

1 COMMITTEE SUBSTITUTE

2 for

3 **H.B. 2689**

4 (By Delegates Poore, Marcum, Fleischauer, and Eldridge.)
5

6 (Originating in the Committee on the Judiciary)
7

8 [March 29, 2013]
9

10 A BILL to amend and reenact article 9, chapter 64 of the Code of
11 West Virginia, 1931, as amended, relating generally to the
12 promulgation of administrative rules by the various executive
13 or administrative agencies and the procedures relating
14 thereto; legislative mandate or authorization for the
15 promulgation of certain legislative rules; authorizing certain
16 of the agencies to promulgate certain legislative rules in the
17 form that the rules were filed in the State Register;
18 authorizing certain of the agencies to promulgate certain
19 legislative rules with various modifications presented to and
20 recommended by the Legislative Rule-Making Review Committee;
21 authorizing certain of the agencies to promulgate certain
22 legislative rules as amended by the Legislature; authorizing
23 certain of the agencies to promulgate certain legislative
24 rules with various modifications presented to and recommended
25 by the Legislative Rule-Making Review Committee and as amended
26 by the Legislature; authorizing the Board of Medicine to

1 promulgate a legislative rule relating to practitioner
2 requirements for accessing the West Virginia controlled
3 substances monitoring program data base; authorizing the Board
4 of Medicine to promulgate a legislative rule relating to
5 licensure, disciplinary and complaint procedures; continuing
6 education; and physician assistants; authorizing the Board of
7 Medicine to promulgate a legislative rule relating to
8 continuing education for physicians and podiatrists;
9 authorizing the Board of Optometry to promulgate a legislative
10 rule relating to continuing education; authorizing the Board
11 of Optometry to promulgate a legislative rule relating to
12 expanded therapeutic procedures certificates; authorizing the
13 Board of Optometry to promulgate a legislative rule relating
14 to a schedule of fees; authorizing the Board of Osteopathic
15 Medicine to promulgate a legislative rule relating to
16 licensing procedures for osteopathic physicians; authorizing
17 the Board of Osteopathic Medicine to promulgate a legislative
18 rule relating to practitioner requirements for controlled
19 substances licensure and accessing the West Virginia
20 controlled substances monitoring program database; authorizing
21 the Board of Osteopathic Medicine to promulgate a legislative
22 rule relating to osteopathic physician assistants; authorizing
23 the Board of Pharmacy to promulgate a legislative rule
24 relating to ephedrine and pseudoephedrine control; authorizing
25 the Board of Pharmacy to promulgate a legislative rule
26 relating to controlled substances monitoring; authorizing the

1 Real Estate Appraiser Licensing and Certification Board to
2 promulgate a legislative rule relating to requirements for
3 licensure and certification; authorizing the Real Estate
4 Appraiser Licensing and Certification Board to promulgate a
5 legislative rule relating to renewal of licensure -
6 qualifications for renewal; authorizing the Board of Examiners
7 for Registered Professional Nurses to promulgate a legislative
8 rule relating to fees for services rendered by the Board and
9 supplemental renewal fee for the center for nursing;
10 authorizing the Board of Examiners for Registered Professional
11 Nurses to promulgate a legislative rule relating to
12 practitioner requirements for accessing the West Virginia
13 controlled substances monitoring program database; authorizing
14 the Board of Examiners for Registered Professional Nurses to
15 promulgate a legislative rule relating to the announcement of
16 advanced practice; authorizing the Board of Examiners for
17 Registered Professional Nurses to promulgate a legislative
18 rule relating to limited prescriptive authority for nurses in
19 advanced practice; authorizing the Secretary of State to
20 promulgate a legislative rule relating to the Uniform
21 Commercial Code; authorizing the Secretary of State to
22 promulgate a legislative rule relating to administration of
23 the address confidentiality program; authorizing the Secretary
24 of State to promulgate a legislative rule relating to the
25 regulation of political party headquarters financing;
26 authorizing the Secretary of State to promulgate a legislative

1 rule relating to the regulation of late registration;
2 authorizing the Board of Barbers and Cosmetologists to
3 promulgate a legislative rule relating to the procedures,
4 criteria and curricula for examination and licensure of
5 barbers, cosmetologists, nail technicians, aestheticians and
6 hair stylists; authorizing the Board of Barbers and
7 Cosmetologists to promulgate a legislative rule relating to
8 barber apprenticeships; authorizing the Board of Barbers and
9 Cosmetologists to promulgate a legislative rule relating to
10 the operational standards for schools of barbering and beauty
11 culture; authorizing the Commissioner of Agriculture to
12 promulgate a legislative rule relating to animal disease
13 control; authorizing the Commissioner of Agriculture to
14 promulgate a legislative rule relating to poultry litter and
15 manure movement into primary poultry breeder rearing areas;
16 authorizing the Board of Architects to promulgate a
17 legislative rule relating to the registration of architects;
18 authorizing the Board of Dental Examiners to promulgate a
19 legislative rule relating to the Board; authorizing the Board
20 of Dental Examiners to promulgate a legislative rule relating
21 to practitioner requirements for accessing the West Virginia
22 controlled substances monitoring program database;
23 authorizing the Board of Dental Examiners to promulgate a
24 legislative rule relating to continuing education
25 requirements; authorizing the Board of Dental Examiners to
26 promulgate a legislative rule relating to the expanded duties

1 of dental hygienists and dental assistants; authorizing the
2 Hatfield-McCoy Regional Recreation Authority to promulgate a
3 legislative rule relating to rules for use of the facility;
4 authorizing the Treasurer's Office to promulgate a legislative
5 rule relating to the enforcement of the Uniform Unclaimed
6 Property Act; authorizing the Board of Veterinary Medicine to
7 promulgate a legislative rule relating to the organization and
8 operation and licensing of veterinarians; authorizing the
9 Board of Veterinary Medicine to promulgate a legislative rule
10 relating to a schedule of fees; authorizing the Board of
11 Social Work to promulgate a legislative rule relating to a
12 fee schedule; authorizing the Board of Social Work to
13 promulgate a legislative rule relating to qualifications for
14 the profession social work; authorizing the Board of Social
15 Work to promulgate a legislative rule relating to
16 applications; authorizing the Board of Social Work to
17 promulgate a legislative rule relating to continuing
18 education for social workers and providers; authorizing the
19 Board of Social Work to promulgate a legislative rule relating
20 to a code of ethics; authorizing the Board of Examiners for
21 Speech-Language Pathology and Audiology to promulgate a
22 legislative rule relating to the licensure of speech-pathology
23 and audiology; and authorizing the Conservation Committee to
24 promulgate a legislative rule relating to the operation of the
25 West Virginia State Conservation Committee and conservation
26 districts.

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

2 That article 9, chapter 64 of the Code of West Virginia, 1931,
3 as amended, be amended and reenacted to read as follows:

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

6 **§64-9-1. Board of Medicine.**

7 (a) The legislative rule filed in the State Register on the
8 twenty-eighth day of August, two thousand twelve, authorized under
9 the authority of section five-a, article nine, chapter sixty-a, of
10 this code, modified by the Board of Medicine to meet the objections
11 of the Legislative Rule-Making Review Committee and refiled in the
12 State Register on the sixth day of December, two thousand twelve,
13 relating to the Board of Medicine (practitioner requirements for
14 accessing the West Virginia controlled substances monitoring
15 program data base, [11 CSR 10](#)), is authorized.

16 (b) The legislative rule filed in the State Register on the
17 twenty-eighth day of August, two thousand twelve, authorized under
18 the authority of section seven, article three, chapter thirty, of
19 this code, modified by the Board of Medicine to meet the objections
20 of the Legislative Rule-Making Review Committee and refiled in the
21 State Register on the sixth day of December, two thousand twelve,
22 relating to the Board of Medicine (licensure, disciplinary and
23 complaint procedures; continuing education; and physician
24 assistants, [11 CSR 1B](#)), is authorized.

25 (c) The legislative rule filed in the State Register on the

1 twenty-eighth day of August, two thousand twelve, authorized under
2 the authority of section seven, article three, chapter thirty, of
3 this code, modified by the Board of Medicine to meet the objections
4 of the Legislative Rule-Making Review Committee and refiled in the
5 State Register on the sixth day of December, two thousand twelve,
6 relating to the Board of Medicine (continuing education for
7 physicians and podiatrists, [11 CSR 6](#)), is authorized.

8 **§64-9-2. Board of Optometry.**

9 (a) The legislative rule filed in the State Register on the
10 thirty-first day of August, two thousand twelve, authorized under
11 the authority of section six, article eight, chapter thirty, of
12 this code, modified by the Board of Optometry to meet the
13 objections of the Legislative Rule-Making Review Committee and
14 refiled in the State Register on the fourteenth day of December,
15 two thousand twelve, relating to the Board of Optometry (continuing
16 education, [14 CSR 10](#)), is authorized.

17 (b) The legislative rule filed in the State Register on the
18 thirty-first day of August, two thousand twelve, authorized under
19 the authority of section six, article eight, chapter thirty, of
20 this code, relating to the Board of Optometry (expanded therapeutic
21 procedures certificate, [14 CSR 12](#)), is authorized with the
22 following amendment:

23 On page one, by striking out everything after the series title
24 and inserting in lieu thereof the following:

25 **"§14-12-1. General.**

1 1.1. Scope. -- This rule establishes the requirements,
2 procedures and standards for determining whether a procedure is
3 taught at 50% or more of all accredited optometry schools and
4 therefore qualifies as an expanded therapeutic procedure or class
5 of procedures as authorized by W. Va. Code §30-8-6(a)(14) and the
6 certification of a licensee to perform expanded therapeutic
7 procedures which are considered rational to the diagnosis and
8 treatment of the human eye and its appendages.

9 1.2. Authority. -- W. Va. Code §30-8-6 and §30-8-9.

10 1.3. Filing Date. --

11 1.4. Effective Date. --

12 **14-12-2. Definitions.**

13 2.1. "Accredited Optometry School" means an optometry school
14 accredited by the Accreditation Council on Optometric Education or
15 its successor organization recognized by the U.S. Department of
16 Education.

17 2.2. "Appendages" means the eyelids, the eyebrows, the
18 conjunctiva and the lacrimal apparatus.

19 2.3. "Board" means the West Virginia Board of Optometry.

20 2.4. "Board Education Committee" means the committee
21 appointed by the Board President to review and recommend action on
22 continuing education matters and to review an application to add an
23 expanded therapeutic procedure or class of procedures.

24 2.5. "Certificate Holder" means a licensee who has met the
25 requirements of this rule and has been issued an Expanded
26 Therapeutic Procedures Certificate by the Board.

1 2.6. "Procedures," "Therapeutic Procedures" "Expanded
2 Therapeutic Procedures" or "Approved Procedures" are procedures
3 approved by the West Virginia Board of Optometry that meet the
4 criteria of this rule. All expanded therapeutic procedures must
5 meet the criteria listed in W.Va. Code, §30-8-6(14), which states
6 that all expanded therapeutic procedures shall be taught in at
7 least fifty percent (50%) of all optometry schools accredited by
8 the Accreditation Council on Optometric Education or its successor
9 organization recognized by the U.S. Department of Education.

10 2.7 "Rules Officer" means the officer appointed by the Board
11 President to supervise the development of the rules and policies of
12 the Board.

13 **§14-12-3. Application to Add an Expanded Therapeutic Procedure.**

14 3.1. The Board may accept an application from any interested
15 party to add a therapeutic procedure or class of procedures for
16 certification of licensees. The application shall include:

17 3.1.1. The applicant or group's name, title, and form of
18 licensure, if applicable;

19 3.1.2. The address, telephone number, address and e-mail
20 address of the applicant or group;

21 3.1.3. The name and telephone number of a contact person to
22 discuss the application;

23 3.1.4. The name of the procedure or class of procedures that
24 is being requested for addition to therapeutic practice;

25 3.1.5. A statement of support for the procedure or class of
26 procedures proposed for regulation which has been signed by at

1 least ten residents or citizens of the State of West Virginia who
2 are licensed optometrists;

3 3.1.6. The estimated number of licensees who are represented
4 by the requesting person or group, if applicable;

5 3.1.7. A list of accredited optometry schools that are
6 teaching the expanded therapeutic procedure or class of procedures
7 and written documentation from each accredited school on the list
8 to the effect that each school is teaching the expanded therapeutic
9 procedure or class of procedures;

10 3.1.8. The names and contact information for the Dean of
11 Academic Affairs or his or her designee of each school the
12 applicant lists as teaching the expanded therapeutic procedure or
13 class of procedures; and

14 3.1.9. A definition of the problem which requires the
15 procedure or class of procedures requested and the extent to which
16 consumers need and will benefit from licensees who are certified to
17 practice the proposed therapeutic procedure or class of procedures.

18 **§14-12-4. The Board's Education Committee.**

19 4.1. The application to approve a procedure or class of
20 procedures shall be referred to the Board's Education Committee.

21 4.2. The Board's Education Committee shall consist of at
22 least three Board members.

23 4.3. The Board's Education Committee may include additional
24 ex-officio members who are not ~~be~~ members of the Board to act as
25 consultants to the Board.

26 **§14-12-5. Board's Education Committee Data Request.**

1 5.1. The Board's Education Committee shall communicate in
2 writing with each optometry school accredited by the American
3 Council on Optometric Education or its successor approved by the
4 U.S. Department of Education which teach the proposed procedure or
5 class of procedures cited in the application. The request may be
6 sent to each optometry school's Dean of Academic Affairs or his or
7 her designee. The Board's Education Committee may enlist the
8 assistance of accrediting bodies or professional associations to
9 obtain this information. The request by the Board's Education
10 Committee shall include:

11 5.1.1. If the procedure or class of procedures are taught by
12 the optometry school; and

13 5.1.2. Additional information the Board determines necessary,
14 which may include, but not be limited to:

15 5.1.2.1. The methods of instruction used to teach the
16 requested procedure or class of procedures; and

17 5.1.2.2. The clinical experience of each student or the
18 methods used to provide instruction for the proposed procedure or
19 class of procedures in a closely supervised environment.

20 **§14-12-6. Board's Education Committee Report.**

21 6.1. The Board's Education Committee shall evaluate the
22 responses from accredited optometry schools and confirm that 50% of
23 all accredited optometry schools teach the proposed therapeutic
24 procedure or class of procedures. If the Board's Education
25 Committee determines that less than fifty percent (50%) of the
26 accredited optometry schools teach the expanded therapeutic

1 procedure or class of procedures, it shall reject the proposed
2 procedure.

3 6.2. The Board's Education Committee shall prepare a list of
4 schools that teach the proposed procedure or class of procedures
5 and make it available to the public for inspection. The Board's
6 Education Committee may make the list available to the public
7 including, but not limited to, publication through the Board's web
8 site.

9 6.3. The Board's Education Committee may gather additional
10 information and make a recommendation to the Board for approval or
11 disapproval of the procedure or class of procedures based on
12 whether the expanded therapeutic procedure or class of procedures
13 are taught at fifty (50%) or more of all accredited optometry
14 schools and the sufficiency of the supported documentation
15 submitted by the applicant and gathered by the Board's Education
16 Committee. The recommendation shall include:

17 6.3.1. Proposed guidelines for training to ensure the
18 proficiency of optometrists certified in the procedure or class of
19 procedures. The recommendation may include the appropriate hours of
20 instruction required;

21 6.3.2. Treatment guidelines for the proposed procedure or
22 class of procedures; and

23 6.3.3. Methods of testing to be used to ensure that
24 optometrists certified to perform the requested procedure or class
25 of procedures are proficient in using the procedure or class of
26 procedures.

1 **§14-12-7. Public Hearing.**

2 7.1. The Board shall hold a public hearing regarding the
3 recommendation of the Board's Education Committee if the Board's
4 Education Committee recommends that the proposed therapeutic
5 procedure or class of procedures be approved. The purpose of the
6 public hearing is to determine whether the documentation reviewed
7 and gathered by the Board's Education Committee is sufficient to
8 prove that the expanded therapeutic procedure is currently being
9 taught at fifty percent or more of all accredited optometry
10 schools.

11 7.2. The Board shall allow those members of the public who
12 wish to speak solely to the sufficiency of the documentation
13 submitted by the applicant and evidence gathered by the Board's
14 Education Committee.

15 7.3. If, after the public hearing and review of the
16 recommendation, the Board determines that the documentation and
17 evidence is sufficient to demonstrate that fifty percent (50%) or
18 more of all accredited optometry schools currently teach the
19 expanded therapeutic procedure, the Board shall approve the
20 application. If the Board determines that the documentation and
21 evidence is not sufficient to demonstrate that fifty percent (50%)
22 or more of all accredited optometry schools currently teach the
23 expanded therapeutic procedure, the board shall reject the
24 application.

25 7.4. The Board shall submit any expanded therapeutic procedure
26 or class of procedures on an application for a sunrise review by

1 the Performance Evaluation Division of the Legislative Auditor's
2 Office, in conformance with W.Va. Code §30-1A-2.

3 7.5 Any additions or deletions of therapeutic procedures shall
4 be submitted to by legislative rule for approval.

5 **§14-12-8. Board Rules Officer.**

6 8.1. The Board President may appoint a rules officer to
7 supervise the development of the rules or policies of the Board.

8 8.2. The Rules Officer may prepare a report to the Board on
9 a rule or policy, if required, for a proposed procedure or class of
10 procedures. The recommendation shall include measures to ensure
11 the safety of the public.

12 **§14-12-9. Action of the Board on Proposed Rule or Policy.**

13 9.1. The Board shall vote to accept, reject or modify the
14 recommendation of the Rules Officer on the proposed rule or policy.

15 **§14-12-10. Public Access and Board Accountability.**

16 10.1. The Board shall follow all applicable rules and law in
17 the promulgation of any suggested rule or policy.

18 10.2. The Board shall make all public information required by
19 the W. Va. Code and the W.Va. State Code of Rules available to the
20 public, including, but not limited to, publication of the required
21 information on the Board's web site. The information shall
22 include:

23 10.2.1. a list of each Board approved procedure,

24 10.2.2. proof that 50% of all optometry schools accredited
25 by the Accreditation Council on Optometric Education or its

1 successor teach the procedure or class of procedures added
2 following the provisions of W.Va. Code, §30-8-6(a)(14) at the time
3 of the Board's approval of the procedure or class of procedures
4 including the list of schools teaching each such expanded
5 therapeutic procedure or class of procedures along with the
6 documentation to such effect,

7 10.2.3. approved training for each Board approved procedure
8 or class of procedures, and

9 10.2.4. treatment guidelines for each Board approved
10 procedure or class of procedures.

11 **§14-12-11. Certification Generally.**

12 11.1. A licensee shall complete a Board approved application
13 and meet all requirements as listed in this rule in order to be
14 certified to perform expanded therapeutic procedures.

15 11.2. A licensee shall obtain injectable pharmaceutical
16 agents certification prior to application for certification to
17 perform expanded therapeutic procedures.

18 **§14-12-12. Certification Requirements.**

19 To be certified, a licensee shall:

20 12.1. Complete the required application form;

21 12.2. Submit proof of injectable pharmaceutical agents
22 certification;

23 12.3. Submit proof of attendance and satisfactory completion
24 of the required training in expanded therapeutic procedures. The
25 Board shall verify successful completion of the approved directly

1 with the provider accredited school of optometry; and

2 12.4. Submit the Expanded Therapeutic Procedures Fee as
3 listed in the Board's rule, Schedule of Fees, 14 CSR 5.

4 **§14-12-13. Education and Training.**

5 13.1. The Board shall accept training for certification in
6 expanded therapeutic procedures that is provided by or through a
7 school or college of optometry accredited by the Accreditation
8 Council on Optometric Education or its successor organization.

9 13.2. The Board may accept expanded therapeutic procedures
10 training used to obtain licensure for expanded therapeutic
11 procedures from another state or states: Provided, that the other
12 state or states have requirements that are substantially equivalent
13 to training required by this state.

14 13.3. Additional training requirements may be required by the
15 Board as it deems appropriate when it adds new approved procedures
16 or new classes of procedures.

17 **§14-12-14. Certification.**

18 14.1. Upon the licensee's successful completion of the
19 requirements listed in sections 9 through 10 of this rule and
20 approval by the Board or its designee, an expanded therapeutic
21 procedures certificate may be issued.

22 14.2. Upon issuance of the certificate, the licensee's
23 license number shall be changed. The license number shall be
24 followed by a dash and the initial "E" for expanded therapeutic
25 procedures.

1 **§14-12-15. Treatment Guidelines.**

2 15.1. A certificate holder may perform Board approved
3 expanded therapeutic procedures which are considered rational to
4 the diagnosis and treatment of the human eye or its appendages.

5 15.2. Any pharmaceutical agent which may be administered
6 while performing approved procedures shall be selected from the
7 agents the certificate holder is authorized to prescribe or
8 administer under his or her topical, oral or injectable
9 pharmaceutical agents certification granted by W.Va. Code, §30-8-1,
10 et. seq. and the provisions of the Board's Rules, Oral
11 Pharmaceutical Certificate, 14 CSR 2, and Injectable
12 Pharmaceutical Agents Certificate, 14 CSR 11;

13 15.3. The certificate holder shall follow all applicable
14 Occupational Safety and Health Administration (OSHA) and Centers
15 for Disease Control (CDC) guidelines pertaining to performance of
16 expanded therapeutic procedures.

17 15.4. The certificate holder shall adhere to generally
18 accepted standards of care and follow established clinical
19 guidelines for approved procedures. The certificate holder shall
20 monitor the patient for an adverse outcome and provide appropriate
21 follow up care for patients treated by expanded therapeutic
22 procedures.

23 **§14-12-16. Reporting.**

24 16.1 Any adverse outcome shall be reported to the Board by
25 the certificate holder.

1 **§14-12-17. Recertification.**

2 A certificate holder shall meet the following requirements for
3 recertification:

4 17.1. The certificate holder shall submit proof of current
5 certification in life support for the professional rescuer or for
6 medical providers from the American Red Cross or American Heart
7 Association or their successors.

8 17.2. The certificate holder shall submit proof of a
9 minimum of two (2) hours of continuing education instruction in
10 performing expanded therapeutic procedures per two year continuing
11 education cycle as listed in W. Va. Code of Rules, §14-10,
12 Continuing Education.

13 17.3. The certificate holder shall submit the Annual Renewal
14 fee as listed in the Board's Rule, Schedule of Fees, 14 CSR 5."

15 (c) The legislative rule filed in the State Register on the
16 thirty-first day of August, two thousand twelve, authorized under
17 the authority of section six, article eight, chapter thirty, of
18 this code, modified by the Board of Optometry to meet the
19 objections of the Legislative Rule-Making Review Committee and
20 refiled in the State Register on the seventeenth day of January,
21 two thousand thirteen, relating to the Board of Optometry (schedule
22 of fees, [14 CSR 5](#)), is authorized.

23 **§64-9-3. Board of Osteopathic Medicine.**

24 (a) The legislative rule filed in the State Register on the
25 twenty-eighth day of August, two thousand twelve, authorized under

1 the authority of section four, article one, chapter thirty, of this
2 code, modified by the Board of Osteopathic Medicine to meet the
3 objections of the Legislative Rule-Making Review Committee and
4 refiled in the State Register on the twelfth day of December, two
5 thousand twelve, relating to the Board of Osteopathic Medicine
6 (licensing procedures for osteopathic physicians, [24 CSR 1](#)), is
7 authorized.

8 (b) The legislative rule filed in the State Register on the
9 twenty-eighth day of August, two thousand twelve, authorized under
10 the authority of section five-a, article nine, chapter sixty-a, of
11 this code, modified by the Board of Osteopathic Medicine to meet
12 the objections of the Legislative Rule-Making Review Committee and
13 refiled in the State Register on the twelfth day of December, two
14 thousand twelve, relating to the Board of Osteopathic Medicine
15 (practitioner requirements for controlled substances licensure and
16 accessing the West Virginia controlled substances monitoring
17 program database, [24 CSR 7](#)), is authorized.

18 (c) The legislative rule filed in the State Register on the
19 twenty-eighth day of August, two thousand twelve, authorized under
20 the authority of section four, article one, chapter thirty, of this
21 code, modified by the Board of Osteopathic Medicine to meet the
22 objections of the Legislative Rule-Making Review Committee and
23 refiled in the State Register on the twelfth day of December, two
24 thousand twelve, relating to the Board of Osteopathic Medicine
25 (osteopathic physician assistants, [24 CSR 2](#)), is authorized.

26 **§64-9-4. Board of Pharmacy.**

1 (a) The legislative rule filed in the State Register on the
2 thirty-first day of August, two thousand twelve, authorized under
3 the authority of section six, article nine, chapter sixty-a, of
4 this code, modified by the Board of Pharmacy to meet the objections
5 of the Legislative Rule-Making Review Committee and refiled in the
6 State Register on the seventh day of February, two thousand
7 thirteen, relating to the Board of Pharmacy (ephedrine and
8 pseudoephedrine control, [15 CSR 11](#)), is authorized.

9 (b) The legislative rule filed in the State Register on the
10 thirty-first day of August, two thousand twelve, authorized under
11 the authority of section six, article nine, chapter sixty-a, of
12 this code, modified by the Board of Pharmacy to meet the objections
13 of the Legislative Rule-Making Review Committee and refiled in the
14 State Register on the seventh day of February, two thousand
15 thirteen, relating to the Board of Pharmacy (controlled substances
16 monitoring, [15 CSR 8](#)), is authorized.

17 **§64-9-5. Real Estate Appraiser Licensing and Certification Board**

18 (a) The legislative rule filed in the State Register on the
19 thirty-first day of August, two thousand twelve, authorized under
20 the authority of section nine, article thirty-eight, chapter
21 thirty, of this code, modified by the Real Estate Appraiser
22 Licensing and Certification Board to meet the objections of the
23 Legislative Rule-Making Review Committee and refiled in the State
24 Register on the nineteenth day of December, two thousand twelve,
25 relating to the Real Estate Appraiser Licensing and Certification
26 Board (requirements for licensure and certification, [190 CSR 2](#)), is

1 authorized.

2 (b) The legislative rule filed in the State Register on the
3 thirty-first day of August, two thousand twelve, authorized under
4 the authority of section nine, article thirty-eight, chapter
5 thirty, of this code, relating to the Real Estate Appraiser
6 Licensing and Certification Board (renewal of licensure -
7 qualifications for renewal, [190 CSR 3](#)), is authorized.

8 **§64-9-6. Board of Examiners for Registered Professional Nurses**

9 (a) The legislative rule filed in the State Register on the
10 first day of August, two thousand twelve, authorized under the
11 authority of section five, article seven, chapter thirty, of this
12 code, modified by the Board of Examiners for Registered
13 Professional Nurses to meet the objections of the Legislative Rule-
14 Making Review Committee and refiled in the State Register on the
15 seventh day of December, two thousand twelve, relating to the Board
16 of Examiners for Registered Professional Nurses (fees for services
17 rendered by the Board and supplemental renewal fee for the center
18 for nursing, [19 CSR 12](#)), is authorized.

19 (b) The legislative rule filed in the State Register on the
20 thirty-first day of July, two thousand twelve, authorized under the
21 authority of section five-a, article nine, chapter sixty-a, of this
22 code, modified by the Board of Examiners for Registered
23 Professional Nurses to meet the objections of the Legislative Rule-
24 Making Review Committee and refiled in the State Register on the
25 seventh day of December, two thousand twelve, relating to the Board
26 of Examiners for Registered Professional Nurses (practitioner

1 requirements for accessing the West Virginia controlled substances
2 monitoring program database, [19 CSR 14](#)), is authorized.

3 (c) The legislative rule filed in the State Register on the
4 second day of August, two thousand twelve, authorized under the
5 authority of section one, article seven, chapter thirty, of this
6 code, modified by the Board of Examiners for Registered
7 Professional Nurses to meet the objections of the Legislative Rule-
8 Making Review Committee and refiled in the State Register on the
9 seventh day of December, two thousand twelve, relating to the Board
10 of Examiners for Registered Professional Nurses (announcement of
11 advanced practice, [19 CSR 7](#)), is authorized.

12 (d) The legislative rule filed in the State Register on the
13 first day of August, two thousand twelve, authorized under the
14 authority of section fifteen-a, article seven, chapter thirty, of
15 this code, modified by the Board of Examiners for Registered
16 Professional Nurses to meet the objections of the Legislative Rule-
17 Making Review Committee and refiled in the State Register on the
18 seventh day of December, two thousand twelve, relating to the Board
19 of Examiners for Registered Professional Nurses (limited
20 prescriptive authority for nurses in advanced practice, [19 CSR 8](#)),
21 is authorized.

22 **§64-9-7. Secretary of State.**

23 (a) The legislative rule filed in the State Register on the
24 thirty-first day of August, two thousand twelve, authorized under
25 the authority of section five hundred twenty-six, article nine,
26 chapter forty-six, of this code, modified by the Secretary of State

1 to meet the objections of the Legislative Rule-Making Review
2 Committee and refiled in the State Register on the eighteenth day
3 of January, two thousand thirteen, relating to the Secretary of
4 State (Uniform Commercial Code, [153 CSR 35](#)), is authorized.

5 (b) The legislative rule filed in the State Register on the
6 fourteenth day of August, two thousand twelve, authorized under the
7 authority of section one hundred ten, article twenty-eight-a,
8 chapter forty-eight, of this code, modified by the Secretary of
9 State to meet the objections of the Legislative Rule-Making Review
10 Committee and refiled in the State Register on the eighteenth day
11 of January, two thousand thirteen, relating to the Secretary of
12 State (administration of the address confidentiality program, [153
13 CSR 37](#)), is authorized.

14 (c) The legislative rule filed in the State Register on the
15 twenty-seventh day of August, two thousand twelve, authorized under
16 the authority of section six-a, article two, chapter three, of this
17 code, modified by the Secretary of State to meet the objections of
18 the Legislative Rule-Making Review Committee and refiled in the
19 State Register on the twenty-third day of January, two thousand
20 thirteen, relating to the Secretary of State (regulation of
21 political party headquarters financing, [153 CSR 43](#)), is authorized.

22 (d) The legislative rule filed in the State Register on the
23 thirty-first day of August, two thousand twelve, authorized under
24 the authority of section six-a, article two, chapter three, of this
25 code, modified by the Secretary of State to meet the objections of
26 the Legislative Rule-Making Review Committee and refiled in the

1 State Register on the eighteenth day of January, two thousand
2 thirteen, relating to the Secretary of State (regulation of late
3 registration, [153 CSR 44](#)), is authorized.

4 **§64-9-8. Board of Barbers and Cosmetologists.**

5 (a) The legislative rule filed in the State Register on the
6 twenty-ninth day of June, two thousand twelve, authorized under the
7 authority of section six, article twenty-seven, chapter thirty, of
8 this code, relating to the Board of Barbers and Cosmetologists
9 (procedures, criteria and curricula for examination and licensure
10 of barbers, cosmetologists, nail technicians, aestheticians and
11 hair stylists, 3 CSR 1), is authorized.

12 (b) The legislative rule filed in the State Register on the
13 twenty-ninth day of June, two thousand twelve, authorized under the
14 authority of section six, article twenty-seven, chapter thirty, of
15 this code, modified by the Board of Barbers and Cosmetologists to
16 meet the objections of the Legislative Rule-Making Review Committee
17 and refiled in the State Register on the tenth day of January, two
18 thousand thirteen, relating to the Board of Barbers and
19 Cosmetologists (barber apprenticeships, [3 CSR 13](#)), is authorized.

20 (c) The legislative rule filed in the State Register on the
21 twenty-second day of August, two thousand twelve, authorized under
22 the authority of section six, article twenty-seven, chapter thirty,
23 of this code, modified by the Board of Barbers and Cosmetologists
24 to meet the objections of the Legislative Rule-Making Review
25 Committee and refiled in the State Register on the twenty-ninth day
26 of January, two thousand thirteen, relating to the Board of Barbers

1 and Cosmetologists (operational standards for schools of barbering
2 and beauty culture, [3 CSR 4](#)), is authorized, with the following
3 amendment:

4 On page 4, subdivision 3.2(1), after the stricken word
5 "within" by striking the words, "five (5) day"; and

6 On page 4, by striking subdivision 3.2(s) in its entirety; and

7 On page 7, by striking subsection 7.1, and inserting a new
8 subsection 7.1 to read as follows,

9 "7.1 Daily Records - Each school shall keep a daily class
10 record of each student, showing the number hours earned daily, the
11 total number of hours the student is in attendance and the days
12 each student is absent. Daily hours shall be recorded by the
13 school using a time tracking system that can not be edited by a
14 student. Each student shall clock himself or herself in and out of
15 school."

16 **§64-9-9. Commissioner of Agriculture.**

17 (a) The legislative rule filed in the State Register on the
18 thirty-first day of August, two thousand twelve, authorized under
19 the authority of section two, article nine, chapter nineteen, of
20 this code, relating to the Commissioner of Agriculture (animal
21 disease control, [61 CSR 1](#)), is authorized.

22 (b) The legislative rule filed in the State Register on the
23 thirty-first day of August, two thousand twelve, authorized under
24 the authority of section two, article nine, chapter nineteen, of
25 this code, modified by the Department of Agriculture to meet the
26 objections of the Legislative Rule-Making Review Committee and

1 refiled in the State Register on the fifth day of December, two
2 thousand twelve, relating to the Commissioner of Agriculture
3 (poultry litter and manure movement into primary poultry breeder
4 rearing areas, [61 CSR 28](#), is authorized, with the following
5 amendment:

6 On page four, section five, line three, by striking out the
7 entire section five and renumbering the remaining sections.

8 **§64-9-10. Board of Architects.**

9 The legislative rule filed in the State Register on the
10 sixteenth day of August, two thousand twelve, authorized under the
11 authority of section one, article twelve, chapter thirty, of this
12 code, modified by the Board of Architects to meet the objections of
13 the Legislative Rule-Making Review Committee and refiled in the
14 State Register on the tenth day of October, two thousand twelve,
15 relating to the Board of Architects (registration of architects, [2](#)
16 [CSR 1](#)), is authorized, with the following amendment:

17 On page four, subdivision 2.2.17. after the word "apartment"
18 by inserting the word "and";

19 On page four, subdivision 2.2.17. after the word
20 "Condominiums" by striking out the words "and dormitories,";

21 On page six, subdivision 2.2.26. after the words "Other
22 review, or review and corrections, of technical submissions after"
23 by striking out the word "thy" and inserting in lieu thereof the
24 word "they";

25 On page nine, subdivision 3.11.1. after the words "certificate
26 of" by striking out the underlined words "good standing" and

1 reinserting the stricken word "registration" and;

2 On page nine, paragraph 3.11.2.a. after the word "grading" by
3 inserting a comma;

4 On page ten, subsection 3.12. after the words "before the
5 Board," by striking out the underlined words "no one shall" and
6 reinserting the stricken words "an applicant or licensee may not"
7 and;

8 On page ten, subsection 4.1. after the words "an applicant
9 for" by reinserting the stricken words "a certificate of";

10 On page ten, subdivision 5.1.1. by striking out the section in
11 its entirety and inserting in lieu thereof the following:

12 "To be eligible for a certificate of registration, other than
13 pursuant to §2-1-6 of this rule, an applicant shall meet the
14 following requirements:";

15 On page eleven, paragraph 5.1.1.b. after the word "NCARB's" by
16 striking out the remainder of said paragraph and inserting in lieu
17 thereof the words "education standards applicable upon passage of
18 this rule during the 2013 Regular Session of the West Virginia
19 Legislature";

20 On page eleven, paragraph 5.1.1.c. after the words "stipulated
21 by NCARB" by striking out the underlined words "and as accepted by
22 the board";

23 On page eleven, paragraph 5.1.1.d. after the words "took the
24 examination" by striking out the comma and the words "as accepted
25 by the board" and inserting in lieu thereof a period;

26 On page eleven, subdivision 5.1.4. by reinserting the stricken

1 words "Prior to granting a certificate of registration", and by
2 striking out the underlined words "When evaluation qualifications"
3 and by striking out the comma and the underlined words "prior to
4 reaching its decision";

5 On page twelve, subdivision 6.1.2. after the words "to the
6 Board concerning the applicant" by striking out the comma and the
7 words "as the board considers pertinent";

8 On page thirteen, subdivision 7.3.3. after both instances of
9 the the words "the Board" by striking both instances of the word
10 "will" and inserting in lieu thereof in both instances the word
11 "shall";

12 On page fifteen, subdivision 8.4.b. by restoring the stricken
13 words "United States";

14 On page fifteen, subsection 8.6. after the words "non-renewal
15 of any" by reinstating the stricken words "certificate of";

16 On page seventeen, subdivision 9.1.2 after the words "and
17 municipal building laws" by reinserting the stricken words "and
18 rules and ordinances";

19 On page seventeen, subdivision 9.1.2 after the words "in
20 violation of those laws" by reinserting the stricken words "and
21 rules and ordinances";

22 On page nineteen, subdivision 9.3.3.a. after the words
23 "municipal building laws" by restoring the stricken words "and
24 rules or ordinances";

25 On page nineteen, paragraph 9.3.3.c. after the words "the
26 project" by striking out the underlined words "unless the

1 registered architect is able to cause the matter to be resolved by
2 other means"; and

3 On page twenty, subdivision 9.4.3. after the words
4 "disciplinary action if" by striking out the underlined words
5 "based on grounds substantially similar to those which lead to
6 disciplinary action in this jurisdiction, the architect was
7 disciplined in any other United States jurisdiction" and inserting
8 in lieu thereof the words "he or she was disciplined in another
9 jurisdiction in the United States where the grounds for discipline
10 are substantially similar to those in West Virginia."

11 **§64-9-11. Board of Dental Examiners.**

12 (a) The legislative rule filed in the State Register on the
13 thirty-first day of August, two thousand twelve, authorized under
14 the authority of section six, article four, chapter thirty, of this
15 code, relating to the Board of Dental Examiners (rule for the West
16 Virginia Board of Dental Examiners, [5 CSR 1](#)), is authorized.

17 (b) The legislative rule filed in the State Register on the
18 thirty-first day of August, two thousand twelve, authorized under
19 the authority of section five-a, article nine, chapter sixty-a, of
20 this code, modified by the Board of Dental Examiners to meet the
21 objections of the Legislative Rule-Making Review Committee and
22 refiled in the State Register on the sixth day of December, two
23 thousand twelve, relating to the Board of Dental Examiners
24 (practitioner requirements for accessing the West Virginia
25 controlled substances monitoring program database, [5 CSR 10](#)), is
26 authorized.

1 (c) The legislative rule filed in the State Register on the
2 thirty-first day of August, two thousand twelve, authorized under
3 the authority of section seven-a, article one, chapter thirty, of
4 this code, modified by the Board of Dental Examiners to meet the
5 objections of the Legislative Rule-Making Review Committee and
6 refiled in the State Register on the sixth day of December, two
7 thousand twelve, relating to the Board of Dental Examiners
8 (continuing education requirements, [5 CSR 11](#)), is authorized.

9 (d) The legislative rule filed in the State Register on the
10 thirty-first day of August, two thousand twelve, authorized under
11 the authority of section six, article four, chapter thirty, of this
12 code, relating to the Board of Dental Examiners (expanded duties of
13 dental hygienists and dental assistants, [5 CSR 13](#)), is authorized.

14 **§64-9-12. Hatfield-McCoy Regional Recreation Authority.**

15 The legislative rule filed in the State Register on the
16 thirtieth day of August, two thousand twelve, authorized under the
17 authority of section five, article fourteen, chapter twenty, of
18 this code, modified by the Hatfield-McCoy Regional Recreation
19 Authority to meet the objections of the Legislative Rule-Making
20 Review Committee and refiled in the State Register on the sixth day
21 of December, two thousand twelve, relating to the Hatfield-McCoy
22 Regional Recreation Authority (rules for use of facility, [204 CSR](#)
23 [1](#)), is authorized.

24 **§64-9-13. Treasurer's Office.**

25 The legislative rule filed in the State Register on the

1 sixteenth day of August, two thousand twelve, authorized under the
2 authority of section twenty-eight, article eight, chapter thirty-
3 six, of this code, modified by the Treasurer's Office to meet the
4 objections of the Legislative Rule-Making Review Committee and
5 refiled in the State Register on the twenty-fifth day of September,
6 two thousand twelve, relating to the Treasurer's Office
7 (enforcement of the Uniform Unclaimed Property Act, [112 CSR 5](#)), is
8 authorized, with the following amendment:

9 On page six, subsection eleven, line eleven, following the
10 words "under the Act", by striking out the words "or under the
11 Unclaimed Stolen Property Act" and inserting in lieu thereof the
12 words "or under W.Va Code §36-8A-1, et seq."

13 **§64-9-14. Board of Veterinary Medicine.**

14 (a) The legislative rule filed in the State Register on the
15 thirtieth day of July, two thousand twelve, authorized under the
16 authority of section six, article ten, chapter thirty, of this
17 code, modified by the Board of Veterinary Medicine to meet the
18 objections of the Legislative Rule-Making Review Committee and
19 refiled in the State Register on the twenty-fifth day of October,
20 two thousand twelve, relating to the Board of Veterinary Medicine
21 (organization and operation and licensing of veterinarians, 26 CSR
22 1), is authorized.

23 (b) The legislative rule filed in the State Register on the
24 thirtieth day of July, two thousand twelve, authorized under the
25 authority of section six, article ten, chapter thirty, of this

1 code, modified by the Board of Veterinary Medicine to meet the
2 objections of the Legislative Rule-Making Review Committee and
3 refiled in the State Register on the twenty-fifth day of October,
4 two thousand twelve, relating to the Board of Veterinary Medicine
5 (schedule of fees, [26 CSR 6](#)), is authorized.

6 **§64-9-15. Board of Social Work.**

7 (a) The legislative rule filed in the State Register on the
8 thirty-first day of August, two thousand twelve, authorized under
9 the authority of section six, article thirty, chapter thirty, of
10 this code, modified by the Board of Social Work to meet the
11 objections of the Legislative Rule-Making Review Committee and
12 refiled in the State Register on the twenty-third day of January,
13 two thousand thirteen, relating to the Board of Social Work (fee
14 schedule, [25 CSR 3](#)), is authorized.

15 (b) The legislative rule filed in the State Register on the
16 thirty-first day of August, two thousand twelve, authorized under
17 the authority of section six, article thirty, chapter thirty, of
18 this code, modified by the Board of Social Work to meet the
19 objections of the Legislative Rule-Making Review Committee and
20 refiled in the State Register on the fifth day of February, two
21 thousand thirteen, relating to the Board of Social Work
22 (qualifications for for the profession social work, [25 CSR 1](#)), is
23 authorized, with the following amendment:

24 On page three, subsection 3.1., by striking out "30-30-8" and
25 inserting in lieu thereof "30-30-1";

26 On page three, subdivision 3.2.2, by striking out "3.2.2." and

1 inserting in lieu thereof "3.2.1.";

2 On page three, subdivision 3.2.3., by striking out "3.2.3."
3 and inserting in lieu thereof "3.2.2.";

4 On page three, subdivision 3.2.3., renumbered by this
5 amendment as 3.2.2., after the word "candidate" by inserting the
6 word "may";

7 On page four, subsection 3.3., after the words "qualified
8 supervision and employment" by inserting the words "critical social
9 work workforce shortage";

10 On page four, subdivision 3.3.1., by striking out all of
11 paragraph (b) and inserting in lieu thereof a new paragraph,
12 designated paragraph (b), to read as follows:

13 "(b) Documentation showing the applicant has met the
14 requirements set forth in W.Va. Code §30-30-16.";

15 On page four, subdivision 3.3.2., after the words "applicant
16 must submit" by striking out the remainder of the subdivision and
17 inserting in lieu thereof the words "a provisional license
18 agreement contract on a form provided by the board. Along with the
19 contract, the applicant must submit evidence of full time social
20 work employment under a provisional license supervisor.";

21 On page four, subdivision 3.3.4., after the words "license
22 period." by striking out the remainder of the subsection and
23 inserting in lieu thereof the words "Successful completion means
24 receiving a passing grade.";

25 On page four, by striking out all of paragraph 3.3.4.(a);

26 On page five, by striking out all of paragraph 3.3.4.(b);

1 On page five, by striking out all of paragraph 3.3.4.(d);
2 And relettering the remaining paragraphs accordingly;
3 On page six, paragraph 3.3.8.(a), after the words "made prior
4 to" by striking out the remainder of the paragraph and inserting in
5 lieu thereof the words "submitting an application to employ a
6 provisional licensee; and";
7 On page six, subdivision 3.3.9., at the beginning of the
8 subdivision, by striking out the words "An employer" and inserting
9 in lieu thereof the words "A provisional licensing supervisor";
10 On page six, subdivision 3.3.9., after the words "while under
11 the" by striking out the words "employment of the agency." and
12 inserting in lieu thereof the words "supervision of the
13 supervisor.";
14 On page six, paragraph 3.3.11.(e), by striking out the words
15 "The Provisional Supervisor shall not have" and inserting in lieu
16 thereof the word "Has not";
17 On page six, at the end of paragraph 3.3.11.(e), by inserting
18 the word "and";
19 On page seven, subdivision 3.3.6, by renumbering said
20 subdivision as subdivision 3.3.13;
21 On page seven, subsection 3.6, by renumbering said subsection
22 as subsection 3.4;
23 On page seven, subdivision 3.6., renumbered by this amendment
24 as 3.4., after the words "attempting the examination" by striking
25 out the words "an additional time" and inserting in lieu thereof
26 the word "thereafter";

1 On page seven, subsection 3.8, by renumbering said subsection
2 as subsection 3.5;

3 On page seven, beginning with subsection 3.9, by striking out
4 said subsection 3.9 in its entirety, and striking out subdivision
5 3.9.1, the first subdivision 3.9.2 and the second subdivision
6 3.9.2, and inserting in lieu thereof the following:

7 "3.6. As set forth in W. Va. Code §30-30-8, a licensed
8 independent clinical social worker may apply social work theory,
9 methods, assessment, ethics and the professional use of self to the
10 diagnosis, treatment and prevention of psychological dysfunction,
11 disability or impairment, including emotional and mental disorders
12 and developmental disabilities.

13 3.6.1. To be approved by the board to serve as a clinical
14 supervisor, a West Virginia licensed independent clinical social
15 worker, or a licensed clinical social worker from another
16 jurisdiction, shall:

17 (a) Have completed no less than two years of clinical practice
18 since the initial issuance of the clinical license;

19 (b) Submit a clinical supervision contract which identifies
20 the clinical supervisor and the person being supervised, and sets
21 forth the respective duties of employment. A clinical supervisor
22 from another jurisdiction shall provide evidence of having a
23 current, valid clinical social work license in good standing; and

24 (c) Maintain records of supervision, initialed by both
25 parties, of each face-to-face session, for 100 hours, over the
26 course of two years of full time employment or 3,000 hours of part

1 time employment: *Provided*, That up to 30 of the 100 hours may be
2 conducted by electronic means, so long as confidentiality is
3 guaranteed and the communication is not open for view or comment by
4 other parties."

5 (c) The legislative rule filed in the State Register on the
6 twenty-ninth day of January, two thousand thirteen, authorized
7 under the authority of section six, article thirty, chapter thirty,
8 of this code, relating to the Board of Social Work (applications,
9 [25 CSR 4](#)), is authorized, with the following amendment:

10 On page one, subsection 2.1., by striking out the words "mail,
11 fax or email." and inserting in lieu thereof the words "mail, by
12 fax to 304-558-4189, or by email to bswe2@suddenlink.net or
13 amypolen@wvsocialworkboard.org."

14 (d) The legislative rule filed in the State Register on the
15 twenty-ninth day of January, two thousand thirteen, authorized
16 under the authority of section six, article thirty, chapter thirty,
17 of this code, relating to the Board of Social Work (continuing
18 education for social workers and providers, [25 CSR 5](#)), is
19 authorized, with the following amendment:

20 On page one, subdivision 3.1.1., after the words "at least" by
21 striking out the word "thirty";

22 On page two, subdivision 3.1.1., after the words "may be
23 earned via" by striking out the word "technical" and inserting in
24 lieu thereof the word "electronic";

25 On page two, subsection 3.2., after the words "licensee is
26 not" by inserting in lieu thereof the word "required";

1 On page two, subdivision 3.3.1., after the words
2 "satisfactorily completing:" by inserting the words "individual
3 professional activities as follows:";

4 On page two, subdivision 3.3.1., paragraph (b), at the end of
5 the paragraph, after the words "under contract" by striking out the
6 words "and professional meetings";

7 On page two, subdivision 3.4.3., after the words "three (3)
8 years of time" by striking out the remainder of said subdivision
9 3.4.3. and inserting in lieu thereof the words "preceding the date
10 of renewal. Once the license is renewed, the Board may expunge the
11 records.";

12 On page three, subdivision 3.7.2., at the beginning of the
13 subdivision, by striking out the words "The license" and inserting
14 in lieu thereof the words "A delinquent license";

15 On page three, subsection 4.1., in the third sentence of the
16 subsection, after the words "programs under" by striking out the
17 word "it's" and inserting in lieu thereof the word "its";

18 On page four, subdivision 4.2.6., after the words "provisions
19 of the" by striking out the word "American's" and inserting in lieu
20 thereof the word "Americans";

21 On page five, subdivision 4.3.12., after the words "provisions
22 of the" by striking out the word "American's" and inserting in lieu
23 thereof the word "Americans"; and

24 On page five, subdivision 4.4.2, in the second sentence of the
25 subdivision, after the words "conducted via" by striking out the
26 word "technical" and inserting in lieu thereof the word

1 "electronic".

2 (e) The legislative rule filed in the State Register on the
3 twenty-ninth day of January, two thousand thirteen, authorized
4 under the authority of section six, article thirty, chapter thirty,
5 of this code, relating to the Board of Social Work (code of ethics,
6 [25 CSR 7](#)), is authorized.

7 **§64-9-16. Board of Examiners for Speech-Language Pathology and**
8 **Audiology.**

9 The legislative rule filed in the State Register on the
10 twelfth day of June, two thousand twelve, authorized under the
11 authority of section ten, article thirty-two, chapter thirty, of
12 this code, relating to the Board of Examiners for Speech-Language
13 Pathology and Audiology (licensure of speech-pathology and
14 audiology, [29 CSR 1](#)), is authorized.

15 **§64-9-17. Conservation Committee.**

16 The legislative rule filed in the State Register on the
17 twenty-seventh day of August, two thousand twelve, authorized under
18 the authority of section four, article twenty-one-a, chapter
19 nineteen, of this code, modified by the Conservation Committee to
20 meet the objections of the Legislative Rule-Making Review Committee
21 and refiled in the State Register on the seventeenth day of
22 December, two thousand twelve relating to the Conservation
23 Committee (operation of the West Virginia State Conservation
24 Committee and conservation districts, [63 CSR 1](#)), is authorized,
25 with the following amendment:

1 One page one, section one, subsection 1.1, by striking out the
2 comma and the words "appointment and removal" and inserting in lieu
3 thereof the words "and appointment";and

4 On page three, section two, by striking out all of subsection
5 2.6.