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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
2nd Extraordinary Session, 2002

ENROLLED

SENATE BILL NO. 2001

(By Senators Tomblin, Mr. President, and ~~to~~
Sprouse, By Request of the Executive)

PASSED June 10, 2002

In Effect from Passage

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Senate Bill No. 2001

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed June 10, 2002; in effect from passage.]

AN ACT to amend and reenact article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies and boards; 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 board of accountancy to promulgate legislative rule relating to board and rules of professional conduct; authorizing commissioner of agriculture to promulgate legislative rule relating to animal disease control; authorizing commissioner of agriculture to promulgate legislative rule relating to state aid for fairs and festivals; authorizing commissioner of agriculture to promulgate legislative rule relating to schedule of charges for inspection services—fruit; authorizing commissioner of agriculture to promulgate legislative rule relating to controlled atmosphere for storage of apples; authorizing athletic commission to promulgate legislative rule relating to commission; authorizing auditor to promulgate legislative rule relating to transaction fee and rate structure; authorizing contractor licensing board to promulgate legislative rule relating to complaints; authorizing board of licensed dietitians to promulgate legislative rule relating to licensure and renewal requirements; authorizing board of licensed dietitians to promulgate legislative rule relating to code of professional ethics; authorizing governor’s committee on crime, delinquency and correction to promulgate legislative rule relating to protocol for law-enforcement response to domestic violence; authorizing human rights commission to promulgate legislative rule relating to waiver of rights under West Virginia human rights act; authorizing human rights commission to promulgate legislative rule relating to definition of employee under West Virginia human rights act; authorizing board of examiners of land surveyors to promulgate legislative rule relating to rules and minimum standards for practice of land surveying in West Virginia; authorizing board of examiners of land surveyors to promulgate legislative rule relating to mandatory continuing education for land surveyors; authorizing board of optometry to promulgate legislative rule relating to board; authorizing board of optometry to promulgate legislative rule relating to expanded prescriptive authority; authorizing board of optometry to promulgate legislative rule relating to schedule of fees; authorizing board of pharmacy to promulgate legislative rule relating to board;

authorizing board of pharmacy to promulgate legislative rule relating to continuing education for licensure of pharmacists; authorizing radiologic technology board of examiners to promulgate legislative rule relating to board; authorizing real estate appraiser licensing and certification board to promulgate legislative rule relating to requirements for licensure and certification; authorizing real estate appraiser licensing and certification board to promulgate legislative rule relating to renewal of licensure or certification; authorizing board of examiners for registered professional nurses to promulgate legislative rule relating to requirements for registration and licensure; authorizing board of examiners for registered professional nurses to promulgate legislative rule relating to fees; authorizing secretary of state to promulgate legislative rule relating to use of electronic signatures by state agencies; authorizing secretary of state to promulgate legislative rule relating to registry requirements; authorizing secretary of state to promulgate legislative rule relating to uniform commercial code, revised article nine; repealing a secretary of state legislative rule relating to use of digital signatures, state certification authority and state repository; authorizing board of social work examiners to promulgate legislative rule relating to qualifications for licensure as social worker; authorizing board of social work examiners to promulgate legislative rule relating to fee schedule; authorizing board of examiners for speech-language pathology and audiology to promulgate legislative rule relating to licensure of speech-language pathology and audiology; and authorizing board of veterinary medicine to promulgate legislative rule relating to registration of veterinary technicians.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

§64-9-1. Board of accountancy.

1 The legislative rule filed in the state register on the
2 twenty-seventh day of July, two thousand one, under the
3 authority of section five, article nine, chapter thirty of this
4 code, modified by the board of accountancy to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the twenty-eighth day
7 of November, two thousand one, relating to the board of
8 accountancy (board rules and rules of professional con-
9 duct, 1 CSR 1), is authorized.

§64-9-2. Commissioner of agriculture.

1 (a) The legislative rule filed in the state register on the
2 twenty-fifth day of July, two thousand one, authorized
3 under the authority of section four, article one, chapter
4 nineteen of this code, modified by the commissioner of
5 agriculture to meet the objections of the legislative rule-
6 making review committee and refiled in the state register
7 on the sixteenth day of August, two thousand one, relating
8 to the commissioner of agriculture (animal disease control,
9 61 CSR 1), is authorized.

10 (b) The legislative rule filed in the state register on the
11 twenty-sixth day of July, two thousand one, authorized
12 under the authority of section eleven, article seven,
13 chapter nineteen of this code, modified by the commis-
14 sioner of agriculture to meet the objections of the legisla-
15 tive rule-making review committee and refiled in the state
16 register on the twenty-seventh day of September, two
17 thousand one, relating to the commissioner of agriculture
18 (state aid for fairs and festivals, 61 CSR 3), is authorized.

19 (c) The legislative rule filed in the state register on the
20 twenty-fourth day of July, two thousand one, authorized
21 under the authority of section ten, article two, chapter
22 nineteen of this code, modified by the commissioner of
23 agriculture to meet the objections of the legislative rule-
24 making review committee and refiled in the state register

25 on the sixteenth day of August, two thousand one, relating
26 to the commissioner of agriculture (schedule of charges for
27 inspection services: fruit, 61 CSR 8B), is authorized.

28 (d) The legislative rule filed in the state register on the
29 twenty-fourth day of July, two thousand one, authorized
30 under the authority of section three, article five-a, chapter
31 nineteen of this code, modified by the commissioner of
32 agriculture to meet the objections of the legislative rule-
33 making review committee and refiled in the state register
34 on the sixteenth day of August, two thousand one, relating
35 to the commissioner of agriculture (controlled atmosphere
36 storage of apples, 61 CSR 8E), is authorized.

§64-9-3. Athletic commission.

1 The legislative rule filed in the state register on the
2 twenty-seventh day of July, two thousand one, under the
3 authority of section twenty-four, article five-a, chapter
4 twenty-nine of this code, modified by the athletic commis-
5 sion to meet the objections of the legislative rule-making
6 review committee and refiled in the state register on the
7 fourteenth day of January, two thousand two, relating to
8 the athletic commission (administrative rule of the com-
9 mission, 177 CSR 1), is authorized.

§64-9-4. Auditor.

1 The legislative rule filed in the state register on the
2 twenty-fourth day of July, two thousand one, authorized
3 under the authority of section ten-c, article three, chapter
4 twelve of this code, modified by the auditor to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the twenty-sixth day of
7 September, two thousand one, relating to the auditor
8 (transaction fee and rate structure, 155 CSR 4), is autho-
9 rized.

§64-9-5. Contractor licensing board.

1 The legislative rule filed in the state register on the sixth
2 day of June, two thousand one, under the authority of

3 section fourteen, article eleven, chapter twenty-one of this
4 code, modified by the contractor licensing board to meet
5 the objections of the legislative rule-making review
6 committee and refiled in the state register on the ninth day
7 of August, two thousand one, relating to the contractor
8 licensing board (West Virginia contractor licensing board -
9 complaints, 28 CSR 3), is authorized with the amendments
10 set forth below:

11 On page 5, after subsection 6.7 by adding a new section
12 7, to read as follows:

“§28-3-7. Alternate dispute resolution.

1 7.1 The board may on its own motion or by stipulation of
2 the parties refer any complaint to mediation: *Provided,*
3 That complaints demonstrating probable cause of the
4 existence of imminent safety and/or health hazards may
5 not be referred to mediation.

6 7.2 The board may maintain a list of mediators with
7 expertise in professional and occupational licensing
8 matters or may obtain a list of qualified mediators from
9 the West Virginia center for dispute resolution or the West
10 Virginia state bar mediator referral service. Division staff
11 may be utilized to prepare any mediation agreement.

12 7.3 A notice of the mediation must be provided to the
13 parties by certified mail at least twenty days in advance of
14 the mediation date. The notice must contain the time, date
15 and location of the mediation and the issues to be medi-
16 ated.

17 7.4 The mediation is not considered a proceeding open to
18 the public and any reports and records introduced at the
19 mediation are not part of the public record. The mediator
20 and all participants in the mediation shall maintain and
21 preserve the confidentiality of all proceedings and records.
22 The mediator may not be subpoenaed or called to testify or
23 otherwise be subject to process requiring disclosure of
24 confidential information in any proceeding relating to or

25 arising out of the complaint matter mediated: *Provided*,
26 That any confidentiality agreement and any written
27 agreement made and signed by the parties as a result of
28 the mediation may be used in any proceeding subsequently
29 instituted to enforce the written agreement. The agree-
30 ment may be used in other proceedings if the parties agree
31 to the use in writing.

32 7.5 The written agreement made and signed by the
33 parties as a result of the mediation is binding and must list
34 the issues resolved, the corrective actions, if any, agreed to,
35 with time frames and any issues not resolved at the
36 mediation.

37 7.6 A mediated agreement under the provisions of this
38 section does not waive a contractor's potential liability for
39 board disciplinary action if the board determines that the
40 contractor has violated any provision of West Virginia
41 code §21-11-1, *et seq.*, or legislative rules promulgated
42 pursuant to that article.

43 7.7 Any issues not resolved at mediation are returned to
44 the board for formal hearing pursuant to the provisions of
45 section 6 of this rule.”;

46 And,

47 By renumbering the remaining section of the rule.

§64-9-6. Board of licensed dietitians.

1 (a) The legislative rule filed in the state register on the
2 twenty-seventh day of July, two thousand one, under the
3 authority of section four, article thirty-five, chapter thirty
4 of this code, modified by the board of licensed dietitians to
5 meet the objections of the legislative rule-making review
6 committee and refiled in the state register on the sixteenth
7 day of October, two thousand one, relating to the board of
8 licensed dietitians (licensure and renewal requirements, 31
9 CSR 1), is authorized with the following amendments:

10 On page three, section nine, section 9.1.6, after the words
11 “confidential communication” by inserting the words
12 “with a client or patient”; and,

13 On page three, beginning with section 9.1.7., by striking
14 out the remainder of the rule and inserting in lieu thereof
15 the following:

16 9.1.7. Demonstrated a lack of professional competence
17 to practice medical nutrition therapy or other nutrition or
18 dietetic-related services with a reasonable degree of skill
19 and safety for patients;

20 9.1.8. Been convicted of or found guilty of a crime in any
21 jurisdiction which directly relates to the practice of
22 medical nutrition therapy or other nutrition or dietetic-
23 related services. A plea of nolo contendere may be consid-
24 ered conviction for the purposes of this rule;

25 9.1.9. Failed to report to the Board any person whom the
26 licensee knows is in violation of this rule or of provisions
27 of article thirty-five of chapter thirty of the West Virginia
28 code;

29 9.1.10. Aided, assisted, procured or advised any unli-
30 censed person to practice as a licensed dietitian contrary
31 to this rule or provisions of article thirty-five of chapter
32 thirty of the West Virginia code;

33 9.1.11. Failed to perform any statutory or legal obliga-
34 tion placed upon a licensed dietitian;

35 9.1.12. Made or filed a report which the licensee knows
36 to be false, or intentionally or negligently failed to file a
37 report or record required by state or federal law;

38 9.1.13. Paid or received any commission, bonus, rebate
39 or other financial incentive, or engaged in any split-fee
40 arrangement with any organization, agency or person, for
41 referring patients to providers of health care goods and
42 services, including, but not limited to, hospitals, nursing

43 homes, clinical laboratories, renal dialysis facilities or
44 pharmacies;

45 9.1.14. Exercised influence on a patient or client for
46 purposes of exploiting for financial gain or engaging in
47 sexual activity;

48 9.1.15. Failed to keep written records justifying the
49 course of treatment of the patient, including, but not
50 limited to, patient histories, examination results and
51 treatment;

52 9.1.16. Engaged in false or deceptive advertising;
53 advertised, practiced or attempted to practice under a
54 name other than his or her own; charged or collected any
55 fee for any type of services rendered within forty-eight (48)
56 hours of the initial visit, if the licensee advertised free
57 consultation or treatment;

58 9.1.17. Charged an excessive or unconscionable fee. If
59 the Board finds that an excessive or unconscionable fee
60 has been charged and collected, the Board may require the
61 licensee to reduce or reimburse the fee. Factors to be
62 considered in determining the reasonableness of a fee
63 include the following:

64 9.1.17.1. The time and effort required;

65 9.1.17.2. The novelty and difficulty of the procedure or
66 treatment;

67 9.1.17.3. The skill required to perform the procedure or
68 treatment properly;

69 9.1.17.4. Any requirements or conditions imposed by the
70 patient or circumstances;

71 9.1.17.5. The nature and length of the professional
72 relationship with the patient;

73 9.1.17.6. The experience, reputation and ability of the
74 licensee; and

75 9.1.17.7. The nature of the circumstances under which
76 the services are provided.”

77 (b) The legislative rule filed in the state register on the
78 twenty-seventh day of July, two thousand one, under the
79 authority of section four, article thirty-five, chapter thirty
80 of this code, modified by the board of licensed dietitians to
81 meet the objections of the legislative rule-making review
82 committee and refiled in the state register on the sixteenth
83 day of October, two thousand one, relating to the board of
84 licensed dietitians (code of professional ethics, 31 CSR 2),
85 is authorized with the following amendment:

86 On page one, section two, by striking out subsection 2.5
87 in its entirety.

**§64-9-7. Governor’s committee on crime, delinquency and
correction.**

1 The legislative rule filed in the state register on the
2 twenty-seventh day of July, two thousand one, authorized
3 under the authority of section nine, article two-a, chapter
4 forty-eight of this code, modified by governor’s committee
5 on crime, delinquency and correction to meet the objec-
6 tions of the legislative rule-making review committee and
7 refiled in the state register on the second day of October,
8 two thousand one, relating to the governor’s committee on
9 crime, delinquency and correction (protocol for law-
10 enforcement response to domestic violence, 149 CSR 3), is
11 authorized.

§64-9-8. Human rights commission.

1 (a) The legislative rule filed in the state register on the
2 twenty-seventh day of July, two thousand one, under the
3 authority of section eight, article eleven, chapter five of
4 this code, modified by the human rights commission to
5 meet the objections of the legislative rule-making review
6 committee and refiled in the state register on the fifteenth
7 day of January, two thousand two, relating to the human

8 rights commission (waiver of rights under the West
9 Virginia human rights act, 77 CSR 6), is authorized.

10 (b) The legislative rule filed in the state register on the
11 twenty-seventh day of July, two thousand one, under the
12 authority of section eight, article eleven, chapter five of
13 this code, modified by the human rights commission to
14 meet the objections of the legislative rule-making review
15 committee and refiled in the state register on the fifteenth
16 day of January, two thousand two, relating to the human
17 rights commission (definition of employee under the West
18 Virginia human rights act, 77 CSR 7), is authorized.

§64-9-9. Board of examiners of land surveyors.

1 (a) The legislative rule filed in the state register on the
2 twenty-seventh day of July, two thousand one, under the
3 authority of section four, article thirteen-a, chapter thirty
4 of this code, modified by the board of examiners of land
5 surveyors to meet the objections of the legislative rule-
6 making review committee and refiled in the state register
7 on the twenty-sixth day of November, two thousand one,
8 relating to the board of examiners of land surveyors (rules
9 and minimum standards for the practice of land surveying
10 in West Virginia, 23 CSR 1), is authorized.

11 (b) The legislative rule filed in the state register on the
12 twenty-seventh day of July, two thousand one, under the
13 authority of section four, article thirteen-a, chapter thirty
14 of this code, modified by the board of examiners of land
15 surveyors to meet the objections of the legislative rule-
16 making review committee and refiled in the state register
17 on the twenty-sixth day of November, two thousand one,
18 relating to the board of examiners of land surveyors
19 (mandatory continuing education for land surveyors, 23
20 CSR 2), is authorized.

§64-9-10. Board of optometry.

1 (a) The legislative rule filed in the state register on the
2 eighteenth day of July, two thousand one, under the

3 authority of section three, article eight, chapter thirty of
4 this code, modified by the board of optometry to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the nineteenth day of
7 November, two thousand one, relating to the board of
8 optometry (rules of the board, 14 CSR 1), is authorized.

9 (b) The legislative rule filed in the state register on the
10 twenty-seventh day of July, two thousand one, authorized
11 under the authority of sections two-a and two-b, article
12 eight, chapter thirty of this code, modified by the board of
13 optometry to meet the objections of the legislative rule-
14 making review committee and refiled in the state register
15 on the seventh day of January, two thousand two, relating
16 to the board of optometry (expanded prescriptive author-
17 ity, 14 CSR 2), is authorized.

18 (c) The legislative rule filed in the state register on the
19 eighteenth day of July, two thousand one, authorized
20 under the authority of section three, article eight, chapter
21 thirty of this code, modified by the board of optometry to
22 meet the objections of the legislative rule-making review
23 committee and refiled in the state register on the twentieth
24 day of September, two thousand one, relating to the board
25 of optometry (schedule of fees, 14 CSR 5), is authorized.

§64-9-11. Board of pharmacy.

1 (a) The legislative rule filed in the state register on the
2 tenth day of October, two thousand one, authorized under
3 the authority of section nine-a, article five, chapter thirty
4 of this code, modified by the board of pharmacy to meet
5 the objections of the legislative rule-making review
6 committee and refiled in the state register on the eleventh
7 day of January, two thousand two, relating to the board of
8 pharmacy (rules of the board of pharmacy, 15 CSR 1), is
9 authorized.

10 (b) The legislative rule filed in the state register on the
11 tenth day of October, two thousand one, authorized under

12 the authority of section nine, article five, chapter thirty of
13 this code, modified by the board of pharmacy to meet the
14 objections of the legislative rule-making review committee
15 and refiled in the state register on the eleventh day of
16 January, two thousand two, relating to the board of
17 pharmacy (continuing education for the licensure of
18 pharmacists, 15 CSR 3), is authorized.

§64-9-12. Radiologic technology board of examiners.

1 The legislative rule filed in the state register on the
2 twenty-fourth day of July, two thousand one, under the
3 authority of section five, article twenty-three, chapter
4 thirty of this code, modified by the board of examiners of
5 radiologic technology to meet the objections of the legisla-
6 tive rule-making review committee and refiled in the state
7 register on the twenty-first day of August, two thousand
8 one, relating to the board of examiners of radiologic
9 technology (rules of the board, 18 CSR 1), is authorized.

§64-9-13. Real estate appraiser licensing and certification board.

1 (a) The legislative rule filed in the state register on the
2 second day of July, two thousand one, under the authority
3 of section nine, article thirty-eight, chapter thirty of this
4 code, modified by the real estate appraiser licensing and
5 certification board to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the fifteenth day of August, two thousand one,
8 relating to the real estate appraiser licensing and certifica-
9 tion board (requirements for licensure and certification,
10 190 CSR 2), is authorized with the following amendment:

11 On page twenty-nine, section 14.1, by striking out "2001"
12 and inserting in lieu thereof "2002".

13 (b) The legislative rule filed in the state register on the
14 second day of July, two thousand one, under the authority
15 of section nine, article thirty-eight, chapter thirty of this
16 code, modified by the real estate appraiser licensing and

17 certification board to meet the objections of the legislative
18 rule-making review committee and refiled in the state
19 register on the fifteenth day of August, two thousand one,
20 relating to the real estate appraiser licensing and certifica-
21 tion board (renewal of licensure or certification, 190 CSR
22 3), is authorized with the following amendment:

23 On page six, section 8.1, by striking out "2001" and
24 inserting in lieu thereof "2002".

§64-9-14. Board of examiners of registered professional nurses.

1 (a) The legislative rule filed in the state register on the
2 thirtieth day of July, two thousand one, authorized under
3 the authority of section four, article seven, chapter thirty
4 of this code, modified by the board of examiners for
5 registered professional nurses to meet the objections of the
6 legislative rule-making review committee and refiled in
7 the state register on the twenty-ninth day of November,
8 two thousand one, relating to the board of examiners for
9 registered professional nurses (requirements for registra-
10 tion and licensure, 19 CSR 3), is authorized with the
11 following amendment:

12 On page twenty-one, section 14.1.ii, following the words
13 "failed to disclose", by striking out the words "to the
14 board" and inserting in lieu thereof the words "informa-
15 tion when required by the board concerning".

16 (b) The legislative rule filed in the state register on the
17 twenty-seventh day of July, two thousand one, authorized
18 under the authority of section four, article seven, chapter
19 thirty of this code, relating to the board of examiners for
20 registered professional nurses (fees, 19 CSR 12), is autho-
21 rized.

§64-9-15. Secretary of state.

1 (a) The legislative rule filed in the state register on the
2 twenty-sixth day of July, two thousand one, authorized
3 under the authority of section three, article three, chapter

4 thirty-nine-a of this code, modified by the secretary of
5 state to meet the objections of the legislative rule-making
6 review committee and refiled in the state register on the
7 tenth day of October, two thousand one, relating to the
8 secretary of state (use of digital signatures, state certifica-
9 tion authority and state repository, 153 CSR 30), is autho-
10 rized.

11 (b) The legislative rule filed in the state register on the
12 twenty-seventh day of July, two thousand one, authorized
13 under the authority of section four hundred two, article
14 two, chapter forty-eight of this code, modified by the
15 secretary of state to meet the objections of the legislative
16 rule-making review committee and refiled in the state
17 register on the second day of November, two thousand one,
18 relating to the secretary of state (registry requirements,
19 153 CSR 32), is authorized.

20 (c) The legislative rule filed in the state register on the
21 twenty-sixth day of July, two thousand one, authorized
22 under the authority of section five hundred twenty-six,
23 article nine, chapter forty-six of this code, modified by the
24 secretary of state to meet the objections of the legislative
25 rule-making review committee and refiled in the state
26 register on the fifteenth day of January, two thousand two,
27 relating to the secretary of state (uniform commercial
28 code, revised article nine, 153 CSR 35), is authorized.

29 (d) The legislative rule effective the first day of April,
30 one thousand nine hundred ninety-nine, authorized under
31 the authority of section four, article five, chapter thirty-
32 nine of this code (use of digital signatures, state certifica-
33 tion authority and state repository, 153 CSR 31), is re-
34 pealed.

§64-9-16. Board of social work examiners.

1 (a) The legislative rule filed in the state register on the
2 twenty-fourth day of July, two thousand one, under the
3 authority of section three, article thirty, chapter thirty of

4 this code, modified by the board of social work examiners
5 to meet the objections of the legislative rule-making
6 review committee and refiled in the state register on the
7 eleventh day of October, two thousand one, relating to the
8 board of social work examiners (qualifications for
9 licensure as a social worker, 25 CSR 1), is authorized.

10 (b) The legislative rule filed in the state register on the
11 twenty-fourth day of July, two thousand one, under the
12 authority of section three, article thirty, chapter thirty of
13 this code, relating to the board of social work examiners
14 (fee schedule, 25 CSR 3), is authorized.

**§64-9-17. Board of examiners for speech-language pathology
and audiology.**

1 The legislative rule filed in the state register on the
2 thirtieth day of July, two thousand one, under the author-
3 ity of section ten, article thirty-two, chapter thirty of this
4 code, modified by the board of examiners for speech-
5 language pathology and audiology to meet the objections
6 of the legislative rule-making review committee and
7 refiled in the state register on the fourteenth day of
8 December, two thousand one, relating to the board of
9 examiners for speech-language pathology and audiology
10 (licensure of speech-language pathology and audiology, 29
11 CSR 1), is authorized.

§64-9-18. Board of veterinary medicine.

1 The legislative rule filed in the state register on the
2 thirty-first day of August, two thousand one, authorized
3 under the authority of section four, article ten, chapter
4 thirty of this code, modified by the board of veterinary
5 medicine to meet the objections of the legislative rule-
6 making review committee and refiled in the state register
7 on the twenty-sixth day of December, two thousand one,
8 relating to the board of veterinary medicine (registration
9 of veterinary technicians, 26 CSR 3), is authorized with the
10 amendments set forth below:

11 On page two, section three, subsection 3.4, subdivision
12 b., following the words "convicted of a felony", by striking
13 out the words "or other crime involving moral turpitude"
14 and inserting in lieu thereof the words "offense relating to
15 controlled substances";

16 On page two, section three, subsection 3.7, following the
17 words "office of the veterinary facility", by striking out
18 the words "of the person to whom it is issued" and insert-
19 ing in lieu thereof the words "where the veterinary techni-
20 cian is employed";

21 On page three, section three, subsection 3.10, subdivision
22 h., following the words "has an adjudication of", by
23 striking out the word "insanity" and inserting in lieu
24 thereof the words "mental incompetency,";

25 On page five, section 3.14.1, line three, after the words
26 "such registration" by inserting the words "without
27 examination";

28 On page five, section 3.14.1, line four, after the words
29 "registration ended" by deleting the period and inserting
30 the words "by providing to the Board:

31 a. Proof of employment under the direct supervision of
32 a licensed veterinarian during each of the years not
33 renewed.

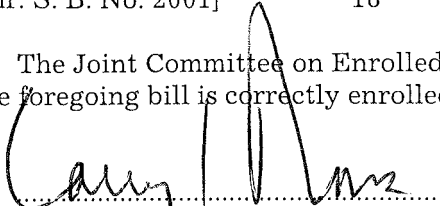
34 b. Proof of having met the continuing education require-
35 ment of a minimum of six hours of classroom continuing
36 education in an approved program during each of the
37 years not renewed. Each year's continuing education is to
38 renew for the subsequent year.

39 c. Payment of all delinquent fees from the last renewal
40 date to the current renewal period.";

41 And,

42 On page 6, section 14.2, after the words "the registration
43 examinations." by striking out the remainder of the
44 subdivision.

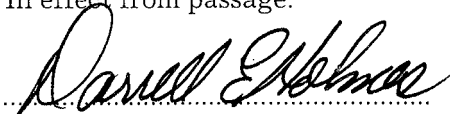
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

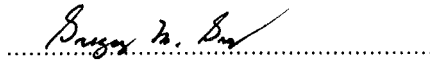

.....
Chairman Senate Committee


.....
Chairman House Committee

Originated in the Senate.

In effect from passage.


.....
Clerk of the Senate

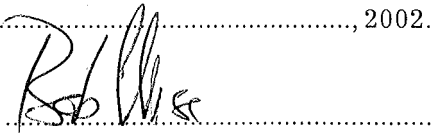

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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 21st

Day of June, 2002.


.....
Governor

PRESENTED TO THE
GOVERNOR

DATE 6/19/02

TIME 11:00am