

FILED

JUN 19 2003

IN THE OFFICE OF
JOE MANCHIN III
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Second Extraordinary Session, 2003

ENROLLED

SENATE BILL NO. 2014

(By Senator KESSLER, ET AL)

PASSED JUNE 13, 2003

In Effect from Passage

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Senate Bill No. 2014

(BY SENATORS KESSLER, HUNTER, JENKINS, MINARD, OLIVERIO,
ROSS, SNYDER, WHITE, DEEM AND SMITH)

[Passed June 13, 2003; 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; authorizing certain boards and agencies that are, in common, independent of state departmental supervision to promulgate legislative rules; 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 commissioner of agriculture to promulgate legislative rule relating to inspection of meat and poultry; authorizing contractor licensing board to promulgate legislative rule relating to contractor licensing act; authorizing courthouse facilities improvement authority to promulgate legislative rule relating to authority; authorizing board of dental examiners to promulgate legislative rule relating to board; authorizing board of dental examiners to promulgate legislative rule relating to formation and approval of dental corporations; authorizing family protection services board to promulgate legislative rule relating to operation of board; authorizing family protection services board to promulgate legislative rule relating to licensure of domestic violence and perpetrator intervention programs; authorizing family protection services board to promulgate legislative rule relating to perpetrator intervention program licensure; authorizing family protection services board to promulgate legislative rule relating to monitored visitation and exchange program certification; authorizing board of funeral service examiners to promulgate legislative rule relating to board; authorizing board of funeral service examiners to promulgate legislative rule relating to crematory requirements; authorizing governor's committee on crime, delinquency and correction to promulgate legislative rule relating to law-enforcement training standards; authorizing governor's committee on crime, delinquency and correction to promulgate legislative rule relating to community corrections standards; authorizing massage therapy licensure board to promulgate legislative rule relating to board; authorizing board of medicine to promulgate legislative rule relating to licensure, disciplinary and complaint procedures, continuing education and physician assistants; authorizing nursing home administrators licensing board to promulgate legislative rule relating to nursing home administrators; authorizing board of optometry to promulgate legislative rule relating to licensure by

endorsement; authorizing board of pharmacy to promulgate legislative rule relating to pharmacist recovery networks; authorizing board of pharmacy to promulgate legislative rule relating to controlled substances monitoring; 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 and certification; authorizing real estate commission to promulgate legislative rule relating to requirements in licensing real estate brokers, associate brokers and salespersons and conduct of brokerage businesses; authorizing real estate commission to promulgate legislative rule relating to schedule of fees; authorizing real estate commission to promulgate legislative rule relating to requirements in approval and registration of real estate courses, course providers and instructors; authorizing secretary of state to promulgate legislative rule relating to registry for notification of state of emergency; authorizing board of veterinary medicine to promulgate legislative rule relating to standards of practice; and authorizing board of veterinary medicine to promulgate legislative rule relating to schedule of fees.

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. Commissioner of agriculture.

1 The legislative rule filed in the state register on the
2 twenty-second day of July, two thousand two, authorized
3 under the authority of section three, article two-b, chapter
4 nineteen of this code, relating to the commissioner of

5 agriculture (inspection of meat and poultry, 61 CSR 16), is
6 authorized.

§64-9-2. Contractor licensing board.

1 The legislative rule filed in the state register on the ninth
2 day of July, two thousand two, authorized under the
3 authority of sections five and sixteen, article eleven,
4 chapter twenty-one of this code, modified by the contrac-
5 tor licensing board to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the fourth day of December, two thousand two,
8 relating to the contractor licensing board (West Virginia
9 contractor licensing act, 28 CSR 2), is authorized with the
10 following amendment:

11 “On page nine, section four, subsection 4.1, following the
12 last semicolon by inserting the following ‘or any commer-
13 cial property intended for sale or lease by an entity other
14 than the employer where the total cost of the total under-
15 taking, labor and materials, exceeds ten thousand dollars
16 (\$10,000.00);”.

§64-9-3. Courthouse facilities improvement authority.

1 The legislative rule filed in the state register on the
2 twenty-fifth day of July, two thousand two, under the
3 authority of section three-a, article twenty-six, chapter
4 twenty-nine of this code, modified by the courthouse
5 facilities improvement authority to meet the objections of
6 the legislative rule-making review committee and refiled
7 in the state register on the nineteenth day of September,
8 two thousand two, relating to the courthouse facilities
9 improvement authority (courthouse facilities improvement
10 authority, 203 CSR 1), is authorized with the following
11 amendment:

12 “On page one, subsection 3.4, after the words ‘the
13 Authority shall’ by striking out the words ‘make a written
14 recommendation’ and inserting in lieu thereof the words
15 ‘issue a written notification’”.

§64-9-4. Board of dental examiners.

1 (a) The legislative rule filed in the state register on the
2 fifth day of April, two thousand two, under the authority
3 of section one, article four, chapter thirty of this code,
4 modified by the board of dental examiners to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the first day of Novem-
7 ber, two thousand two, relating to the board of dental
8 examiners (general provisions, 5 CSR 1), is authorized with
9 the following amendments:

10 “Beginning on page eleven, section eight, subsection 8.2,
11 by striking the entire subsection and inserting the follow-
12 ing:

13 ‘8.2. Expanded duties of dental assistants. The following
14 duties and/or intra-oral tasks may be assigned by a
15 licensed dentist to a dental hygienist and/or assistant in
16 the licensed dentist’s employment, provided that under no
17 circumstances can an assistant use a power-driven instru-
18 ment of any type intra-orally except as specifically set
19 forth hereinafter:

20 (a)- Placing, exposing, developing and mounting dental
21 radiographs;

22 (b)- Placing and removing rubber dams;

23 (c)- Charting existing restorations and missing teeth;

24 (d)- Holding and removing materials, trays, strips and
25 sutures, ~~and bands~~ previously placed in the patient’s
26 mouth by the dentist;

27 (e)- Removing excess cement from coronal surfaces of
28 teeth without the use of rotating, ~~or~~ power-driven or
29 scaling instruments; ~~and~~

30 (f)- Taking impressions for study cast and pouring
31 models;:

- 32 (g) Recording medical and dental histories for interpre-
33 tation by the supervising dentist;
- 34 (h) Providing pre- and post-treatment instructions;
- 35 (i) Viewing the oral cavity and reporting the symp-
36 toms/problems to the supervising dentist;
- 37 (j) Performing pulp vitality testing (thermal or electri-
38 cal) with a final evaluation by the supervising dentist;
- 39 (k) Inserting and adjusting athletic mouth guards and
40 bleaching trays with a final evaluation by the supervising
41 dentist;
- 42 (l) Removing periodontal dressings with a final evalua-
43 tion by the supervising dentist;
- 44 (m) Placing and removing matrices after a final evalua-
45 tion by the supervising dentist;
- 46 (n) Applying topical anesthetic agents with prior
47 approval by the supervising dentist;
- 48 (o) Applying topical anticariogenic agents after success-
49 ful completion of a board-approved course and examina-
50 tion and with prior approval of the supervising dentist;
- 51 (p) Applying pit and fissure sealants after successful
52 completion of a board-approved course and examination
53 and with a final evaluation by the supervising dentist;
- 54 (q) Applying cavity liners and bases with a final evalua-
55 tion by the supervising dentist;
- 56 (r) Removing soft tissue dressings with a final evalua-
57 tion by the supervising dentist;
- 58 (s) Fabricating and cementing temporary crowns and
59 bridges with a final evaluation by the supervising dentist;
- 60 (t) Placing and removing temporary restorations by a
61 nonpower-driven method with a final evaluation by the
62 supervising dentist;

- 63 (u) Taking intra- and extra-oral photographs;
- 64 (v) Chemical conditioning of the tooth to accept a
65 restoration and/or bracket by topical application after
66 successful completion of a board-approved course and
67 examination;
- 68 (w) Using a power-driven hand piece with rubber cup
69 and/or brush only for preparing a tooth for accepting a
70 restoration and/or appliance, which shall in no way be
71 represented to the patient as a prophylaxis, after success-
72 ful completion of a board-approved course and examina-
73 tion;
- 74 (x) Placing retraction cords for crown impressions after
75 successful completion of a board-approved course and
76 examination and with prior approval of the supervising
77 dentist;
- 78 (y) Taking final impressions for fixed or removable
79 prosthesis and/or appliance with a final evaluation by the
80 supervising dentist;
- 81 (z) Checking for loose orthodontic appliances with a
82 final evaluation by the supervising dentist;
- 83 (aa) Taking orthodontic measurements with a final
84 evaluation by the supervising dentist;
- 85 (bb) Fitting bands and brackets prior to final cementa-
86 tion and/or bonding by the supervising dentist;
- 87 (cc) Bending archwires with a final evaluation by the
88 supervising dentist at the time of placement;
- 89 (dd) Placing or removing temporary space maintainers,
90 orthodontic separating devices, ligatures, brackets and
91 bands with a final evaluation by the supervising dentist at
92 the time of placement or removal, after completion of a
93 board-approved course and examination;
- 94 (ee) Removing loose or broken bands, brackets or
95 archwires when directed by the supervising dentist; and

96 (ff) Visually monitoring a nitrous oxide analgesia unit,
97 Two years after the effective date of this rule, a dental
98 assistant or hygienist must have successfully completed a
99 board-approved course and examination in order to
100 perform this duty. Thereafter, the assistant or hygienist
101 must maintain current certification in accordance with the
102 American Red Cross' or the American Heart Association's
103 Cardio-Pulmonary Resuscitation (CPR) program.';

104 And,

105 Beginning on page thirteen, section eight, subsection 8.3,
106 by striking the entire subsection and inserting the follow-
107 ing:

108 '8.3. Expanded duties of dental hygienists. ~~The~~ In
109 addition to and including those duties set forth in subsec-
110 tion 8.2 of this section, the following duties and/or
111 intraoral tasks may be assigned by a licensed dentist to a
112 dental hygienist in the licensed dentist's employment:

113 (a): ~~Supra- and Subgingival~~ subgingival scaling of teeth;

114 (b): Polishing of coronal and/or exposed surfaces of
115 teeth;

116 (c): ~~Dental Health Education~~ health education;

117 (d): ~~Nutritional Counseling~~ counseling;

118 ~~(e): Application of caries preventive agents and other~~
119 ~~topical medicaments to the surfaces of teeth and surround-~~
120 ~~ing tissues (including topical anesthesia);~~

121 ~~(f): Placing, exposing, developing, and mounting dental~~
122 ~~radiographs;~~

123 ~~(g): Finishing and polishing amalgam, resin, composite,~~
124 ~~and silicate restorations;~~

125 ~~(h): Examining and recording periodontal findings;~~

126 ~~(i): (f)~~ Scaling excessive cement from the surfaces of
127 teeth and restorations;

128 (j). (g) Performing clinical examinations and diagnostic
129 tests of teeth and surrounding tissues and recording
130 findings for interpretation by a supervising dentist (~~in-~~
131 ~~cludes~~ including such procedures as restorative chartings,
132 caries activity test, cytology smears, salivary analysis and
133 smears, endodontic cultures, vitality test, etc.);

134 ~~(k). Removing soft tissue dressings;~~

135 ~~(l). Removing ligature wires;~~

136 ~~(m). Preparing medical and dental histories for interpre-~~
137 ~~tation by a dentist;~~

138 ~~(n). Placing and removing rubber dams;~~

139 ~~(o). Taking intra and extra-oral photographs; and~~

140 ~~(p). Removing oral sutures.~~

141 (h) Placing of subgingival medicaments, fibers, chips,
142 etc.;

143 (i) Finishing and polishing restorations with a slow
144 speed hand piece;

145 (j) Debridement and/or root planing of teeth;

146 (k) Applying bleaching agents after successful comple-
147 tion of a board-approved course;

148 (l) Placing periodontal dressings with a final evaluation
149 by the supervising dentist; and

150 (m) Administration of infiltration and block anesthesia
151 after successful completion of a board-approved course
152 and of a regional board examination and under the direct
153 supervision of a licensed dentist.”.

154 (b) The legislative rule filed in the state register on the
155 tenth day of May, two thousand two, under the authority
156 of section one, article four, chapter thirty of this code,
157 modified by the board of dental examiners to meet the
158 objections of the legislative rule-making review committee

159 and refiled in the state register on the twenty-eighth day
160 of May, two thousand two, relating to the board of dental
161 service examiners (formation and approval of dental
162 corporations, 5 CSR 6), is authorized with the following
163 amendments:

164 “On page one, section three, subsection one, after the
165 words ‘shall have as a’, by striking the word ‘member’ and
166 inserting in lieu thereof the word ‘shareholder’;

167 On page one, section three, subsection four, after the
168 words ‘on or before the’, by striking the words ‘first day of
169 July’ and inserting in lieu thereof the words ‘thirtieth day
170 of June’ and after the word ‘every’ by striking the word
171 ‘member’ and inserting in lieu thereof the word ‘share-
172 holder’;

173 On page one, section three, subsection five, after the
174 words ‘on or before the’, by striking the words ‘first day of
175 July’ and inserting in lieu thereof the words ‘thirtieth day
176 of June’;

177 And,

178 On page one, section three, subsection seven, on each of
179 the three occasions that the word ‘member’ appears, by
180 striking the word ‘member’ and inserting in lieu thereof
181 the word ‘shareholder’”.

§64-9-5. Family protection services board.

1 (a) The legislative rule filed in the state register on the
2 twenty-sixth day of July, two thousand two, under the
3 authority of section four hundred one, article twenty-six,
4 chapter forty-eight of this code, modified by the family
5 protection services board to meet the objections of the
6 legislative rule-making review committee and refiled in
7 the state register on the tenth day of January, two thou-
8 sand three, relating to the family protection services board
9 (operation of the family protection services board, 191
10 CSR 1), is authorized with the following amendments:

11 “On page three, section three, by inserting a new subsection
12 tion to read as follows:

13 ‘3.11 “Partner Agencies” means state and community
14 organizations whose mission and purpose require their
15 response to the needs of victims of domestic violence and
16 their children.’, and by renumbering the remaining
17 subsections accordingly;

18 And,

19 On page eight, section five, subsection six, subdivision c,
20 following the words ‘fifteen (15) days’, by inserting the
21 words ‘after the receipt of the notice’”.

22 (b) The legislative rule filed in the state register on the
23 twenty-sixth day of July, two thousand two, under the
24 authority of section four hundred one, article twenty-six,
25 chapter forty-eight of this code, modified by the family
26 protection services board to meet the objections of the
27 legislative rule-making review committee and refiled in
28 the state register on the tenth day of January, two thou-
29 sand three, relating to the family protection services board
30 (licensure of domestic violence and perpetrator interven-
31 tion programs, 191 CSR 2), is authorized with the follow-
32 ing amendments:

33 “On page seven, section three, subsection one, subdivi-
34 sion g, after the words ‘client service agreements’ by
35 striking the words ‘and other purchase of service agree-
36 ments that exceed one thousand dollars (\$1000.00) annu-
37 ally’”.

38 (c) The legislative rule filed in the state register on the
39 twenty-sixth day of July, two thousand two, under the
40 authority of section four hundred one, article twenty-six,
41 chapter forty of this code, modified by the family protec-
42 tion services board to meet the objections of the legislative
43 rule-making review committee and refiled in the state
44 register on the tenth day of January, two thousand three,
45 relating to the family protection services board (perpetra-

46 tor intervention program licensure, 191 CSR 3), is autho-
47 rized with the following amendments:

48 “On page one, section three, subsection one, subdivision
49 b, after the words ‘client service agreements’ by striking
50 the words ‘and other purchase of service agreements that
51 exceed one thousand dollars (\$1000.00) annually’;

52 On page six, section three, subsection three, subdivision
53 c, paragraph 4, by striking the words ‘Cultural compe-
54 tency’, and inserting in lieu thereof the words ‘Cultural
55 sensitivity’;

56 On page six, section three, subsection four, after the
57 words ‘conducted by the program’, by inserting the word
58 ‘director’;

59 And,

60 On page nine, section three, subsection twelve, subdivi-
61 sion a, by striking out the words ‘Frequency of and reasons
62 for low attendance of perpetrator(s).’, and inserting in lieu
63 thereof the words ‘Attendance records of perpetrator(s)
64 including reason(s) for repeated absences.’”

65 (d) The legislative rule filed in the state register on the
66 twenty-sixth day of July, two thousand two, under the
67 authority of section four hundred one, article twenty-six,
68 chapter forty-eight of this code, modified by the family
69 protection services board to meet the objections of the
70 legislative rule-making review committee and refiled in
71 the state register on the tenth day of January, two thou-
72 sand three, relating to the family protection services board
73 (monitored visitation and exchange program certification,
74 191 CSR 4), is authorized.

§64-9-6. Board of funeral service examiners.

1 (a) The legislative rule filed in the state register on the
2 twenty-sixth day of June, two thousand two, under the
3 authority of sections five and six, article six, chapter thirty
4 of this code, modified by the board of funeral service

5 examiners to meet the objections of the legislative rule-
6 making review committee and refiled in the state register
7 on the sixteenth day of January, two thousand three,
8 relating to the board of funeral service examiners (general
9 provisions, 6 CSR 1), is authorized with the following
10 amendment:

11 “On page thirteen, section sixteen, subsection ten,
12 subdivision two, by striking the words ‘twenty-five dollars
13 (\$25)’ and inserting in lieu thereof the words ‘fifteen
14 dollars (\$15)’”.

15 (b) The legislative rule filed in the state register on the
16 twenty-sixth day of July, two thousand two, under the
17 authority of section six, article six, chapter thirty of this
18 code, modified by the board of funeral service examiners
19 to meet the objections of the legislative rule-making
20 review committee and refiled in the state register on the
21 sixteenth day of January, two thousand three, relating to
22 the board of funeral service examiners (crematory require-
23 ments, 6 CSR 2), is authorized with the following amend-
24 ment:

25 “On page twenty-three, section twenty, subsection seven,
26 subdivision two, by striking the words ‘twenty-five dollars
27 (\$25)’ and inserting in lieu thereof the words ‘fifteen
28 dollars (\$15)’”.

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

1 (a) The legislative rule filed in the state register on the
2 twenty-sixth day of July, two thousand two, authorized
3 under the authority of section three, article eleven-c,
4 chapter sixty-two of this code, relating to the governor’s
5 committee on crime, delinquency and correction (commu-
6 nity corrections standards, 149 CSR 4), is authorized.

7 (b) The legislative rule filed in the state register on the
8 eighth day of July, two thousand two, authorized under
9 the authority of section three, article twenty-nine, chapter

10 thirty of this code, modified by the governor's committee
11 on crime, delinquency and correction to meet the objec-
12 tions of the legislative rule-making review committee and
13 refiled in the state register on the nineteenth day of
14 December, two thousand two, relating to the governor's
15 committee on crime, delinquency and correction (law-
16 enforcement training standards, 149 CSR 2), is authorized.

§64-9-8. Massage therapy licensure board.

1 The legislative rule filed in the state register on the
2 twenty-sixth day of July, two thousand two, under the
3 authority of section six, article thirty-seven, chapter thirty
4 of this code, modified by the massage therapy licensure
5 board to meet the objections of the legislative rule-making
6 review committee and refiled in the state register on the
7 twenty-second day of November, two thousand two,
8 relating to the massage therapy licensure board (general
9 provisions, 194 CSR 1), is authorized.

§64-9-9. Board of medicine.

1 The legislative rule filed in the state register on the
2 twenty-sixth day of July, two thousand two, under the
3 authority of section sixteen, article three, chapter thirty of
4 this code, modified by the board of medicine to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the twenty-third day of
7 October, two thousand two, relating to the board of
8 medicine (licensure, disciplinary and complaint proce-
9 dures, continuing education and physician assistants, 11
10 CSR 1B), is authorized.

§64-9-10. Nursing home administrators licensing board.

1 The legislative rule filed in the state register on the
2 sixteenth day of May, two thousand two, under the
3 authority of section seven, article twenty-five, chapter
4 thirty of this code, modified by the nursing home adminis-
5 trators licensing board to meet the objections of the
6 legislative rule-making review committee and refiled in

7 the state register on the twentieth day of December, two
8 thousand two, relating to the nursing home administrators
9 licensing board (nursing home administrators, 21 CSR 1),
10 is authorized.

§64-9-11. Board of optometry.

1 The legislative rule filed in the state register on the fifth
2 day of June, two thousand two, authorized under the
3 authority of section five, 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 twenty-third day of
7 December, two thousand two, relating to the board of
8 optometry (licensure by endorsement, 14 CSR 8), is
9 authorized.

§64-9-12. Board of pharmacy.

1 (a) The legislative rule filed in the state register on the
2 seventeenth day of July, two thousand two, authorized
3 under the authority of section six, article nine, chapter
4 sixty-a of this code, modified by the board of pharmacy to
5 meet the objections of the legislative rule-making review
6 committee and refiled in the state register on the twenty-
7 eighth day of October, two thousand two, relating to the
8 board of pharmacy (controlled substances monitoring, 15
9 CSR 8), is authorized with the following amendment:

10 "On page three, by striking out all of section five and
11 inserting in lieu thereof the following:

§15-8-5. Prescription forms.

1 5.1. The purpose of this section is to establish minimum
2 requirements that will decrease the potential for forgery or
3 alteration of a prescription or a prescription blank for a
4 controlled substance.

5 5.2. After June 1, 2003, the Board of Pharmacy recom-
6 mends that a written prescription for a controlled sub-

7 stance in Schedules II, III or IV be on a security prescrip-
8 tion blank.

9 5.3. Minimum Requirements of a Security Prescription
10 Blank.

11 5.3.1. A prescription for a controlled substance should
12 contain the following security features:

13 (a) A latent, repetitive “void” pattern screened and
14 printed across the entire front of the prescription blank.
15 If the prescription is photocopied, the word “void” shall
16 appear in a pattern across the entire front of the prescrip-
17 tion;

18 (b) A watermark printed on the backside of the prescrip-
19 tion blank so that it is only seen at a forty-five (45) degree
20 angle;

21 (c) An opaque “Rx” symbol or an “Rx” symbol printed
22 in disappearing ink shall appear in the upper part of the
23 blank. The symbol shall disappear if the prescription copy
24 is lightened;

25 (d) Six (6) quantity check-off boxes printed on the form
26 and the following quantities shall appear:

27 (1) ! 1-24;

28 (2) ! 25-49;

29 (3) ! 50-74;

30 (4) ! 75-100;

31 (5) ! 101-150; and

32 (6) ! 151 and over:

33 *Provided*, That if the blank has the quantity prescribed
34 electronically printed in both numeric and word format,
35 then the quantity check-off boxes would not be necessary;

36 (e) The following statement printed on the bottom of the
37 prescription blank: "Prescription is void if more than one
38 (1) controlled substance prescription is written per blank";
39 and

40 (f) Refill options in the following order: Refill NR 1 2 3
41 4 5: *Provided*, That if the blank has the refill amount
42 electronically printed in both numeric and word format,
43 then the quantity check-off boxes would not be necessary.

44 5.3.2. A prescription shall bear the preprinted, stamped,
45 typed, or manually printed name, address and telephone
46 number of the prescribing practitioner.

47 5.3.3. A prescription blank for a controlled substance
48 shall not contain:

49 (a) An advertisement on the front or the back of the
50 prescription blank;

51 (b) The preprinted name of a controlled substance; or

52 (c) The written, typed or rubber-stamped name of a
53 controlled substance until the prescription blank is signed,
54 dated and issued to a patient.

55 5.3.4. A prescription blank for a controlled substance
56 shall provide space for the patient's name and address, the
57 practitioner's signature and the practitioner's DEA
58 registration number.

59 5.3.5. Only one (1) controlled substance prescription
60 blank shall be written per prescription blank.

61 5.3.6. A quantity check-off box that corresponds to the
62 quantity prescribed shall be marked or the quantity
63 electronically printed in both numeric and word format.

64 5.3.7. If a prescribed drug is a Schedule II, III or IV
65 controlled substance, a refill option shall be marked or the
66 refill amount electronically printed in both numeric and
67 word format.

68 5.3.8. If a prescription for a Schedule II, III or IV
69 controlled substance will be transmitted to a pharmacy by
70 facsimile, the practitioner or the practitioner's agent shall,
71 prior to transmission, write or stamp "FAXED" on the
72 face of the original prescription along with the date and
73 the person's initials.

74 5.3.9. If a prescription for a Schedule II, III or IV
75 controlled substance has been transmitted to a pharmacy
76 by facsimile, the transmitting practitioner shall file the
77 original prescription in the patient's record.

78 5.3.10. A pharmacist shall not be required to use a
79 security prescription blank to record an oral prescription
80 or a transferred prescription for a Schedule II, III or IV
81 controlled substance.

82 5.3.11. The requirements of this section do not apply to
83 prescriptions for controlled substances that are electroni-
84 cally transmitted from a prescriber to a pharmacy: *Pro-*
85 *vided*, That all electronically transmitted prescriptions for
86 controlled substances shall comply with all federal re-
87 quirements."

88 (b) The legislative rule filed in the state register on the
89 seventeenth day of July, two thousand two, authorized
90 under the authority of section seven-c, article five, chapter
91 thirty of this code, modified by the board of pharmacy to
92 meet the objections of the legislative rule-making review
93 committee and refiled in the state register on the twenty-
94 eighth day of October, two thousand two, relating to the
95 board of pharmacy (pharmacist recovery networks, 15
96 CSR 10), is authorized.

§64-9-13. Radiologic technology board of examiners.

1 The legislative rule filed in the state register on the
2 twenty-fifth day of July, two thousand two, 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 nineteenth day of November, two thousand
8 two, relating to the board of examiners of radiologic
9 technology (rules of the board, 18 CSR 1), is authorized
10 with the following amendments:

11 “On page two, section two, subsection e, subdivision
12 seven, after the word ‘violating’, by striking the words
13 ‘provisions of subsection 3.6 of this rule’ and inserting in
14 lieu thereof the words ‘rules of the board’;

15 On page three, section four, subsection two, subdivision
16 e, by striking the word ‘penalty’;

17 And,

18 On page six, section seven, subsection 4.7.e by striking
19 the words “\$15.00” and inserting in lieu thereof the words
20 ‘maximum allowable by West Virginia State Code’”.

§64-9-14. Real estate appraiser licensing and certification board.

1 (a) The legislative rule filed in the state register on the
2 twenty-fifth day of July, two thousand two, under author-
3 ity of section nine, article thirty-eight, chapter thirty of
4 this code, modified by the real estate appraiser licensing
5 and certification board to meet the objections of the
6 legislative rule-making review committee and filed in the
7 state register on the thirtieth day of September, two
8 thousand two, relating to the real estate appraiser licens-
9 ing and certification board (requirements for licensure and
10 certification, 190 CSR 2), is authorized.

11 (b) The legislative rule filed in the state register on the
12 twenty-fifth day of July, two thousand two, under the
13 authority of section nine, article thirty-eight, chapter
14 thirty of this code, relating to the real estate appraiser
15 licensing and certification board (renewal of licensure or
16 certification, 190 CSR 3), is authorized.

§64-9-15. Real estate commission.

1 (a) The legislative rule filed in the state register on the
2 nineteenth day of July, two thousand two, under the
3 authority of section eight, article forty, chapter thirty of
4 this code, relating to the real estate commission (require-
5 ments in licensing real estate brokers, associate brokers
6 and salespersons and the conduct of brokerage business,
7 174 CSR 1), is authorized with the following amendment:

8 “On page nine, section sixteen, paragraph 16.3.b.1.,
9 following the words ‘interest bearing’, by striking out the
10 word ‘account’ and inserting in lieu thereof the words
11 ‘trust fund account established in compliance with WV
12 Code § 30-40-18”.

13 (b) The legislative rule filed in the state register on the
14 nineteenth day of July, two thousand two, under the
15 authority of section eight, article forty, chapter thirty of
16 this code, relating to the real estate commission (schedule
17 of fees, 174 CSR 2), is authorized.

18 (c) The legislative rule filed in the state register on the
19 nineteenth day of July, two thousand two, under the
20 authority of section eight, article forty, chapter thirty of
21 this code, modified by the real estate commission to meet
22 the objections of the legislative rule-making review
23 committee and refiled in the state register on the twenty-
24 second day of November, two thousand two, relating to the
25 real estate commission (requirements in approval and
26 registration of real estate courses, course providers and
27 instructors, 174 CSR 3), is authorized.

§64-9-16. Secretary of state.

1 The legislative rule filed in the state register on the
2 twenty-second day of July, two thousand two, authorized
3 under the authority of section four, article six-j, chapter
4 forty-six-a of this code, modified by the secretary of state
5 to meet the objections of the legislative rule-making
6 review committee and refiled in the state register on the
7 twenty-first day of October, two thousand two, relating to

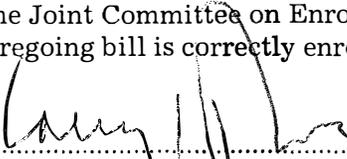
8 the secretary of state (registry for notification of a state of
9 emergency, 153 CSR 33), is authorized.

§64-9-17. Board of veterinary medicine.

1 (a) The legislative rule filed in the state register on the
2 twenty-sixth day of July, two thousand two, 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-seventh day of December, two thousand
8 two, relating to the board of veterinary medicine (stan-
9 dards of practice, 26 CSR 4), is authorized.

10 (b) The legislative rule filed in the state register on the
11 twenty-sixth day of July, two thousand two, authorized
12 under the authority of section four, article ten, chapter
13 thirty of this code, relating to the board of veterinary
14 medicine (schedule of fees, 26 CSR 6), is authorized.

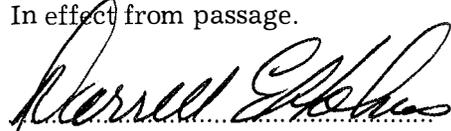
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

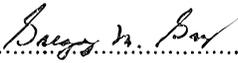

.....
Chairman Senate Committee


.....
Chairman House Committee

Originated in the Senate.

In effect from passage.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is approved..... this the 19th
Day of June....., 2003.


.....
Governor

PRESENTED TO THE
GOVERNOR

Date 6/19/03

Time 4:45 pm

FILED

2003 JUN 19 P 5:48

OFFICE WEST VIRGINIA
SECRETARY OF STATE