

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 4039**

5 (By Delegates Poore, Marcum, Eldridge,  
6 Fleischauer and Frich)

7 [Passed March 8, 2014; in effect from its passage.]

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9  
10 AN ACT 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 Municipal Pensions

1 Oversight Board to promulgate a legislative rule relating to  
2 policemen's and firemen's pensions disability calculation;  
3 authorizing the Real Estate Commission to promulgate a  
4 legislative rule relating to requirements in licensing real  
5 estate brokers, associate brokers and salespersons and the  
6 conduct of a brokerage business; authorizing the Real Estate  
7 Commission to promulgate a legislative rule relating to a  
8 schedule of fees; authorizing the State Election Commission to  
9 promulgate a legislative rule relating to the West Virginia  
10 Supreme Court of Appeals Public Campaign Financing Pilot  
11 Program; authorizing the Real Estate Appraiser Licensing and  
12 Certification Board to promulgate a legislative rule relating  
13 to requirements for licensure and certification; authorizing  
14 the Real Estate Appraiser Licensing and Certification Board to  
15 promulgate a legislative rule relating to renewal of licensure  
16 or certification; authorizing the Massage Therapy Licensure  
17 Board to promulgate a legislative rule relating to a schedule  
18 of fees; repealing the Treasurer's Office legislative rule  
19 relating to procedure for deposit of funds in the Treasurer's  
20 Office by state agencies; authorizing the Treasurer's Office  
21 to promulgate a legislative rule relating to the procedure for  
22 deposit of monies with the office by state agencies;  
23 authorizing the Treasurer's Office to promulgate a legislative  
24 rule relating to the selection of state depositories for  
25 disbursement accounts through competitive bidding; authorizing  
26 the Treasurer's Office to promulgate a legislative rule

1 relating to the selection of state depositories for receipt  
2 accounts; repealing the Treasurer's Office legislative rule  
3 relating to rules for the reporting of debt capacity;  
4 authorizing the Treasurer's Office to promulgate a legislative  
5 rule relating to reporting debt; authorizing the Treasurer's  
6 Office to promulgate a legislative rule relating to procedures  
7 for fees in collections by charge, credit or debit card or by  
8 electronic payment; authorizing the Treasurer's Office to  
9 promulgate a legislative rule relating to providing services  
10 to political subdivisions; authorizing the Bureau of Senior  
11 Services to promulgate a legislative rule relating to the  
12 In-home Care Worker Registry; authorizing the Commissioner of  
13 Agriculture to promulgate a legislative rule relating to a  
14 schedule of charges for inspection services: fruit;  
15 authorizing the Commissioner of Agriculture to promulgate a  
16 legislative rule relating to auctioneers; authorizing the  
17 Commissioner of Agriculture to promulgate a legislative rule  
18 relating to the inspection of meat and poultry; authorizing  
19 the Board of Examiners for Speech-Language Pathology and  
20 Audiology to promulgate a legislative rule relating to the  
21 licensure of speech-pathology and audiology; authorizing the  
22 Board of Examiners for Speech-Language Pathology and Audiology  
23 to promulgate a legislative rule relating to speech-language  
24 pathology and audiology assistants; authorizing the Board of  
25 Examiners for Speech-Language Pathology and Audiology to  
26 promulgate a legislative rule relating to disciplinary and

1 complaint procedures for speech-language pathology and  
2 audiology; authorizing the Board of Examiners for  
3 Speech-Language Pathology and Audiology to promulgate a  
4 legislative rule relating to a code of ethics; authorizing the  
5 Board of Chiropractic Examiners to promulgate a legislative  
6 rule relating to the regulation of chiropractic practice;  
7 authorizing the Board of Chiropractic Examiners to promulgate  
8 a legislative rule relating to fees pertaining to the practice  
9 of chiropractic; authorizing the Board of Dental Examiners to  
10 promulgate a legislative rule relating to the Board;  
11 authorizing the Board of Dental Examiners to promulgate a  
12 legislative rule relating to the formation and approval of  
13 professional limited liability companies; authorizing the  
14 Board of Dental Examiners to promulgate a legislative rule  
15 relating to fees established by the Board; authorizing the  
16 Board of Dental Examiners to promulgate a legislative rule  
17 relating to the formation and approval of dental corporations  
18 and dental practice ownership; authorizing the Board of Dental  
19 Examiners to promulgate a legislative rule relating to dental  
20 advertising; authorizing the Board of Dental Examiners to  
21 promulgate a legislative rule relating to practitioner  
22 requirements for accessing the West Virginia controlled  
23 substances monitoring program database; authorizing the Board  
24 of Dental Examiners to promulgate a legislative rule relating  
25 to continuing education requirements; authorizing the Board of  
26 Dental Examiners to promulgate a legislative rule relating to

1 administration of anesthesia by dentists; authorizing the  
2 Board of Dental Examiners to promulgate a legislative rule  
3 relating to the expanded duties of dental hygienists and  
4 dental assistants; authorizing the Board of Dental Examiners  
5 to promulgate a legislative rule relating to mobile dental  
6 facilities and portable dental units; authorizing the State  
7 Board of Examiners for Licensed Practical Nurses to promulgate  
8 a legislative rule relating to policies regulating licensure  
9 of the licensed practical nurse; authorizing the State Board  
10 of Examiners for Licensed Practical Nurses to promulgate a  
11 legislative rule relating to fees for services rendered by the  
12 Board and supplemental renewal fee for the Center for Nursing;  
13 authorizing the State Board of Examiners for Licensed  
14 Practical Nurses to promulgate a legislative rule relating to  
15 continuing competence; authorizing the Board of Pharmacy to  
16 promulgate a legislative rule relating to continuing education  
17 for licensure of pharmacists; authorizing the Board of  
18 Pharmacy to promulgate a legislative rule relating to  
19 controlled substances monitoring; authorizing the Board of  
20 Sanitarians to promulgate a legislative rule relating to the  
21 practice of public health sanitation; authorizing the Board of  
22 Professional Surveyors to promulgate a legislative rule  
23 relating to the examination and licensing of professional  
24 surveyors in West Virginia; authorizing the Board of  
25 Veterinary Medicine to promulgate a legislative rule relating  
26 to the registration of veterinary technicians; authorizing the

1 Board of Veterinary Medicine to promulgate a legislative rule  
2 relating to certified animal euthanasia technicians;  
3 authorizing the Board of Veterinary Medicine to promulgate a  
4 legislative rule relating to a schedule of fees; and  
5 authorizing the Infrastructure and Jobs Development Council to  
6 promulgate a legislative rule relating to the Council.

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

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

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

12 **§64-9-1. Municipal Pensions Oversight Board.**

13 The legislative rule filed in the State Register on July 26,  
14 2013, authorized under the authority of section eighteen-a, article  
15 twenty-two, chapter eight of this code, modified by the Municipal  
16 Pensions Oversight Board to meet the objections of the Legislative  
17 Rule-Making Review Committee and refiled in the State Register on  
18 November 25, 2013, relating to the Municipal Pensions Oversight  
19 Board (policemen's and firemen's pensions disability calculation,  
20 [211 CSR 1](#)), is authorized.

**§64-9-2. Real Estate Commission.**

(a) The legislative rule filed in the State Register on July  
25, 2013, authorized under the authority of section eight, article  
forty, chapter thirty of this code, modified by the Real Estate  
Commission to meet the objections of the Legislative Rule-Making

Review Committee and refiled in the State Register on December 3, 2013, relating to the Real Estate Commission (requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business, [174 CSR 1](#)), is authorized.

(b) The legislative rule filed in the State Register on June 24, 2013, authorized under the authority of section eight, article forty, chapter thirty of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 12, 2013 relating to the Real Estate Commission (schedule of fees, [174 CSR 2](#)), is authorized.

**§64-9-3. State Election Commission.**

The legislative rule filed in the State Register on July 11, 2013, authorized under the authority of section fourteen, article twelve, chapter three of this code, modified by the State Election Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 6, 2013, relating to the State Election Commission (West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program, [146 CSR 5](#)), is authorized.

**§64-9-4. Real Estate Appraiser Licensing and Certification Board.**

(a) The legislative rule filed in the State Register on February 4, 2014, authorized under the authority of section nine, article thirty-eight, chapter thirty of this code, relating to the

Real Estate Appraiser Licensing and Certification Board (requirements for licensure and certification, [190 CSR 2](#)), is authorized with the following amendment:

On page thirty-two, by striking out the words "10.2.p. One roster: thirty-five dollars (\$35); Roster subscription fee:;" and inserting in lieu thereof the following:

10.2.q. One roster: thirty-five dollars (\$35); 10.2.r. Roster subscription fee: fifty dollars (\$50);

And by relettering the remaining subdivisions.

On page 43, subdivision 11.8.b, line one, by striking out the words and date "Effective January 1, 2015" and on line four after after the words certification number" and the period, by striking out the words and date "Effective January 1, 2015".

(b) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section nine, article thirty-eight, chapter thirty of this code, modified by the Real Estate Appraiser Licensing and Certification Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2013, relating to the Real Estate Appraiser Licensing and Certification Board (renewal of licensure or certification, [190 CSR 3](#)), is authorized, with the following amendments:

1 On page 1, subsection 1.3, after the words "Filing Date. --"  
2 by striking out the word "April";

3 On page 1, subsection 1.4, after the words "Effective Date.  
4 --" by striking out the word "April";



1           On page 1, subsection 2.3, after the words "each 60" by  
2 striking out the words "minute segment of instruction" and  
3 inserting in lieu thereof the words "minutes actual classroom  
4 instruction";

5           On page 1, underlined subsection 2.7, after the words "W. Va.  
6 Code" by striking the words "\$30-38 et seq." and inserting in lieu  
7 thereof the words "\$30-38-1 et seq." and after the words  
8 "Requirements for Licensure and Certification" by striking out the  
9 reference "190CSR2, subdivision 11.2" and inserting in lieu thereof  
10 the reference "190CSR2, subsection 11";

11           On page 2, section 3.2, by underlining the words "License  
12 renewals are due 30 days prior to September 30" and after the words  
13 "delinquent license fee" by inserting the words "pursuant to 190  
14 CSR 2";

15           On page 2, subsection 4.1, after the words "classroom hours"  
16 by inserting the words "or classroom hours of distance education"  
17 and after the words "renewal term" by inserting the words":  
18 *Provided*, That with the exception of the 7-hour USPAP course, no  
19 credit shall be awarded for completion of a continuing education  
20 course on the same topic more than once every three (3) years";

21           On page 2, paragraph 4.1.b.2, after the word "Arbitration" by  
22 underlining the comma and space;

23           On page 3, subsection 4.2, by removing the underlining of  
24 "4.2" and by striking out the words "Beginning in 2015" and  
25 inserting in lieu thereof the words "Effective January 1, 2015";

26           On page 3, after subsection 4.4, by inserting a new subsection

1 "4.5. The board may grant credit for up to seven (7) hours of a  
2 licensee's continuing education requirement to teachers of  
3 appraisal courses which the board has approved and for which the  
4 board grants credit." and by renumbering the following subsection;

5 And,

6 On page 4, subsection 5.4, by striking out the words  
7 "subdivisions 5.1.g., 6.1.h., or 6.1.i.,".

**§64-9-5. Massage Therapy Licensure Board.**

The legislative rule filed in the State Register on July 23, 2013, authorized under the authority of section seven, article thirty-six, chapter thirty of this code, relating to the Massage Therapy Licensure Board (schedule of fees, [194 CSR 4](#)), is authorized.

**§64-9-6. Treasurer's Office.**

(a) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section two, article two, chapter twelve of this code, relating to the Treasurer's Office (procedure for deposit of funds in the Treasurer's Office by state agencies, [112 CSR 1](#)), is repealed.

(b) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section two, article two, chapter twelve of this code, modified by the Treasurer's Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 12, 2013, relating to the Treasurer's Office (procedure for deposit of monies

with the Office by state agencies, [112 CSR 4](#)), is authorized.

(c) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section two, article one, chapter twelve of this code, modified by the Treasurer's Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 12, 2013, relating to the Treasurer's Office (selection of state depositories for disbursement accounts through competitive bidding, [112 CSR 6](#)), is authorized.

(d) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section two, article one, chapter twelve of this code, modified by the Treasurer's Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 12, 2013, relating to the Treasurer's Office (selection of state depositories for receipt accounts, [112 CSR 7](#)), is authorized.

(e) The legislative rule filed in the Office of the Secretary of State and made effective May 7, 1998, authorized under the authority of section four, article six-b, chapter twelve of this code, relating to the Treasurer's Office (rules for the reporting of debt capacity, 112 CSR 9), and pursuant to the proposal to repeal the same filed in the Office of the Secretary of State on July 26, 2013, is repealed.

(f) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section seven, article six-a, chapter twelve of this code, modified by the Treasurer's

Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 13, 2013, relating to the Treasurer's Office (reporting debt, [112 CSR 10](#)), is authorized, with the following amendments:

On page two, following subsection 2.2, beginning on line seven, by inserting a new subsection 2.3 to read as follows:

"2.3. "Division" means the Division of Debt Management in the office of the State Treasurer.", and by redesignating the remaining subsections accordingly;

And,

On page six, subsection 7.1, line twenty-eight, following the word "June" and the number "30" by inserting the words "of the next preceding fiscal year".

(g) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section six, article three-a, chapter thirteen of this code, modified by the Treasurer's Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 15, 2013, relating to the Treasurer's Office (procedures for fees in collections by charge, credit or debit card or by electronic payment, [112 CSR 12](#)), is authorized, with the following amendment:

On page four, subsection 5.5, beginning on line nineteen, following the words "timely or", by striking out the words "if the spending unit has not been authorized to collect convenience fees".

(h) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section six, article

three-a, chapter twelve of this code, modified by the Treasurer's Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 12, 2013, relating to the Treasurer's Office (providing services to political subdivisions, [112 CSR 13](#)), is authorized, with the following amendments:

On page two, subsection 2.5, line two, following the words "the unpaid balance", by striking out the words the remainder of the sentence;

On page three, subsection 2.16, line one, by striking out the words "spending unit or";

And,

On page three, subsection 2.23, by striking out the subsection in its entirety and re-designating the remaining subsection accordingly.

**§64-9-7. Bureau of Senior Services.**

The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section fifteen, article five-p, chapter sixteen of this code, relating to the Bureau of Senior Services (In-home Care Worker Registry, [76 CSR 2](#)), is authorized with the following amendment:

On page three, section 7, by striking out all of subsection 7.3.

**§64-9-8. Commissioner of Agriculture.**

(a) The legislative rule filed in the State Register on July

26, 2013, authorized under the authority of section five, article two, chapter nineteen of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 30, 2013, relating to the Commissioner of Agriculture (schedule of charges for inspection services: fruit, [61 CSR 8B](#)), is authorized.

(b) The legislative rule filed in the State Register on July 24, 2013, authorized under the authority of section five, article two-c, chapter nineteen of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 2, 2013, relating to the Commissioner of Agriculture (auctioneers, [61 CSR 11B](#)), is authorized.

(c) The legislative rule filed in the State Register on July 23, 2013, authorized under the authority of section three, article two-b, chapter nineteen of this code, relating to the Commissioner of Agriculture (inspection of meat and poultry, [61 CSR 16](#)), is authorized with the following amendment:

**§16-16-9. Poultry Exemptions.**

9.1. A poultry producer who otherwise meets the requirements of the exemption for poultry producers that slaughter or process 20,000 or fewer birds per calendar year under the federal Poultry Products Inspection Act, 21 U. S. C. 464(c)(3), may not keep a poultry flock of more than 3,000 birds at any one time.

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

**Audiology.**

(a) The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of Examiners for Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2013, relating to the Board of Examiners for Speech-Language Pathology and Audiology (licensure of speech-pathology and audiology, [29 CSR 1](#)), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of Examiners for Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 26, 2013, relating to the Board of Examiners for Speech-Language Pathology and Audiology (speech-language pathology and audiology assistants, [29 CSR 2](#)), is authorized, with the following amendment:

On page 1, subsection 2.3, at the beginning of the subsection, by striking out the words "Indirect/General supervision: Indirect/General" and inserting in lieu thereof the words "Indirect supervision: Indirect";

On page 1, after subsection 2.6, by adding a new subsection 2.7, to read as follows:

"2.7. Medically fragile patient/client: A medically fragile

patient/client means a patient/client who has any condition that interferes with the airway, breathing, and/or circulatory system.”,

And by renumbering the remaining subsections accordingly;

On page 2, subsection 4.1, subdivision (f), at the beginning of subsection (f), by restoring the stricken first sentence;

On page 3, subsection 4.1, subdivision (h), by striking out said subdivision (h) and inserting a new subdivision (h) to read as follows:

“(h) Provide 20% direct supervision and 10% indirect supervision for the first ninety (90) days, and thereafter ensure that he or she has direct contact with each patient/client at least once for every two weeks of treatment provided: *Provided*, That supervisors shall provide 100% direct supervision of an assistant who is providing treatment to a medically fragile patient/client.”;

On page 3, subsection 4.1, subdivision (o), after the words “ethical responsibility” by striking out the words “patient/client services provided or omitted”; and

On page 3, subsection 4.1, subdivision (u), by striking out subdivision (u) in its entirety and inserting in lieu thereof a new subdivision (u) to read as follows:

“(u) Accurately document all direct and indirect supervisory activities on forms prescribed by the board, and submit the same annually upon application for renewal of registration”.

(c) The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of



Examiners for Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 26, 2013, relating to the Board of Examiners for Speech-Language Pathology and Audiology (disciplinary and complaint procedures for speech-language pathology and audiology, [29 CSR 4](#)), is authorized.

(d) The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section seven, article thirty-two, chapter thirty of this code, relating to the Board of Examiners for Speech-Language Pathology and Audiology (code of ethics, [29 CSR 5](#)), is authorized.

**§64-9-10. Board of Chiropractic Examiners.**

(a) The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section five, article sixteen, chapter thirty of this code, modified by the Board of Chiropractic Examiners to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on December 12, 2013, relating to the Board of Chiropractic Examiners (regulation of chiropractic practice, [4 CSR 1](#)), is authorized, with the following amendment:

On page 4, subsection 6.4, after the words "is prohibited" by striking out the words "as outlined in W. Va. Code § 30-16-20".

(b) The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section five, article sixteen, chapter thirty of this code, relating to the Board of Chiropractic Examiners (fees pertaining to the practice of

chiropractic, [4 CSR 6](#)), is authorized.

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

(a) The legislative rule filed in the State Register on July 22, 2013, authorized under the authority of section six, article four, chapter thirty of this code, relating to the Board of Dental Examiners (rule for the West Virginia Board of Dental Examiners, [5 CSR 1](#)), is authorized.

(b) The legislative rule filed in the State Register on July 22, 2013, authorized under the authority of section one thousand three hundred four, article thirteen, chapter thirty-one-b of this code, relating to the Board of Dental Examiners (formation and approval of professional limited liability companies, [5 CSR 2](#)), is authorized.

(c) The legislative rule filed in the State Register on July 24, 2013, authorized under the authority of section six, article four, chapter thirty of this code, modified by the Board of Dental Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 22, 2013, relating to the Board of Dental Examiners (fees established by the Board, [5 CSR 3](#)), is authorized, with the following amendment:

On page 1, subsection 2.4, by striking out said subsection 2.4 in its entirety and re-designating the remaining subsections accordingly.

(d) The legislative rule filed in the State Register on July 22, 2013, authorized under the authority of section six, article

four, chapter thirty of this code, relating to the Board of Dental Examiners (formation and approval of dental corporations; and dental practice ownership, [5 CSR 6](#)), is authorized.

(e) The legislative rule filed in the State Register on July 22, 2013, authorized under the authority of section six, article four, thirty of this code, relating to the Board of Dental Examiners (dental advertising, [5 CSR 8](#)), is authorized.

(f) The legislative rule filed in the State Register on July 22, 2013, authorized under the authority of section five-a, article nine, chapter sixty-a of this code, modified by the Board of Dental Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 31, 2013, relating to the Board of Dental Examiners (practitioner requirements for accessing the West Virginia controlled substances monitoring program database, [5 CSR 10](#)), is authorized.

(g) The legislative rule filed in the State Register on July 24, 2013, authorized under the authority of section six, article four, chapter thirty of this code, relating to the Board of Dental Examiners (continuing education requirements, [5 CSR 11](#)), is authorized.

(h) The legislative rule filed in the State Register on July 24, 2013, authorized under the authority of section six, article four, chapter thirty of this code, relating to the Board of Dental Examiners (administration of anesthesia by dentists, [5 CSR 12](#)), is authorized.

(i) The legislative rule filed in the State Register on July

22, 2013, authorized under the authority of section six, article four, chapter thirty of this code, relating to the Board of Dental Examiners (expanded duties of dental hygienists and dental assistants, [5 CSR 13](#)), is authorized.

(j) The legislative rule filed in the State Register on July 24, 2013, authorized under the authority of section six, article four, chapter thirty of this code, modified by the Board of Dental Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 22, 2013, relating to the Board of Dental Examiners (mobile dental facilities and portable dental units, [5 CSR 14](#)), is authorized, with the following amendments:

On page 1, subsection 2.2, after the words "American Dental Association" by striking out the words "beginning not later than one year of age";

On page 1, subsection 2.4, after the words "to employ" by inserting the words "or contract with";

On page 2, subsection 4.4, subdivision (a), after the words "telephone number of each" by striking out the words "dentist or dental hygienist" and inserting in lieu thereof the words "dentist, dental hygienist or operator";

On page 3, subsection 4.4, subdivision (g), after the words "statement that the applicant" by striking out the word "posses" and inserting in lieu thereof the word "possesses"; and

On page 7, subsection 8.3, after the words "written report for the" by striking out the word "proceeding" and inserting in lieu

thereof the word "preceding".

**§64-9-12. State Board of Examiners for Licensed Practical Nurses.**

(a) The legislative rule filed in the State Register on April 29, 2013, authorized under the authority of section six, article seven-a, chapter thirty of this code, modified by the State Board of Examiners for Licensed Practical Nurses to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on October 1, 2013, relating to the State Board of Examiners for Licensed Practical Nurses (policies regulating licensure of the licensed practical nurse, [10 CSR 2](#)), is authorized, with the following amendment:

On page 1, subdivision 2.1.c., after the citation "10 CSR 1" by striking out the words "or a board approved program from another US jurisdiction" and inserting in lieu thereof the words "program approved by a board that licenses Licensed Practical Nurses in another state or US territory."

(b) The legislative rule filed in the State Register on April 29, 2013, authorized under the authority of section seven, article seven-a, chapter thirty of this code, modified by the State Board of Examiners for Licensed Practical Nurses to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on July 26, 2013, relating to the State Board of Examiners for Licensed Practical Nurses (fees for services rendered by the Board and supplemental renewal fee for the Center for

Nursing, [10 CSR 4](#)), is authorized.

(c) The legislative rule filed in the State Register on April 29, 2013, authorized under the authority of section five, article seven-a, chapter thirty of this code, modified by the State Board of Examiners for Licensed Practical Nurses to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on September 4, 2013, relating to the State Board of Examiners for Licensed Practical Nurses (continuing competence, [10 CSR 6](#)), is authorized.

**§64-9-13. Board of Pharmacy.**

(a) The legislative rule filed in the State Register on October 18, 2013, authorized under the authority of section seven, article five, chapter thirty of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 20, 2013, relating to the Board of Pharmacy (continuing education for licensure of pharmacists, [15 CSR 3](#)), is authorized, with the following amendment:

On page 2, subsection 2.9, after the words "National Association of Boards of Pharmacy" by adding the words "(NABP) and".

(b) The legislative rule filed in the State Register on October 18, 2013, authorized under the authority of section six, article nine, chapter sixty-a of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 20,

2013, relating to the Board of Pharmacy (controlled substances monitoring, [15 CSR 8](#)), is authorized.

**§64-9-14. Sanitarians.**

The legislative rule filed in the State Register on July 24, 2013, authorized under the authority of section six, article seventeen, chapter thirty of this code, relating to the Board of Board of Sanitarians (practice of public health sanitation, [20 CSR 4](#)), is authorized.

**§64-9-15. Board of Professional Surveyors.**

The legislative rule filed in the State Register on July 23, 2013, authorized under the authority of section six, article thirteen-a, chapter thirty of this code, relating to the Board of Professional Surveyors (examination and licensing of professional surveyors in West Virginia, [23 CSR 1](#)), is authorized.

**§64-9-16. Board of Veterinary Medicine.**

(a) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section six, article ten, chapter thirty of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2013, relating to the Board of Veterinary Medicine (registration of veterinary technicians, [26 CSR 3](#)), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section six, article ten, chapter thirty of this code, relating to the Board of

Veterinary Medicine (certified animal euthanasia technicians, [26 CSR 5](#)), is authorized.

(c) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section six, article ten, chapter thirty of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2013, relating to the Board of Veterinary Medicine (schedule of fees, [26 CSR 6](#)), is authorized.

**§64-9-17. Infrastructure and Jobs Development Council.**

The legislative rule filed in the State Register on July 9, 2013, authorized under the authority of section four, article fifteen-a, chapter thirty-one of this code, modified by the Infrastructure and Jobs Development Council to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on July 29, 2013, relating to the Infrastructure and Jobs Development Council (Infrastructure and Jobs Development Council, [167 CSR 1](#)), is authorized.