

HB 4108

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CLERK OF THE HOUSE
LEGISLATIVE BUILDING
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010

—●—
ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4108

(By Delegates Brown, D. Poling,
Miley and Talbott)

—●—
Passed March 13, 2010

In Effect From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4108

(BY DELEGATES BROWN, D. POLING,
MILEY AND TALBOTT)

[Passed March 13, 2010; 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 State Board of Examiners for Licensed Practical Nurses to promulgate a legislative rule relating to policies and procedures for development and maintenance of educational programs in practical nursing (10

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OFFICE OF THE SECRETARY OF STATE

CSR 1); authorizing the Board of Examiners in Counseling to promulgate legislative rules relating to marriage and family license renewal and continuing professional education (27 CSR 10), licensed professional counselor fees (27 CSR 2), licensed professional counselor license renewal and continuing professional education requirements (27 CSR 3), marriage and family therapists licensing (27 CSR 8), and marriage and family therapists fees (27 CSR 9); authorizing the Board of Medicine to promulgate a legislative rule relating to fees for services rendered by the Board of Medicine including assistance to the Board-designated physician health program for physicians, podiatrists and physician assistants (11 CSR 4); authorizing the Conservation Agency to promulgate a legislative rule relating to the operation of the West Virginia State Conservation Committee and conservation districts (63 CSR 1); authorizing the Commissioner of Agriculture to promulgate legislative rule relating to animal disease control (61 CSR 1), integrated pest management programs in schools and child care centers and facilities (61 CSR 12J), West Virginia shellfish (61 CSR 23B), and best management practices for land application of waste products from aquaculture facilities (61 CSR 27); authorizing the Board of Barbers and Cosmetologists to promulgate legislative rule relating to continuing education (3 CSR 11), qualifications, training, examination and licensure of instructors in barbering and beauty culture (3 CSR 2), licensing schools of barbering and beauty culture (3 CSR 3), operation of barber, beauty shops and schools of barbering and beauty culture (3 CSR 5), schedule of fees (3 CSR 6), and schedule of fines (3 CSR 7); authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology (29 CSR 1); authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate legislative rules relating to the requirements for licensure and certification (190 CSR 2) and the renewal of licensure or certification (190 CSR 3); authorizing the Board of Osteopathy to promulgate legislative rules relating to fees for services rendered by the Board (24 CSR 5), licensing procedures

for osteopathic physicians (24 CSR 1), and the formation and approval of professional limited liability companies (24 CSR 4); authorizing the Secretary of State to promulgate legislative rules relating to early voting in person satellite precincts (153 CSR 13), Vote-by-mail Pilot Project Phase 1: Class IV Early Voting by Mail (153 CSR 38) and Vote-by-mail Pilot Project Phase 2: Voting by Mail (153 CSR 39); authorizing the Board of Occupational Therapy to promulgate legislative rules relating to the administrative rules of the Board of Occupational Therapy and licensure of occupational therapists and occupational therapy assistants (13 CSR 1), fees for services rendered by the Board (13 CSR 3), continuing education and competence (13 CSR 4), competency standards for advance practice by occupational therapists and occupational therapy assistants (13 CSR 5) and ethical standards of practice (13 CSR 6); authorizing the Board of Psychologists to promulgate a legislative rule relating to the qualifications for licensure as a psychologist or a school psychologist (17 CSR 3); and authorizing the Governor's Office of Health Enhancement and Lifestyle Planning to promulgate a legislative rule relating to prescription drug advertising expense reporting (210 CSR 1).

Be it enacted by the Legislature of West Virginia:

That article nine, 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. State Board of Examiners for Licensed Practical
Nurses.**

1 The legislative rule filed in the state register on July 9,
2 2009, authorized under the authority of section five, article
3 seven-a, chapter thirty, of this code, modified by the State

4 Board of Examiners for Licensed Practical Nurses to meet
5 the objections of the legislative rule-making review
6 committee and refiled in the state register on October 19,
7 2009, relating to the State Board of Examiners for Licensed
8 Practical Nurses (policies and procedures for development
9 and maintenance of educational programs in practical
10 nursing, 10 CSR 1), is authorized.

§64-9-2. Board of Examiners in Counseling.

1 (a) The legislative rule filed in the state register on July
2 31, 2009, authorized under the authority of section six, article
3 thirty-one, chapter thirty, of this code, modified by the Board
4 of Examiners in Counseling to meet the objections of the
5 legislative rule-making review committee and refiled in the
6 state register on November 25, 2009, relating to the Board of
7 Examiners in Counseling (licensed professional counselor
8 fees, 27 CSR 2), is authorized.

9 (b) The legislative rule filed in the state register on July
10 31, 2009, authorized under the authority of section six, article
11 thirty-one, chapter thirty, of this code, modified by the Board
12 of Examiners in Counseling to meet the objections of the
13 legislative rule-making review committee and refiled in the
14 state register on October 19, 2009, relating to the Board of
15 Examiners in Counseling (licensed professional counselor
16 license renewal and continuing professional education
17 requirements, 27 CSR 3), is authorized with the following
18 amendment:

19 On page one, subsection 1.2., by striking out “§30-31-
20 5(b)(18)” and inserting in lieu thereof “§30-31-6”.

21 (c) The legislative rule filed in the state register on July
22 31, 2009, authorized under the authority of section six, article
23 thirty-one, chapter thirty, of this code, modified by the Board
24 of Examiners in Counseling to meet the objections of the

25 legislative rule-making review committee and refiled in the
26 state register on November 25, 2009, relating to the Board of
27 Examiners in Counseling (marriage and family therapists
28 licensing, 27 CSR 8), is authorized.

29 (d) The legislative rule filed in the state register on July
30 31, 2009, authorized under the authority of section six, article
31 thirty-one, chapter thirty, of this code, modified by the Board
32 of Examiners in Counseling to meet the objections of the
33 legislative rule-making review committee and refiled in the
34 state register on November 25, 2009, relating to the Board of
35 Examiners in Counseling (marriage and family therapists
36 fees, 27 CSR 9), is authorized.

37 (e) The legislative rule filed in the state register on July
38 31, 2009, authorized under the authority of section six, article
39 thirty-one, chapter thirty, of this code, modified by the Board
40 of Examiners in Counseling to meet the objections of the
41 legislative rule-making review committee and refiled in the
42 state register on October 19, 2009, relating to the Board of
43 Examiners in Counseling (marriage and family license
44 renewal and continuing professional education, 27 CSR 10),
45 is authorized with the following amendments:

46 On page one, subsection 1.2., by striking out “§30-31-
47 5(b)” and inserting in lieu thereof “§30-31-6”.

48 On page one section 2.1, by striking the words “of
49 Marriage and Family Therapist and code of ethics.” and
50 inserting in lieu thereof the following words, “for Marriage
51 and Family Therapy Code of Ethics.”;

52 On page two section 2.7 by striking the words, “you
53 attend” and inserting in lieu thereof the word, “attended”;

54 On page three section 4.1, striking the word “Therapist”
55 and inserting in lieu of the word, “Therapy”;

56 On page four section 4.9 striking the word “therapist” and
57 inserting in lieu of the following word, “therapy”;

58 On page four section 4.10 striking the words, “of
59 Marriage and Family Therapist” and inserting in lieu thereof
60 the following words, “for Marriage and Family Therapy”;

61 On page six, subparagraph (I) by striking the apostrophe;

62 On page seven, subparagraph (D) by striking the
63 apostrophe;

64 On page eight paragraph 6 by striking the words, “of
65 Marriage and Family Therapist” and inserting in lieu thereof
66 the following words, “for Marriage and Family Therapy”;

67 On page nine, subparagraph (C) by striking out the
68 words, “of Marriage and Family Therapist” and inserting in
69 lieu of the following words, “for Marriage and Family
70 Therapy”.

§64-9-3. Board of Medicine.

1 The legislative rule filed in the state register on July 30,
2 2009, authorized under the authority of section seven, article
3 three, chapter thirty, of this code, relating to the Board of
4 Medicine (fees for services rendered by the Board of
5 Medicine including assistance to the Board-designated
6 physician health program for physicians, podiatrists and
7 physician assistants, 11 CSR 4), is authorized.

§64-9-4. Conservation Agency.

1 The legislative rule filed in the state register on July 29,
2 2009, authorized under the authority of section six, article
3 twenty-one-a, chapter nineteen, of this code, modified by the
4 Conservation Agency to meet the objections of the legislative

5 rule-making review committee and refiled in the state register
6 on October 23, 2009, relating to the Conservation Agency
7 (operation of the West Virginia State Conservation
8 Committee and conservation districts, 63 CSR 1), is
9 authorized.

§64-9-5. Commissioner of Agriculture.

1 (a) The legislative rule filed in the state register on July
2 28, 2009, authorized under the authority of section two,
3 article nine, chapter nineteen, of this code, modified by the
4 Commissioner of Agriculture to meet the objections of the
5 legislative rule-making review committee and refiled in the
6 state register on September 22, 2009, relating to the
7 Commissioner of Agriculture (animal disease control, 61
8 CSR 1), is authorized.

9 (b) The legislative rule filed in the state register on July
10 21, 2009, authorized under the authority of section four,
11 article sixteen-a, chapter nineteen, of this code, modified by
12 the Commissioner of Agriculture to meet the objections of
13 the legislative rule-making review committee and refiled in
14 the state register on September 4, 2009, relating to the
15 Commissioner of Agriculture (integrated pest management
16 programs in schools and child care centers and facilities, 61
17 CSR 12J), is authorized.

18 (c) The legislative rule filed in the state register on July
19 31, 2009, authorized under the authority of section one,
20 article twenty-nine, chapter nineteen, of this code, modified
21 by the Commissioner of Agriculture to meet the objections of
22 the legislative rule-making review committee and refiled in
23 the state register on September 23, 2009, relating to the
24 Commissioner of Agriculture (West Virginia shellfish, 61
25 CSR 23B), is authorized with the following amendments:

26 On page 4, by striking out subdivision 4.1.i. in its entirety
27 and inserting in lieu thereof a new subdivision 4.1.i. to read
28 as follows:

29 “Refer violations to a court of competent jurisdiction for
30 the violation of this rule as allowed under West Virginia
31 laws. Nothing in this rule shall be construed as requiring the
32 commissioner to report for prosecution or institute an
33 embargo, detainment or quarantine for the violation of this
34 rule when he or she believes that the public interest may best
35 be served by a written notice of the violation.”

36 On page 6, after subdivision 7.1.j. by adding a new
37 subsection, designated 7.2 to read as follows:

38 “7.2. Any person who violates the provisions of this rule
39 shall have his or her Shellfish Certificate suspended until the
40 facility is in compliance with the provisions of this rule.”;

41 On pages 6 and 7, by striking §61-23A-8 in its entirety;

42 And, by renumbering the remaining section.

43 (d) The legislative rule filed in the state register on July
44 15, 2009, authorized under the authority of section six, article
45 twenty-nine, chapter nineteen, of this code, modified by the
46 Commissioner of Agriculture to meet the objections of the
47 legislative rule-making review committee and refiled in the
48 state register on January 14, 2010, relating to the
49 Commissioner of Agriculture (best management practices for
50 land application of waste products from aquaculture facilities,
51 61 CSR 27), is authorized.

§64-9-6. Board of Barbers and Cosmetologists.

1 (a) The legislative rule filed in the state register on July
2 31, 2009, authorized under the authority of section six, article

3 twenty-seven, chapter thirty, of this code, modified by the
4 Board of Barbers and Cosmetologists to meet the objections
5 of the legislative rule-making review committee and refiled
6 in the state register on December 14, 2009, relating to the
7 Board of Barbers and Cosmetologists (qualifications,
8 training, examination and licensure of instructors in barbering
9 and beauty culture, 3 CSR 2), is authorized with the
10 following amendments:

11 On page one, after the caption "SERIES 2", by striking
12 out the word "Licensure" and inserting in lieu thereof the
13 word "Certification";

14 On page one, subsection 1.1, by striking out the word
15 "licensure" and inserting in lieu thereof the word
16 "certification";

17 On page one, in the "§3-2-2" caption, by striking out the
18 word "Licensure" and inserting in lieu thereof the word
19 "Certification".

20 On page one, subsection 2.1, by striking out said
21 subsection 2.1 in its entirety and inserting in lieu thereof a
22 new subsection 2.1 to read as follows:

23 2.1. An individual seeking certification must;

24 On page one, subdivision 2.1.3, by striking out the word
25 "offered" and inserting in lieu thereof the word "approved".

26 On page two, subdivision 2.1.9, by striking out said
27 subdivision 2.1.9 in its entirety and inserting in lieu thereof
28 a new subdivision 2.1.9 to read as follows:

29 "2.1.9. Submit a letter from a school owner or manager
30 certifying that the applicant has completed 375 hours of
31 instructor training and attesting to the applicant's
32 professional capabilities."

33 On page two, subdivision 2.1.11, at the beginning of said
34 subdivision, by striking out the word “Must”;

35 On page two, subdivision 2.1.12, at the beginning of said
36 subdivision, by striking out the word “Must”;

37 On page two, subdivision 2.1.13, by striking out the word
38 “license” and inserting in lieu thereof the word
39 “certification”;

40 On page two, subsection 3.1, by striking out the word
41 “licensure” and inserting in lieu thereof the word
42 “certification”;

43 On page two, subdivision 3.1.1, by striking out the word
44 “Licensure” and inserting in lieu thereof the word
45 “Certification”;

46 On page two, subdivision 3.1.6, by striking out said
47 subdivision 3.1.6 in its entirety and inserting in lieu thereof
48 a new subdivision 3.1.6 to read as follows:

49 “3.1.6. Submit a letter from a school owner or manager
50 certifying that the applicant has completed 375 hours of
51 instructor training and attesting to the applicant’s
52 professional capabilities and employment and instructing
53 experience.”

54 On page three, subdivision 3.1.8, at the beginning of said
55 subdivision, by striking out the word “Must”;

56 On page three, subdivision 3.1.9, at the beginning of said
57 subdivision, by striking out the word “Must”;

58 On page three, subdivision 3.1.10, by striking out the
59 word “license” and inserting in lieu thereof the word
60 “certification”;

61 On page three, subsection 3.2, by striking out subsection
62 3.2 in its entirety and inserting in lieu thereof a new
63 subsection 3.2 to read as follows:

64 3.2. An instructor certification must be renewed annually
65 or biennially on or before January 1.;

66 On page three, subsection 3.3, by striking out the word
67 “registered” and inserting in lieu thereof the word “certified”;

68 On page three, subsection 3.3, by striking out the word
69 “license” and inserting in lieu thereof the word “certificate”;

70 On page three, in the “§3-2-4” caption, by striking out the
71 word “Licensure” and inserting in lieu thereof the word
72 “Certification”;

73 On page three, subsection 4.1, by striking out the word
74 “licensure” and inserting in lieu thereof the word
75 “certification”;

76 On page three, subsection 4.1, in the last sentence, by
77 striking out the underlined word “student”;

78 On page four, in the “§3-2-5” caption, by striking out the
79 word “Licensure” and inserting in lieu thereof the word
80 “Certification”;

81 On page four, subsection 5.2, by striking out the last
82 sentence that reads: “This ~~rule~~ section applies to only 1800
83 hour barber graduates.”;

84 On page five, in the “§3-2-6” caption, by striking out the
85 word “Licensure” and inserting in lieu thereof the word
86 “Certification”;

87 On page five, by striking out subsection 6.1 in its entirety
88 and renumbering the remaining subsections;

89 On page five, subsection 6.2, by striking out the word
90 “license” and inserting in lieu thereof the words “a
91 certificate”;

92 On page six, by striking out subsection 7.1 in its entirety
93 and inserting in lieu thereof a new subsection 7.1 to read as
94 follows:

95 7.1. An applicant from another state seeking certification
96 as an instructor or master instructor is eligible for
97 certification by reciprocity if the applicant has acquired
98 training in another state equal to the requirements established
99 in this rule for the respective certificate requested: Provided,
100 that the state in which said applicant is certified extends the
101 same privilege to certified instructors from this State.;

102 On page six, in the “§3-2-8” caption, by striking out the
103 word “License” and inserting in lieu thereof the word
104 “Certificate”;

105 On page six, subsection 8.1, by striking out the word
106 “license” and inserting in lieu thereof the word “certificate”;

107 On page six, subsection 8.2, by striking out the word
108 ‘whose’ and inserting in lieu thereof the words “who is”;

109 On page six, subsection 8.2, by striking out the word
110 “licensed” and inserting in lieu thereof the word “certified”;

111 And,

112 On page six, subsection 9.1, by striking out the words
113 “contested case”.

114 (b) The legislative rule filed in the state register on July
115 31, 2009, authorized under the authority of section six, article
116 twenty-seven, chapter thirty, of this code, modified by the

117 Board of Barbers and Cosmetologists to meet the objections
118 of the legislative rule-making review committee and refiled
119 in the state register on December 14, 2009, relating to the
120 Board of Barbers and Cosmetologists (licensing schools of
121 barbering and beauty culture, 3 CSR 3), is authorized with
122 the following amendments:

123 On page one, subdivision 2.1.d, by striking said
124 subdivision 2.1.d in its entirety and inserting in lieu thereof
125 a new subdivision 2.1.d to read as follows:

126 “The applicant has employed or contracted with at least
127 2 licensed master instructors, and such additional licensed
128 instructors as necessary to meet the instructor-to-student ratio
129 requirements of 3 CSR 4 (Title 3, Legislative Rule of the
130 Board of Barbers and Cosmetologists, Series 4, Operational
131 Standards for Schools of Barbering and Beauty Culture).”;

132 On page two, subdivision 3.1.5, by striking out
133 subdivision 3.1.5 in its entirety and inserting in lieu thereof
134 a new subdivision 3.1.5 to read as follows:

135 3.1.5. A copy of a proposed floor plan of the school,
136 which arrangement shall have at least two (2) classrooms for
137 each profession taught and a room for clinical and
138 demonstration work. On page three, subdivision 3.1.13, by
139 striking said subdivision 3.1.13 in its entirety and inserting in
140 lieu thereof a new subdivision 3.1.13 to read as follows:

141 “A statement by the applicant that the school is
142 handicapped accessible.”;

143 On page four, subsection 3.6, by striking said subsection
144 3.6 in its entirety and inserting in lieu thereof a new
145 subsection 3.6 to read as follows:

146 “Applicants who acquire or relocate an existing school
147 must meet the requirements set forth in this section.”;

148 On page four, subsection 4.4, after the words “The
149 Board” by striking the word “shall” and inserting in lieu
150 thereof the word “may”, and after the words “general
151 grounds” by inserting the word “suspend,”; and

152 On page four, subdivision 4.4.3, by striking said
153 subdivision 4.4.3 in its entirety and inserting in lieu thereof
154 a new subdivision 4.4.3 to read as follows:

155 “A licensee, owner, administrator, manager, director or
156 other key interested party is convicted of a felony or
157 misdemeanor relating to the school or its operation.”.

158 (c) The legislative rule filed in the state register on July
159 31, 2009, authorized under the authority of section six, article
160 twenty-seven, chapter thirty, of this code, modified by the
161 Board of Barbers and Cosmetologists to meet the objections
162 of the legislative rule-making review committee and refiled
163 in the state register on December 14, 2009, relating to the
164 Board of Barbers and Cosmetologists (operation of barber,
165 beauty shops and schools of barbering and beauty culture, 3
166 CSR 5), is authorized with the following amendments:

167 On page one, subsection 1.1, by striking out the
168 subsection and inserting in lieu thereof “Scope - This
169 legislative rule governs the sanitary requirements for salons
170 and schools licensed by the Board of Barbers and
171 Cosmetologists.”;

172 On page one, subsection 2.1, after the word “All”, by
173 striking out the words “barber, beauty, nail and aesthetic
174 shops/salons or schools of barbering and beauty culture” and
175 inserting in lieu thereof the words “salons or schools”;

176 On page one, subsection 2.2, after the word “All”, by
177 striking out the words “shop’s or school’s” and inserting in
178 lieu thereof the words “salons’ and schools’”;

179 On page one, subsection 2.2, after the word “such”, by
180 striking out the word “shop” and inserting in lieu thereof the
181 word “salon”;

182 On page one, subsection 2.2, after the word “such”, by
183 striking out the word “shops” and inserting in lieu thereof the
184 word “salons”;

185 On page one, subsection 2.3, after the word “Each”, by
186 striking out the words “barber, cosmetologist, aesthetician,
187 nail technician/manicurist,”;

188 On page two, subsection 2.6, by striking out the word
189 “in” and inserting in lieu thereof the word “is”;

190 On page two, subsection 2.8, after the word “All”, by
191 striking out the words “barber, beauty, nail and aesthetic
192 shops/”;

193 On page two, subsection 2.9, after the word “for”, by
194 striking out the words “barber, beauty, nail and aesthetic
195 shops/”;

196 On page two, subsection 2.9, after the word “in”, by
197 striking out the words “barber or beauty shops” and inserting
198 in lieu thereof the word “salons”;

199 On page two, subsection 2.9, by striking out the word
200 “Shops” and inserting in lieu thereof the word “salons”;

201 On page three, subsection 2.15, after the word “each”, by
202 striking out the word “shop” and inserting in lieu thereof the
203 word “salon”;

204 On page three, subsection 2.15, after the word “the”, by
205 striking out the word “shop” and inserting in lieu thereof the
206 word “salon”;

207 On page three, subsection 2.16, after the word “Each”, by
208 striking out the words “barber, aesthetician, nail technician/
209 manicurist, or cosmetologist” and inserting in lieu thereof the
210 word “licensee”;

211 On page three, subsection 2.16, after the word “student”,
212 by striking out the words “barber, aesthetician, nail
213 technician/manicurist, or cosmetologist”;

214 On page three, subsection 2.16, after the word “such”, by
215 striking out the words “barber, aesthetician, nail technician/
216 manicurist, or cosmetologist” and inserting in lieu thereof the
217 word “licensee”;

218 On page three, subsection 2.17, after the word “Every”,
219 by striking out the words “barber, aesthetician, nail
220 technician/manicurist, or cosmetologist” and inserting in lieu
221 thereof the word “licensee”;

222 On page three, subsection 2.19, by striking out the words
223 “marks and where possible” and inserting in lieu thereof the
224 words “and, where possible”;

225 On page three, subsection 2.20, by striking out subsection
226 2.20 in its entirety and inserting in lieu thereof a new
227 subsection 2.20 to read as follows:

228 2.20. Any member of the Board, or its inspectors may
229 enter or inspect any barber, beauty, nail and aesthetic
230 shops/salons or school of barbering or beauty culture during
231 business hours to check any part of the premises in order to
232 ascertain whether or not any part of these rules are being
233 violated, and to take any other action necessary to properly
234 enforce the law;

235 On page four, subsection 2.21, after the word “every”, by
236 striking out the words “barber, beauty, nail and aesthetic
237 shops/salons” and inserting in lieu thereof the word “salon”;

238 On page four, subsection 2.24, after the word “All”, by
239 striking out the words “barber, beauty, nail and aesthetic
240 shops/salons and beauty shops or” and inserting in lieu
241 thereof the words “salons and”;

242 On page four, subsection 2.24, after the word “the”, by
243 striking out the word “shop” and inserting in lieu thereof the
244 words “salon or school”;

245 On page four, subsection 2.25, by striking out the word
246 “have” and inserting in lieu thereof the word “operate”;

247 On page four, subsection 2.25, after the word “the”, by
248 striking out the word “shop” and inserting in lieu thereof the
249 word “salon”;

250 On page four, subsection 2.26, after the word “All”, by
251 striking out the words “barber, beauty, nail and aesthetic
252 shops/salons and shop” and inserting in lieu thereof the word
253 “salon”;

254 On page four, subsection 2.27, after the word “All”, by
255 striking out the words “barber, beauty, nail and aesthetic
256 shops/salons and beauty shops” and inserting in lieu thereof
257 the word “salons”;

258 On page four, subsection 2.27, by striking out the words
259 “water marks or stains,”;

260 On page four, subsection 3.1, after the word “all”, by
261 striking out the words “barber, beauty, nail and aesthetic
262 shops/salons, barber or beauty” and inserting in lieu thereof
263 the words “salons and”;

264 On page four, subsection 3.1, after the word “all”, by
265 striking out the words “licensed barbers, cosmetologists,
266 aestheticians, nail technicians/manicurists” and inserting in
267 lieu thereof the word “licensees”;

268 And,

269 On page four, subsection 4.1, after the word “a” by
270 striking out the words “contested case”.

271 (d) The legislative rule filed in the state register on July
272 31, 2009, authorized under the authority of section six, article
273 twenty-seven, chapter thirty, of this code, relating to the
274 Board of Barbers and Cosmetologists (schedule of fees, 3
275 CSR 6), is authorized with the following amendments:

276 On page one, subsection 1.1, after the word
277 “Cosmetologists” by striking out the remainder of the
278 sentence;

279 And,

280 On page one, subsection 1.2, by striking out “§30-27-1”
281 and inserting in lieu thereof “§30-27-6”.

282 (e) The legislative rule filed in the state register on July
283 31, 2009, authorized under the authority of section six, article
284 twenty-seven, chapter thirty, of this code, modified by the
285 Board of Barbers and Cosmetologists to meet the objections
286 of the legislative rule-making review committee and refiled
287 in the state register on December 14, 2009, relating to the
288 Board of Barbers and Cosmetologists (schedule of fines, 3
289 CSR 7), is authorized with the following amendment:

290 On page one, section 2, after the words “any person
291 licensed” by striking out the words “and/or licensed facility”
292 and inserting in lieu thereof the following words “or holding
293 a salon license”;

294 On page ten, subsection 2.63, by striking out the word
295 “Failure” and inserting in lieu thereof the word “Failing”;

296 On page eleven, subsection 2.64, by striking out the word
297 “Failure” and inserting in lieu thereof the word “Failing”;

298 On page eleven, subsection 2.65, by striking out the
299 words “Failure for a shop or shop owner” and inserting in
300 lieu thereof the word “Failing”;

301 On page eleven, subsection 2.66, by striking out the
302 words “Failure for a shop or shop manager” and inserting in
303 lieu thereof the word “Failing”;

304 On page eleven, by striking out subsection 2.68 in its
305 entirety and by renumbering the remaining subsections;

306 And,

307 On page twelve, by striking out subsections 2.71 and 2.72
308 in their entirety.

309 (f) The legislative rule filed in the state register on July
310 31, 2009, authorized under the authority of section six, article
311 twenty-seven, chapter thirty, of this code, modified by the
312 Board of Barbers and Cosmetologists to meet the objections
313 of the legislative rule-making review committee and refiled
314 in the state register on December 14, 2009, relating to the
315 Board of Barbers and Cosmetologists (continuing education,
316 3 CSR 11), is authorized with the following amendments:

317 On page one, subsection 1.1, by striking out the words
318 “barbering, cosmetology, manicuring/nail technology, and
319 aesthetics” and inserting in lieu thereof the words “beauty
320 culture in West Virginia”;

321 On page one, subsection 1.2, by striking out “§30-.27-6-
322 9” and inserting in lieu thereof “§30-27-6”.

323 On page one, after the section heading “§3-11-2
324 Definitions” by striking out everything after the said section

325 heading and inserting in lieu thereof the following, all to read
326 as follows:

327 “2.1. ‘Approved academic course’ means a formal course
328 of study offered by an accredited postsecondary educational
329 institution as it relates to the barbering, cosmetology,
330 manicuring/nail technology, and aesthetics.

331 2.2. ‘Approved provider’ means a local, state or national
332 agency, organization or association recognized by the Board.

333 2.3. ‘Audit’ means the selection of licensees for
334 verification of satisfactory completion of continuing
335 education during a specified time period, or the selection of
336 approved providers for verification of adherence to
337 continuing education approved provider requirements during
338 a specified time period.

339 2.4. ‘Beauty Culture’ means the act or practice of
340 aesthetics, barbering, barbering crossover, barber permanent
341 waving, cosmetology, cosmetology crossover and nail care.;

342 2.5. ‘Contact person’ means a person submitting a
343 Request for Approval Form.

344 2.6. ‘Continuing education’ means planned, organized
345 learning activities engaged in following initial licensure and
346 designed to maintain, improve, or expand beauty knowledge
347 and skills or to develop new knowledge and skills related to
348 beauty culture practice, education, or theory development.

349 2.7. ‘Continuing education activity’ means a learning activity
350 that is planned, organized and administered to enhance the
351 professional knowledge and skills underlying the professional
352 performance that the licensee uses to provide services the public.
353 To qualify as continuing education, the activity must provide
354 sufficient depth and scope of a subject area.

355 2.8. 'Continuing education credit' means credit earned
356 for completing a continuing education activity, expressed in
357 units as provided in section 3.1 of this rule.

358 2.9. 'Continuing Education Provider License' means a
359 licensed provider of continuing education.

360 2.10. 'Documentation' means proof of participation in a
361 continuing education activity.

362 2.11. 'Formal offering' means an extension course,
363 independent study, or other course which is offered, for
364 college credit, by a recognized educational institution.

365 2.12. 'Informal offering' means a workshop, seminar,
366 institute, conference, lecture, or short term course, which is
367 offered for credit in continuing education units.

368 2.13. 'Objectives' means an expression in measurable
369 and observable terms of what the participant will learn as a
370 result of the educational activity.

371 2.14. 'Sponsor' means an organization, including
372 professional societies, academic institutions, individuals,
373 corporations, or governmental agencies, which plans,
374 organizes, supports, endorses, subsidizes and/or administers
375 educational activities, and is responsible for the content,
376 quality and integrity of the educational activity.

§3-11-3. Continuing Education.

1 3.1. Each applicant for renewal or reinstatement of a
2 license shall verify that he or she has satisfactorily completed
3 four (4) credits of continuing education during the prescribed
4 year reporting period.

5 3.1.a. Units of measurement for continuing education
6 credits are calculated as follows:

7 30 to 49 minutes = 0.5 CE credits

8 50 to 74 minutes = 1 CE credits

9 75 to 99 minutes = 1.5 CE credits

10 100 minutes = 2 CE credits

11 Activities lasting less than 30 minutes are not eligible for
12 credit.

13 3.1.b. Writing an article which is published in a magazine
14 directly related to the profession will qualify for 4 credits of
15 continuing education within the continuing education
16 reporting period. A copy of the article must be maintained by
17 the licensee for a period of 3 years following the continuing
18 education activity.

19 3.2. Credits may not be granted for identical continuing
20 education activities submitted during any single year
21 reporting period. Credits may not be accumulated for use in
22 a future single year reporting period.

23 3.3. Documentation of continuing education credits must
24 be submitted with applications for license renewal.

§3-11-4. Exceptions to Continuing Education Requirements.

1 4.1. Reciprocity applicants and newly licensed applicants
2 are exempt from the continuing education requirements until
3 the first renewal period after initial West Virginia licensure.

4 4.2. A licensee who resides outside of West Virginia and
5 who holds a current license to practice in a state other than
6 West Virginia shall satisfy the continuing education
7 requirements for West Virginia in order to renew his or her
8 license in this state.

9 4.3. The Board may grant a waiver to a licensee who has
10 a physical or mental disability or illness or who is providing
11 direct care to a member of his or her immediate family during
12 all or a portion of the reporting period. A waiver provides for
13 an extension of time or exception from some or all of the
14 continuing education requirements. Any licensee may
15 request an application for a waiver from the Board. The
16 Board may approve or deny an application for waiver after
17 review of the application. The Board may not grant a waiver
18 of continuing education requirements for more than one (1)
19 year reporting period.

§3-11-5. Failure to Meet Requirements or Exceptions to Requirements.

1 5.1. The Board may place the licensee on inactive status
2 without penalty and may waive the continuing education
3 requirements, providing that the licensee notifies the Board
4 in writing of his or her desire to have the Board place his or
5 her license on inactive status before the last day of the
6 reporting period.

7 5.2. The Board may suspend the license of any person
8 who fails to notify the Board, in writing, prior to the last day
9 of the reporting period that he or she wishes to place his or
10 her license on the inactive status.

§3-11-6. Reinstatement of a License on Inactive Status or Issuance of a Probational Temporary License.

1 6.1. A person wishing to reinstate a license from inactive
2 status or from suspended status shall:

3 6.1.a. Make application for reinstatement of the license
4 from inactive status or suspended status;

5 6.1.b. Meet the continuing education requirements as set
6 forth in this rule; and

7 6.1.c. Pay the fee for reinstatement suspended license as
8 specified in the Board's rule, Schedule of fees for services
9 rendered.

§3-11-7. Audit of Licensee.

1 7.1 The Board may select any licensee who holds a
2 current license to audit for compliance with continuing
3 education requirements no fewer than 60 days prior to the
4 expiration of the license.

5 7.2. To comply with the audit request from the Board, a
6 licensee shall submit legible copies of certificates of
7 attendance at continuing education activities.

8 7.3. The licensee shall submit the required documents
9 within thirty (30) days of the date he or she receives
10 notification of the audit. The Board may grant an extension
11 of time for submission of the documents, on an individual
12 basis in cases of hardship, if the licensee makes a written
13 request for an extension of time and provides justification for
14 such the request.

15 7.4. Licensees shall keep certificates of attendance at
16 continuing education activities, letters verifying special
17 approval for informal offerings from non-approved providers,
18 transcripts of courses, and documentation of compliance with
19 exceptions for a three (3) year period following the
20 continuing education activities.

21 7.5. The Board shall complete the audit within 30 days of
22 receipt of required documentation and shall notify the
23 licensee of the satisfactory completion of the audit.

24 7.6. If a person fails to submit the audit information
25 requested by the Board, the Board may not renew the license
26 Board before the information is received and the audit is
27 completed.

28 7.7. Licensees shall notify the Board of any changes of
29 mailing address, and are not absolved from the audit
30 requirements.

§3-11-8. Minimum Standards for Approved Provider.

1 8.1. All providers of continuing education shall complete
2 an application, and pay the required fees, and obtain a
3 Continuing Education Provider License, before offering to
4 provide continuing education.

5 8.2. The Board shall maintain a current list of approved
6 providers which is available to the public upon request.

7 8.3. The Board shall notify providers who fail to meet the
8 minimum acceptable provider standards, in writing, of
9 specific deficiencies and offer a reasonable period of time to
10 correct deficiencies.

11 8.4. The Board may remove an approved provider who
12 fails to meet the approved provider standards from the list of
13 approved providers.

14 8.5. The providers shall provide a certificate to the
15 licensee indicating the following information:

16 8.5.a. Name of licensee who attended the continuing
17 education class;

18 8.5.b. The date attended;

19 8.5.c. The value of continuing education credits; and

20 8.5.d. Contact information for the continuing education
21 provider.

22 8.6. The providers shall provide a list to the State Board
23 in a Microsoft Excel format in paper and disc form within 30
24 days of the continuing education class. The list shall include:

25 8.6.a. Names of licensees;

26 8.6.b. License numbers of licensee;

27 8.6.c. Location of class;

28 8.6.d. The date held; and

29 8.6.e. Title of continuing education class or activity.

30 8.7. The application for a continuing education provider
31 license shall provide detailed descriptions of the subject
32 areas, sponsors, speakers, instructors, training courses,
33 events, demonstrations or shows for which the applicant
34 seeks approval.

§3-11-9. Continuing Education Subjects/Events.

1 9.1. Continued education offerings shall consist of one or
2 more of the following subject areas or events:

3 9.1.a. Product information or training;

4 9.1.b. Events, speakers, or shows by third party
5 administrators held at beauty schools/conventions;

6 9.1.c. Tax, business, or computer training or courses;

7 9.1.d. Styling or application demonstrations;

8 9.1.e. Sanitation courses;

9 9.1.f. HIV/AIDS awareness and other communicable
10 disease awareness courses;

11 9.1.g. Training or courses on West Virginia state laws
12 governing the practices licensed by the board; and

13 9.1.h. Continuing education activities sponsored by the
14 National Cosmetology Association (NCA), National
15 Interstate Council of State Boards of Cosmetology (NIC),
16 National Cosmetology Seminar, Aesthetic International
17 Association, National Association of Barbering and
18 Hairstyling, National Association of Barber Boards of
19 American approved courses, seminars, and demonstrations or
20 any other national association approved by the Board.

**§3-11-10. Activities Not Acceptable for Continuing Education
Credit.**

1 10.1. The following activities are not acceptable for
2 continuing education credit:

3 10.1.a. Job related practice;

4 10.1.b. Development and presentation of programs as part
5 of the licensee's on-going job responsibilities;

6 10.1.c. Orientation to and update of policies and
7 procedures specific to the licensee's employing facility;

8 10.1.d. Activities which are part of a licensee's usual job
9 responsibility; and/or

10 10.1.e. In-house training from a regular employee,
11 manager or owner of the facility.”.

**§64-9-7. Board of Examiners for Speech-Language Pathology
and Audiology.**

1 The legislative rule filed in the state register on the
2 seventeenth day of June, two thousand nine, authorized under

3 the authority of section ten, article thirty-two, chapter thirty,
4 of this code, modified by the Board of Examiners for Speech-
5 Language Pathology and Audiology to meet the objections of
6 the legislative rule-making review committee and refiled in
7 the state register on July 23, 2009, relating to the Board of
8 Examiners for Speech-Language Pathology and Audiology
9 (licensure of speech-pathology and audiology, 29 CSR 1), is
10 authorized with the following amendment:

11 On page 6, subsection 12.2, by striking out the second
12 sentence of the subsection “These continuing education hours
13 may only be credited if they are acquired during the 2-year
14 licensure period, unless the licensee falls under 12.1.a.” and
15 inserting in lieu thereof a new second sentence “Licensees
16 who exceed the minimum continuing education requirement
17 may carry a maximum of 6 hours forward to the next
18 reporting period only.”.

§64-9-8. Real Estate Appraiser Licensing and Certification Board.

1 (a) The legislative rule filed in the state register on July
2 31, 2009, authorized under the authority of section nine,
3 article thirty-eight, chapter thirty, of this code, modified by
4 the Real Estate Appraiser Licensing and Certification Board
5 to meet the objections of the legislative rule-making review
6 committee and refiled in the state register on September 22,
7 2009, relating to the Real Estate Appraiser Licensing and
8 Certification Board (requirements for licensure and
9 certification, 190 CSR 2), is authorized.

10 (b) The legislative rule filed in the state register on March
11 23, 2009, authorized under the authority of section nine,
12 article thirty-eight, chapter thirty, of this code, relating to the
13 Real Estate Appraiser Licensing and Certification Board
14 (renewal of licensure or certification, 190 CSR 3), is
15 authorized.

§64-9-9. Board of Osteopathy.

1 (a) The legislative rule filed in the state register on July
2 31, 2009, authorized under the authority of section four,
3 article fourteen, chapter thirty, of this code, modified by the
4 Board of Osteopathy to meet the objections of the legislative
5 rule-making review committee and refiled in the state register
6 on October 3, 2009, relating to the Board of Osteopathy
7 (licensing procedures for osteopathic physicians, 24 CSR 1),
8 is authorized.

9 (b) The legislative rule filed in the state register on July
10 31, 2009, authorized under the authority of section nine-a,
11 article fourteen, chapter thirty, of this code, modified by the
12 Board of Osteopathy to meet the objections of the legislative
13 rule-making review committee and refiled in the state register
14 on November 24, 2009, relating to the Board of Osteopathy
15 (formation and approval of professional limited liability
16 companies, 24 CSR 4), is authorized.

17 (c) The legislative rule filed in the state register on July
18 31, 2009, authorized under the authority of section four,
19 article fourteen, chapter thirty, of this code, modified by the
20 Board of Osteopathy to meet the objections of the legislative
21 rule-making review committee and refiled in the state register
22 on October 23, 2009, relating to the Board of Osteopathy
23 (fees for services rendered by the Board, 24 CSR 5), is
24 authorized.

§64-9-10. Secretary of State.

1 (a) The legislative rule filed in the state register on the
2 July 31, 2009, authorized under the authority of two-a, article
3 three, chapter three, of this code, modified by the Secretary
4 of State to meet the objections of the legislative rule-making
5 review committee and refiled in the state register on
6 November 19, 2009, relating to the Secretary of State (early

7 voting in person satellite precincts, 153 CSR 13), is
8 authorized with the following amendment:

9 On page 5, section 7.3, after the word, “workers” by
10 inserting a comma and the following words, “of differing
11 political affiliation,”.

12 (b) The legislative rule filed in the state register on July
13 31, 2009, authorized under the authority of three, article
14 three-a, chapter three, of this code, modified by the Secretary
15 of State to meet the objections of the legislative rule-making
16 review committee and refiled in the state register on
17 November 5, 2009, relating to the Secretary of State (Vote-
18 by-mail Pilot Project Phase 1: Class IV Early Voting by Mail,
19 153 CSR 38), is authorized.

20 (c) The legislative rule filed in the state register on July
21 31, 2009, authorized under the authority of three, article
22 three-a, chapter three, of this code, modified by the Secretary
23 of State to meet the objections of the legislative rule-making
24 review committee and refiled in the state register on
25 November 5, 2009, relating to the Secretary of State (Vote-
26 by-mail Pilot Project Phase 2: Voting by Mail, 153 CSR 39),
27 is authorized with the following amendments:

28 On page 2, by inserting a new subdivision designated,
29 3.1.e. to read as follows:

30 “3.1.e. A municipality shall submit the required
31 information to the Office of the Secretary of State by
32 November 11, 2010.”;

33 On page 2, subparagraph 3.1.d.6, by striking the word,
34 “pubic” and inserting the word, “public”;

35 On page 3, subdivision 3.2.a, by striking the words, “an
36 ordinance” and inserting the words, “a resolution”.

§64-9-11. Board of Occupational Therapy.

1 (a) The legislative rule filed in the state register on July 7,
2 2009, authorized under the authority of section seven, article
3 twenty-eight, chapter thirty, of this code, modified by the
4 Board of Occupational Therapy to meet the objections of the
5 legislative rule-making review committee and refiled in the
6 state register on November 24, 2009, relating to the Board of
7 Occupational Therapy (administrative rules of the Board of
8 Occupational Therapy and licensure of occupational
9 therapists and occupational therapy assistants, 13 CSR 1), is
10 authorized with the following amendments:

11 On page five, subsection 9.1., after the colon, by inserting
12 a new subdivision to read as follows:

13 9.1.a. Is of good moral character;

14 And, by renumbering the remaining subdivisions;

15 On page twelve, after the words, 'are dependent upon the',
16 by inserting a colon;

17 On page twelve, by striking subdivisions 12.5.b and 12.5.c
18 their entirety and inserting in lieu thereof new subdivisions
19 12.5.b and 12.5.c to read as follows:

20 12.5.b. A licensed supervising occupational therapist or
21 occupational therapy assistant must maintain direct continuous
22 supervision over aides;

23 12.5.c. A licensed supervising occupational therapist must
24 maintain direct continuous supervision over occupational
25 therapy students. As the occupational therapy student
26 demonstrates competency in performance, supervision can
27 progress to direct close supervision at the discretion of the
28 supervising occupational therapist;

29 And,

30 On page twelve, by inserting two new subdivisions
31 designated 12.5.d and 12.5.e to read as follows:

32 12.5.d. A licensed supervising occupational therapist or
33 occupational therapy assistant must maintain direct
34 continuous supervision over occupational therapy assistant
35 students. As the occupational therapy assistant student
36 demonstrates competency in performance, supervision can
37 progress to direct close supervision at the discretion of the
38 supervising occupational therapist / occupational therapy
39 assistant;

40 12.5.e. Direct supervision is demonstrated through co-
41 signatures on all paperwork or electronic notes pertaining to
42 the practice of occupational therapy for the person requiring
43 direct supervision. All paperwork or electronic notes
44 pertaining to the practice of occupational therapy must be
45 signed and dated, electronically or otherwise, by the
46 supervising licensed occupational therapist.

47 (b) The legislative rule filed in the state register on July 7,
48 2009, authorized under the authority of section seven, article
49 twenty-eight, chapter thirty, of this code, modified by the
50 Board of Occupational Therapy to meet the objections of the
51 legislative rule-making review committee and refiled in the
52 state register on November 24, 2009, relating to the Board of
53 Occupational Therapy (fees for services rendered by the
54 Board, 13 CSR 3), is authorized with the following
55 amendment:

56 On page one, subsection 1.2., by striking out “§30-28-6”
57 and inserting “§30-28-7”.

58 (c) The legislative rule filed in the state register on July 7,
59 2009, authorized under the authority of section seven, article

60 twenty-eight, chapter thirty, of this code, modified by the
61 Board of Occupational Therapy to meet the objections of the
62 legislative rule-making review committee and refiled in the
63 state register on November 24, 2009, relating to the Board of
64 Occupational Therapy (continuing education and
65 competence, 13 CSR 4), is authorized with the following
66 amendment:

67 On page one, subsection 1.2., by striking out “§30-28-6”
68 and inserting in lieu thereof “§30-28-7”.

69 (d) The legislative rule filed in the state register on July 7,
70 2009, authorized under the authority of section seven, article
71 twenty-eight, chapter thirty, of this code, modified by the
72 Board of Occupational Therapy to meet the objections of the
73 legislative rule-making review committee and refiled in the
74 state register on November 24, 2009, relating to the Board of
75 Occupational Therapy (competency standards for advance
76 practice by occupational therapists and occupational therapy
77 assistants, 13 CSR 5), is authorized with the following
78 amendments:

79 On page one, subsection 1.2, by striking out “§30-28-6”
80 and inserting in lieu thereof “§30-28-7”;

81 On page two, by striking subdivisions 4.5.a, 4.5.b, 4.5.c,
82 and 4.5.d in their entirety and inserting in lieu thereof new
83 subdivisions 4.5.a, 4.5.b, and 4.5.c to read as follows:

84 4.5.a. Accredited educational programs;

85 4.5.b. Specific certification as endorsed by the American
86 Occupational Therapy Association or its successor, or as
87 approved by the WV BOT;

88 4.5.c. Successful completion of an appropriate continuing
89 education course which includes theory, indications, contra-
90 indications and applications;

91 And,

92 On page two, by inserting a new subdivision 4.6.a to read
93 as follows:

94 4.6.a. The Board shall conduct random audits of
95 occupational therapy assistants to substantiate competency in
96 physical agent modalities.

97 (e) The legislative rule filed in the state register on July 7,
98 2009, authorized under the authority of section seven, article
99 twenty-eight, chapter thirty, of this code, modified by the
100 Board of Occupational Therapy to meet the objections of the
101 legislative rule-making review committee and refiled in the
102 state register on November 24, 2009, relating to the Board of
103 Occupational Therapy (ethical standards of practice, 13 CSR
104 6), is authorized with the following amendment:

105 On page one, subsection 1.2., by striking out “§30-28-6”
106 and inserting in lieu thereof “§30-28-7”.

§64-9-12. Board of Psychologists.

1 The legislative rule filed in the state register on July 27,
2 2009, authorized under the authority of section six, article
3 twenty-one, chapter thirty, of this code, modified by the Board
4 of Psychologists to meet the objections of the legislative rule-
5 making review committee and refiled in the state register on
6 January 14, 2010, relating to the Board of Psychologists
7 (qualifications for licensure as a psychologist or a school
8 psychologist, 17 CSR 3), is authorized with the following
9 amendment:

10 On page 3, section 5.1, after the words “*W.Va. Code* §30-
11 21-2.”, by adding the following:

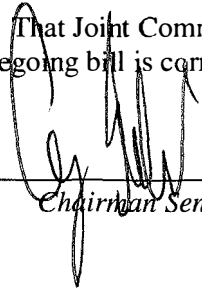
12 “For the purposes of this rule, the supervised
13 professionally oriented teaching, supervising and research

14 activities of applicants who are full-time, university clinical
15 faculty members may apply towards the required hours of
16 supervised work experience.”

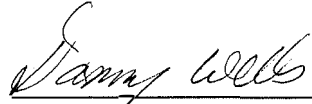
**§64-9-13. Governor’s Office of Health Enhancement and
Lifestyle Planning.**

1 The legislative rule filed in the state register on October
2 30,2009, authorized under the authority of section eight,
3 article twenty-nine-H, chapter sixteen, of this code, relating
4 to the Governor’s Office of Health Enhancement and
5 Lifestyle Planning (prescription drug advertising expense
6 reporting, 210 CSR 1), is authorized.

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



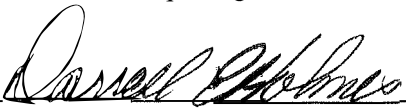
Chairman Senate Committee



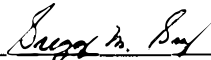
Chairman House Committee

Originating in the House.

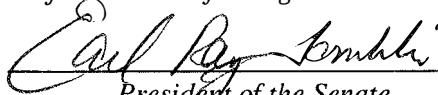
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

2010 APR -1 PM 4:27
SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE

The within is approved this the 1st
day of April, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2010

Time 10:05A