections of the Legislative Rule-Making Review  
4 Committee and refiled in the State Register on January 25, 2017, relating to the Board of  
5 Examiners in Counseling (licensed professional counselor fees, 27 CSR 02), is authorized.

6 (b) The legislative rule filed in the State Register on August 26, 2016, authorized under  
7 the authority of section six, article thirty-one, chapter thirty of this code, modified by the Board of  
8 Examiners in Counseling to meet the objections of the Legislative Rule-making Review  
9 Committee and refiled in the State Register on January 25, 2017, relating to the Board of

10 Examiners in Counseling (licensed professional counselor license renewal and continuing  
11 professional education requirements, 27 CSR 03), is authorized.

12 (c) The legislative rule filed in the State Register on August 26, 2016, authorized under  
13 the authority of section six, article thirty-one, chapter thirty of this code, modified by the Board of  
14 Examiners in Counseling to meet the objections of the Legislative Rule-Making Review  
15 Committee and refiled in the State Register on January 25, 2017, relating to the Board of  
16 Examiners in Counseling (marriage and family therapist fees, 27 CSR 09), is authorized.

17 (d) The legislative rule filed in the State Register on August 26, 2016, authorized under  
18 the authority of section six, article thirty-one, chapter thirty of this code, modified by the Board of  
19 Examiners in Counseling to meet the objections of the Legislative Rule-Making Review  
20 Committee and refiled in the State Register on January 25, 2017, relating to the Board of  
21 Examiners in Counseling (marriage and family therapist license renewal and continuing  
22 professional education requirements, 27 CSR 10), is authorized with the following amendment:

23 On page four, subdivision 4.1.b. after the words “continuing education” by unstriking the  
24 stricken words “on a biennium basis beginning”;

25 And,

26 On page four, subdivision 4.1.b. after the words “license renewal” by unstriking the words  
27 “on or after”.

**§64-9-7. Dangerous Wild Animal Board.**

1 The legislative rule filed in the State Register on February 11, 2016, authorized under the  
2 authority of section three, article thirty-four, chapter nineteen of this code, modified by the  
3 Dangerous Wild Animal Board to meet the objections of the Legislative Rule-Making Review  
4 Committee and refiled in the State Register on August 31, 2016, relating to the Dangerous Wild  
5 Animal Board (dangerous wild animals, 74 CSR 01), is authorized.

**§64-9-8. Board of Dentistry.**



1           The legislative rule filed in the State Register on July 26, 2016, authorized under the  
2 authority of section six, article four, chapter thirty of this code, modified by the Board of Dentistry  
3 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
4 Register on September 2, 2016, relating to the Board of Dentistry (rule for the West Virginia Board  
5 of Dentistry, 5 CSR 01), is authorized with the following amendments:

6           On page one, by striking out subsection 1.5 and inserting in lieu thereof a new subsection  
7 1.5, to read as follows:

8           “1.5 Sunset Date – This rule shall terminate and have no further force or effect upon the  
9 expiration of 10 years from its effective date.”

10          And,

11          On page four, after subsection 4.2, by inserting a new subsection 4.3, to read as follows:

12          “4.3 Teaching Permits with U.S. Specialty Training. The Board of Dentistry may issue a  
13 teaching permit to an applicant trained in foreign dental schools, who possess a certificate of  
14 completed dental specialty training from a U. S. or Canadian dental school and who has received  
15 U. S. Board certification. The permit shall be issued only upon certification of the dean of a dental  
16 school located in this state, that the applicant is a member of the staff at that school. The permits  
17 are valid for one year and may be reissued by the Board with a written recommendation of the  
18 dental school dean. The holder of the permit may perform all operations which a person licensed  
19 to practice dentistry in this state may perform, but only within the confines of the primary location  
20 of the dental school, or teaching hospital adjacent to a dental school located within the state and  
21 as an adjunct to his or her teaching functions in the dental school.”

**§64-9-9. Board of Medicine.**

1           (a) The legislative rule filed in the State Register on July 12, 2016, authorized under the  
2 authority of section seven, article three, chapter thirty of this code, modified by the Board of  
3 Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
4 the State Register on September 1, 2016, relating to the Board of Medicine (licensing and

5 disciplinary procedures: physicians; podiatrists, 11 CSR 1A), is authorized with the following  
6 amendment:

7 On page one, by deleting subsection 1.5 and inserting a new subsection 1.5, to read as  
8 follows:

9 "1.5 Sunset Date – This rule shall terminate and have no further force or effect upon the  
10 expiration of 5 years from its effective date."

11 (b) The legislative rule filed in the State Register on July 12, 2016, authorized under the  
12 authority of section three, article three-e, chapter thirty of this code, modified by the Board of  
13 Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
14 the State Register on September 1, 2016, relating to the Board of Medicine (licensure, disciplinary  
15 and complaint procedures, continuing education, physician assistants, 11 CSR 1B), is authorized  
16 with the following amendment:

17 On page one, by deleting subsection 1.5 and inserting a new subsection 1.5, to read as  
18 follows:

19 "1.5 Sunset Date – This rule shall terminate and have no further force or effect upon the  
20 expiration of 5 years from its effective date."

21 (c) The legislative rule filed in the State Register on August 24, 2016, authorized under  
22 the authority of section seven, article three, chapter thirty of this code, modified by the Board of  
23 Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
24 the State Register on September 26, 2016, relating to the Board of Medicine (dispensing of legend  
25 drugs by practitioners, 11 CSR 5), is authorized with the following amendment:

26 On page one, by deleting subsection 1.5 and inserting a new subsection 1.5, to read as  
27 follows:

28 "1.5 Sunset Date – This rule shall terminate and have no further force or effect upon the  
29 expiration of 5 years from its effective date."

**§64-9-10. Board of Optometry.**

1           The legislative rule filed in the State Register on August 26, 2016, authorized under the  
2 authority of section six, article eight, chapter thirty of this code, modified by the Board of Optometry  
3 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
4 Register on October 3, 2016, relating to the Board of Optometry (continuing education, 14 CSR  
5 10), is authorized.

**§64-9-11. Board of Osteopathic Medicine.**

1           (a) The legislative rule filed in the State Register on August 26, 2016, authorized under  
2 the authority of section three, article three-e, chapter thirty of this code, modified by the Board of  
3 Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee  
4 and refiled in the State Register on September 29, 2016, relating to the Board of Osteopathic  
5 Medicine (licensing procedures for osteopathic physicians, 24 CSR 01), is authorized.

6           (b) The legislative rule filed in the State Register on August 29, 2016, authorized under  
7 the authority of section three, article three-e, chapter thirty of this code, modified by the Board of  
8 Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee  
9 and refiled in the State Register on September 29, 2016, relating to the Board of Osteopathic  
10 Medicine (osteopathic physician assistants, 24 CSR 02), is authorized.

**§64-9-12. Board of Pharmacy.**

1           (a) The legislative rule filed in the State Register on August 18, 2016, authorized under  
2 the authority of section seven, article five, chapter thirty of this code, modified by the Board of  
3 Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
4 the State Register on December 19, 2016, relating to the Board of Pharmacy (licensure and  
5 practice of pharmacy, 15 CSR 01), is authorized.

6           (b) The legislative rule filed in the State Register on August 18, 2016, authorized under  
7 the authority of section seven, article five, chapter thirty of this code, modified by the Board of  
8 Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in

9 the State Register on December 19, 2016, relating to the Board of Pharmacy (mail-order and non-  
10 resident pharmacies, 15 CSR 06), is authorized.

11 (c) The legislative rule effective on May 17, 2015, authorized under the authority of section  
12 seven, article five, chapter thirty of this code, relating to the West Virginia Board of Pharmacy  
13 (registration of pharmacy technicians, 15 CSR 7), is authorized, with the following amendment:

14 On page one, by inserting a new subsection 1.5, to read as follows:

15 “1.5 Sunset Date – This rule shall terminate and have no further force or effect upon the expiration  
16 of 10 years from its effective date.”

17 On page three, subsection 4.1, by striking the phrase “The training program shall, at a  
18 minimum contain the following:” and inserting in lieu thereof the phrase “A competency based  
19 pharmacy technician education and training program shall, at a minimum contain the following:”

20 And,

21 On page five, subsection 4.3, by striking out subdivision (a), and inserting in lieu thereof a  
22 new subdivision (a), to read as follows:

23 “(a) has graduated from a high school or obtained a Certificate of General Educational  
24 Development (GED) or its equivalent, or is currently enrolled in a high school competency based  
25 pharmacy technician education and training program;”.

26 (d) The legislative rule filed in the State Register on August 18, 2016, authorized under  
27 the authority of section six, article nine, chapter sixty-a of this code, modified by the Board of  
28 Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
29 the State Register on December 19, 2016, relating to the Board of Pharmacy (controlled  
30 substances monitoring program, 15 CSR 08), is authorized.

**§64-9-13. Board of Physical Therapy.**

1 The legislative rule filed in the State Register on April 22, 2016, authorized under the  
2 authority of section six, article twenty, chapter thirty of this code, relating to the Board of Physical  
3 Therapy (fees for physical therapist and physical therapist assistant, 16 CSR 04), is authorized.

**§64-9-14. Public Service Commission.**

1           The legislative rule filed in the State Register on August 26, 2016, authorized under the  
2 authority of section three, article two-e, chapter twenty-four of this code, modified by the Public  
3 Service Commission to meet the objections of the Legislative Rule-Making Review Committee  
4 and refiled in the State Register on December 13, 2016, relating to the Public Service Commission  
5 (telephone conduit occupancy, 150 CSR 37), is authorized.

**§64-9-15. Board of Examiners for Registered Professional Nurses.**

1           (a) The legislative rule filed in the State Register on July 29, 2016, authorized under the  
2 authority of section four, article seven, chapter thirty of this code, modified by the Board of  
3 Examiners for Registered Professional Nurses to meet the objections of the Legislative Rule-  
4 Making Review Committee and refiled in the State Register on September 1, 2016, relating to the  
5 Board of Examiners for Registered Professional Nurses (requirements for registration and  
6 licensure and conduct constituting professional misconduct, 19 CSR 03), is authorized with the  
7 following amendments:

8           On page one, by striking out subsection 1.5 and inserting in lieu thereof a new subsection  
9 1.5, to read as follows:

10           “1.5 Sunset Date – This rule shall terminate and have no further force or effect upon the  
11 expiration of 10 years from its effective date.”

12           And,

13           On page sixteen, subsection 14.4, after the words “or other action.” by adding  
14 “A licensee whose license has been summarily suspended is entitled to a hearing not less than  
15 twenty (20) days after the license was summarily suspended. The licensee may waive his or her  
16 right to a hearing on the summary suspension within the twenty (20) day period.”

17           (b) The legislative rule filed in the State Register on August 2, 2016, authorized under the  
18 authority of section four, article seven, chapter thirty of this code, modified by the Board of  
19 Examiners for Registered Professional Nurses to meet the objections of the Legislative Rule-

20 Making Review Committee and refiled in the State Register on September 1, 2016, relating to the  
21 Board of Examiners for Registered Professional Nurses (limited prescriptive authority for nurses  
22 in advanced practice, 19 CSR 08), is authorized with the following amendment:

23 On page one, by deleting subsection 1.5 and inserting a new subsection 1.5, to read as  
24 follows:

25 "1.5 Sunset Date – This rule shall terminate and have no further force or effect upon the  
26 expiration of 5 years from its effective date."

**§64-9-16. State Board of Sanitarians.**

1 The legislative rule filed in the State Register on August 11, 2016, authorized under the  
2 authority of section six, article seventeen, chapter thirty of this code, modified by the State Board  
3 of Sanitarians to meet the objections of the Legislative Rule-Making Review Committee and  
4 refiled in the State Register on October 3, 2016, relating to the State Board of Sanitarians (practice  
5 of public health sanitation, 20 CSR 04), is authorized.

**§64-9-17. Secretary of State.**

1 (a) The legislative rule filed in the State Register on August 24, 2016, authorized under  
2 the authority of section eleven, article two, chapter three of this code, modified by the Secretary  
3 of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
4 the State Register on January 17, 2017, relating to the Secretary of State (voter registration at  
5 the Division of Motor Vehicles, 153 CSR 03), is authorized.

6 (b) The legislative rule filed in the State Register on August 24, 2016, authorized under  
7 the authority of section twenty-three-a, article two, chapter three of this code, modified by the  
8 Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and  
9 refiled in the State Register on January 17, 2017, relating to the Secretary of State (voter  
10 registration list maintenance by the Secretary of State, 153 CSR 05), is authorized.

**§64-9-18. Board of Social Work Examiners.**

1           The legislative rule filed in the State Register on August 26, 2016, authorized under the  
2 authority of section six, article thirty, chapter thirty of this code, modified by the Board of Social  
3 Work Examiners to meet the objections of the Legislative Rule-Making Review Committee and  
4 refiled in the State Register on September 27, 2016, relating to the Board of Social Work  
5 Examiners (continuing education for social workers and providers, 25 CSR 05), is authorized.

**§64-9-19. Board of Speech-Language Pathology and Audiology.**

1           The legislative rule filed in the State Register on August 22, 2016, authorized under the  
2 authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of  
3 Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making  
4 Review Committee and refiled in the State Register on January 23, 2017, relating to the Board of  
5 Speech-Language Pathology and Audiology (licensure of speech-pathology and audiology, 29  
6 CSR 01), is authorized.

**§64-9-20. Treasurer's Office.**

1           (a) The legislative rule filed in the State Register on August 26, 2016, authorized under  
2 the authority of section two, article two, chapter twelve of this code, modified by the Treasurer's  
3 Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
4 State Register on October 21, 2016, relating to the Treasurer's Office (procedures for deposit of  
5 moneys with the State Treasurer's Office by state agencies, 112 CSR 04), is authorized.

6           (b) The legislative rule filed in the State Register on August 26, 2016, authorized under  
7 the authority of section two, article one, chapter twelve of this code, modified by the Treasurer's  
8 Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
9 State Register on October 21, 2016, relating to the Treasurer's Office (selection of state  
10 depositories for disbursement accounts through competitive bidding, 112 CSR 06), is authorized.

11           (c) The legislative rule filed in the State Register on August 26, 2016, authorized under  
12 the authority of section two, article one, chapter twelve of this code, modified by the Treasurer's  
13 Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the

14 State Register on October 21, 2016, relating to the Treasurer’s Office (selection of state  
15 depositories for receipt accounts, 112 CSR 07), is authorized.

16 (d) The legislative rule filed in the State Register on August 26, 2016, authorized under  
17 the authority of section one, article three, chapter twelve of this code, modified by the Treasurer’s  
18 Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
19 State Register on October 21, 2016, relating to the Treasurer’s Office (procedures for processing  
20 payments from the state treasury, 112 CSR 08), is authorized.

21 (e) The legislative rule filed in the State Register on August 26, 2016, authorized under  
22 the authority of section six, article three-a, chapter twelve of this code, modified by the Treasurer’s  
23 Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
24 State Register on October 21, 2016, relating to the Treasurer’s Office (procedure for fees in  
25 collections by charge, credit or debit card or by electronic payment, 112 CSR 12), is authorized.

26 (f) The legislative rule filed in the State Register on August 26, 2016, authorized under the  
27 authority of section six, article three-a, chapter twelve of this code, modified by the Treasurer’s  
28 Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the  
29 State Register on October 21, 2016, relating to the Treasurer’s Office (procedures for providing  
30 services to political subdivisions, 112 CSR 13), is authorized.

**§64-9-21. Board of Veterinary Medicine.**

1 The legislative rule filed in the State Register on June 15, 2016, authorized under the  
2 authority of section five, article ten, chapter thirty of this code, modified by the Board of Veterinary  
3 Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
4 the State Register on September 28, 2016, relating to the Board of Veterinary Medicine  
5 (standards of practice, 26 CSR 04), is authorized with the following amendment:

6 On page one, by deleting subsection 1.5 and inserting a new subsection 1.5 to read as  
7 follows:

8 “1.5 Sunset Date – This rule shall terminate and have no further force or affect upon the  
9 expiration of 10 years from its effective date.”



The 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 ....., 2017.

.....  
*Governor*