

1 COMMITTEE SUBSTITUTE

2 for

3 **H.B. 4039**

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

6 (Originating in the Committee on the Judiciary)

7
8 [February 20, 2014]

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 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 two, chapter eight of this code, modified by the Municipal Pensions
16 Oversight Board to meet the objections of the Legislative Rule-
17 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 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";

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

9 On page 1, underlined subsection 2.7, after the words "W. Va.
10 Code" by striking the words "\$30-38 et seq." and inserting in lieu

1 thereof the words "\$30-38-1 et seq." and after the words
2 "Requirements for Licensure and Certification" by striking out the
3 reference "190CSR2, subdivision 11.2" and inserting in lieu thereof
4 the reference "190CSR2, subsection 11";

5 On page 2, section 3.2, by underlining the words "License
6 renewals are due 30 days prior to September 30" and after the words
7 "delinquent license fee" by inserting the words "pursuant to 190
8 CSR 2";

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

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

17 On page 3, subsection 4.2, by removing the underlining of
18 "4.2" and by striking out the words "Beginning in 2015" and
19 inserting in lieu thereof the words "Effective January 1, 2015";

20 On page 3, after subsection 4.4, by inserting a new subsection
21 "4.5. The board may grant credit for up to seven (7) hours of a
22 licensee's continuing education requirement to teachers of
23 appraisal courses which the board has approved and for which the
24 board grants credit." and by renumbering the following subsection;

25 And,

26 On page 4, subsection 5.4, by striking out the words

1 "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.

§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.

§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.