

1 **certain boards and commissions.**

2 (a) The commissioner shall serve on the following ~~business,~~
3 ~~profession or occupation~~ licensing boards:

4 ~~(1) The West Virginia Board of Barbers and Cosmetologists;~~

5 ~~(2) The West Virginia board of chiropractic examiners;~~

6 ~~(3) The West Virginia board of hearing aid dealers;~~

7 ~~(4)~~ (1) The West Virginia Board of Medicine, provided in
8 article three, chapter thirty;

9 ~~(5) The West Virginia nursing home administrators licensing~~
10 ~~board;~~

11 ~~(6)~~ (2) ~~The West Virginia radiologic technology board of~~
12 ~~examiners~~ The West Virginia Medical Imaging and Radiation Therapy
13 Technology Board of Examiners, as provided in article twenty-three,
14 chapter thirty; and

15 ~~(7)~~ (3) ~~The West Virginia board of registration for~~
16 ~~sanitarians~~ The State Board of Sanitarians, as provided in article
17 seventeen, chapter thirty.

18 ~~(8) Any other licensing board or commission as directed by the~~
19 ~~secretary.~~

20 (b) The commissioner ~~shall serve~~ serves on the following
21 advisory councils, boards and commissions:

22 (1) The Advisory Committee on Cancer (Cancer Registry);

23 ~~(2) The Advisory Committee on Hemophilia;~~

24 ~~(3)~~ (2) The Air Quality Board;

25 ~~(4)~~ (3) The Appalachian States Low-level Radioactive Waste
26 Commission;

1 ~~(5) The Attorney General of West Virginia Public Health~~
2 ~~Trust;~~

3 ~~(6) The Breast and Cervical Cancer Screening Program Advisory~~
4 ~~Coalition;~~

5 ~~(7)~~ (4) The Child Fatality Review Team;

6 ~~(8) The Clinical Laboratories Quality Assurance Act Advisory~~
7 ~~Board;~~

8 ~~(9)~~ (5) The Childhood Immunization Advisory Committee;

9 ~~(10)~~ (6) The Early Intervention Coordinating Council;

10 ~~(11)~~ (7) The Interagency Council on Osteoporosis;

11 ~~(12) The Jail and Prison Standards Commission;~~

12 ~~(13) The Medical Service Fund Advisory Council;~~

13 ~~(14)~~ (8) The Nursing Home Licensing Advisory Council;

14 ~~(15)~~ (9) The Sewage Advisory Board;

15 ~~(16)~~ (10) The State Emergency Response Commission;

16 ~~(17)~~ (11) The State Groundwater Coordinating Committee;

17 ~~(18) The Sudden Infant Death Syndrome Advisory Council;~~

18 ~~(19)~~ (12) The Water Development Authority;

19 ~~(20)~~ (13) The West Virginia Commission for the Deaf and Hard
20 of Hearing;

21 ~~(21)~~ (14) The West Virginia Infrastructure and Jobs
22 Development Council;

23 ~~(22) The West Virginia Solid Waste Management Board; and~~

24 ~~(23)~~ (15) Any other advisory council, board or commission as
25 assigned by the secretary except for business, profession or
26 occupation licensing boards.

1 ~~(c)~~ (b) Notwithstanding any other provision of this code to
2 the contrary, the commissioner may, at his or her discretion,
3 designate, in writing, a representative to serve in his or her
4 stead at the meetings and in the duties of all boards and
5 commissions on which the commissioner is designated as an ex
6 officio member. The appropriately designated representative or
7 proxy ~~may act~~ acts with the full power and authority of the
8 commissioner in voting, acting upon matters concerning the public
9 health and welfare and ~~any~~ other business that is properly the duty
10 of any board or commission. ~~with~~ The representative ~~serving~~ serves
11 as proxy ~~for~~ at the commissioner's ~~at his or her~~ will and pleasure.
12 ~~Provided, That~~ The provisions of this section do not apply to the
13 ~~medical licensing board,~~ West Virginia Board of Medicine, the Air
14 Quality Board or ~~any~~ other board, commission or body on which the
15 commissioner is designated by this code as chairman ex officio,
16 secretary ex officio or ~~any~~ a board, commission or body on which
17 the commissioner is designated by this code as being that person
18 whose signature must appear on licenses, minutes or other documents
19 necessary to carry out the intents and purposes of the board,
20 commission or body.

21 **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

22 **ARTICLE 16. CHIROPRACTORS.**

23 **§30-16-4. West Virginia Board of Chiropractic; establishment and**
24 **composition.**

25 (a) The ~~board known as the~~ "West Virginia Board of
26 Chiropractic" is continued. Effective July 1, 2011, the board is

1 composed of ~~the director of health, ex officio, three~~ four licensed
2 chiropractors and one person to represent the interest of the
3 public. All ~~shall be~~ are appointed by the Governor, ~~by and~~ with
4 the advice and consent of the Senate, from a list of three names
5 recommended by the West Virginia Chiropractic Society,
6 Incorporated. Each chiropractic member of the board shall have
7 been a resident of and engaged in the active practice of
8 chiropractic in the state for a period of at least five years
9 preceding his or her appointment.

10 (b) ~~On July 1, 1998, there shall be appointed, as provided in~~
11 ~~this section, one chiropractic member for a three-year term. As~~
12 ~~existing chiropractic board members' terms expire, newly appointed~~
13 ~~chiropractic board members shall be~~ are appointed by the Governor
14 for a term of office of three years. No member may serve more than
15 two full consecutive three-year terms. When a vacancy in the
16 membership of the board occurs for ~~any~~ a cause other than the
17 expiration of a term, the Governor shall appoint a new member from
18 a list of three names recommended by West Virginia Chiropractic
19 Society, Incorporated, ~~a successor as a member of the board to fill~~
20 ~~the unexpired portion of the term of office. of the member whose~~
21 ~~office has been vacated.~~

22 (c) The Governor may remove any member of the board in case of
23 incompetency, neglect of duty, gross immorality or malfeasance in
24 office.

25 (d) The board shall conduct ~~a~~ an annual training program ~~to be~~
26 ~~held annually~~ to familiarize new board members with their duties.

1 (e) Each member of the board ~~shall receive~~ is entitled to
2 receive compensation in an amount not to exceed the same
3 ~~compensation as is~~ the amount paid to members of the Legislature
4 for ~~their~~ interim duties ~~as recommended by the Citizens Legislative~~
5 ~~Compensation Commission and authorized by law~~ for each day or
6 substantial portion ~~thereof~~ that he or she is engaged in the work
7 of the board or of its committees. ~~and shall be~~ Members are
8 entitled to be reimbursed for ~~all~~ actual and necessary expenses
9 incurred in carrying out his or her duties.

10 **ARTICLE 26. HEARING-AID DEALERS AND FITTERS.**

11 **§30-26-3. West Virginia board of hearing-aid dealers created;**
12 **members; qualifications; term; oath; salary and expenses;**
13 **powers and duties.**

14 There is ~~hereby created~~ ~~continued~~ the West Virginia board of
15 hearing-aid dealers, which ~~shall be~~ is composed of five members to
16 be appointed by the Governor, by and with the advice and consent of
17 the Senate. The members of the board shall be residents of this
18 state. One member shall be a person licensed to practice medicine
19 in this state and one member shall hold a degree in audiology from
20 an accredited college or university. The remaining three members
21 shall be persons having no less than five years' experience as
22 hearing-aid dealers or fitters and shall hold a valid license under
23 the provisions of this article, except that the hearing-aid dealers
24 or fitters to be first appointed to the board shall obtain a
25 license under the provisions of this article within six months
26 following their appointment to the board.

1 The term of office of each member of the board shall be four
2 years, excepting that as to the members first appointed to the
3 board, one shall be appointed for two years; two shall be appointed
4 for three years; and two shall be appointed for four years. A
5 board member shall serve until his or her successor has been ~~duly~~
6 appointed and qualified and any vacancy in the office of a member
7 shall be filled by appointment for the unexpired term of such
8 member. Any member of the board shall be eligible for
9 reappointment.

10 The board shall annually at its meeting first succeeding May
11 1 elect from its own members a chairman and vice chairman.

12 Each member of the board shall receive for each day actually
13 engaged in the duties of his or her office, a per diem salary of
14 one hundred dollars and shall be reimbursed for all reasonable and
15 necessary expenses actually incurred in the performance of his or
16 her duties as a member of such board. All fees and other moneys
17 collected by the board, pursuant to the provisions of this article,
18 shall be kept in a separate fund and shall be expended solely for
19 the purposes of this article. The compensation for the members of
20 the board and all expenses incurred under this article shall be
21 paid from this special fund and no such compensation or expenses
22 shall be paid from the General Revenue Fund of this state. All
23 disbursements of funds necessary to carry out the provisions of
24 this article shall be so disbursed only upon the authority of the
25 board.

26 ~~The board is hereby empowered, with the assistance of the~~

1 ~~department to generally supervise,~~ shall regulate and control the
2 practice of dealing in or fitting of hearing aids in this state,
3 and in so doing, shall administer qualifying examinations in
4 accordance with the provisions of this article to test the
5 knowledge and proficiency of all prospective licensees or trainees.

6 The board may purchase and maintain or rent audiometric
7 equipment and other facilities necessary to carry out the
8 examination of applicants as provided in this article and may
9 purchase such other equipment and supplies and employ such persons
10 as it deems appropriate to carry out the provisions of this
11 article.

12 The board shall promulgate reasonable rules and regulations in
13 accordance with and subject to the provisions of chapter twenty-
14 nine-a of this code:

15 (a) For the proper performance of its duties;

16 (b) To define and prescribe the ethical practice of dealing in
17 or fitting of hearing aids for the safety, protection and welfare
18 of the public;

19 (c) To govern the time, place and manner of conducting the
20 examinations required by this article and the standard, scope and
21 subject of such examinations, which examinations shall, as a
22 minimum, conform with the standards, scope and subjects set forth
23 in section six of this article and manner and form in which
24 applications for such examinations shall be filed;

25 (d) To establish procedures for determining whether persons
26 holding similar valid licenses from other states or jurisdictions

1 shall be required to take and successfully pass the appropriate
2 qualifying examination as a condition for such licensing in this
3 state;

4 (e) To establish such fees for such examinations, permits,
5 licenses and renewals as may be necessary to cover the costs of
6 administration.