

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4252**

BY DELEGATE FOSTER

[Passed March 6, 2020; in effect from passage.]



1 AN ACT to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended,  
2 relating generally to authorizing certain miscellaneous agencies and boards to promulgate  
3 legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making  
4 Review Committee, and as amended by the Legislature; authorizing the Board of  
5 Accountancy to promulgate a legislative rule relating to board rules and rules of  
6 professional conduct; authorizing the Board of Acupuncture to promulgate a legislative  
7 rule relating to fees for the Board of Acupuncture; authorizing the Board of Acupuncture  
8 to promulgate a legislative rule relating to auricular detoxification therapy certificate;  
9 authorizing the Board of Acupuncture to promulgate a legislative rule relating to application  
10 for waiver of initial licensing fees for certain individuals; authorizing the Board of  
11 Acupuncture to promulgate a legislative rule relating to consideration of prior criminal  
12 convictions in initial licensure determinations; authorizing the Commissioner of Agriculture  
13 to promulgate a legislative rule relating to animal disease control; authorizing the  
14 Commissioner of Agriculture to promulgate a legislative rule relating to Fresh Food Act;  
15 authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to  
16 auctioneers; authorizing the Commissioner of Agriculture to promulgate a legislative rule  
17 relating to poultry rules for hatcheries, growers, and contractors pertaining to poultry  
18 disease control and eradication; authorizing the Commissioner of Agriculture to  
19 promulgate a legislative rule relating to grade "A" pasteurized milk; authorizing the  
20 Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia  
21 manufacture-grade milk; authorizing the Commissioner of Agriculture to promulgate a  
22 legislative rule relating to employment reference and inquiries and background checks;  
23 authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to  
24 West Virginia Spay-Neuter Assistance Program; authorizing the Commissioner of  
25 Agriculture to promulgate a legislative rule relating to industrial hemp; authorizing the  
26 Commissioner of Agriculture to promulgate a legislative rule relating to hemp products;

authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervid farming; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia exempted dairy farms and milk and milk products processing rules; authorizing the Board of Architects to promulgate a legislative rule relating to registration of architects; authorizing the Board of Architects to promulgate a legislative rule relating to fees for registration of architects; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Dentistry to promulgate a legislative rule relating to rule for the West Virginia Board of Dental Examiners; authorizing the Board of Dentistry to promulgate a legislative rule relating to dental advertising; authorizing the Board of Dietitians to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the Board of Dietitians to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity; authorizing the Election Commission to promulgate a legislative rule relating to regulation of campaign finance; authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to application for waiver of initial

53           licensing fees for certain individuals; authorizing the Board of Hearing Aid Dealers to  
54           promulgate a legislative rule relating to consideration of prior criminal convictions in initial  
55           licensure determinations; authorizing the Board of Landscape Architects to promulgate a  
56           legislative rule relating to consideration of prior criminal convictions in initial licensure  
57           determinations; authorizing the Massage Therapy Licensure Board to promulgate a  
58           legislative rule relating to application for waiver of initial licensing fees for certain  
59           individuals; authorizing the Massage Therapy Licensure Board to promulgate a legislative  
60           rule relating to consideration of prior criminal convictions in initial licensure determinations;  
61           authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners  
62           to promulgate a legislative rule relating to West Virginia Medical Imaging and Radiation  
63           Therapy Technology Board of Examiners; authorizing the Board of Medicine to promulgate  
64           a legislative rule relating to licensure, disciplinary and complaint procedures, continuing  
65           education, physician assistants; authorizing the Board of Medicine to promulgate a  
66           legislative rule relating to waiver of initial licensing fees for certain initial licensure  
67           applicants; authorizing the Nursing Home Administrators Licensing Board to promulgate  
68           a legislative rule relating to nursing home administrators; authorizing the Board of  
69           Occupational Therapy to promulgate a legislative rule relating to fees for services  
70           rendered by the Board; authorizing the Board of Occupational Therapy to promulgate a  
71           legislative rule relating to request for waiver of initial licensing fees for certain individuals;  
72           authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to  
73           consideration of prior criminal convictions in initial licensure determinations; authorizing  
74           the Board of Optometry to promulgate a legislative rule relating to rules for the West  
75           Virginia Board of Optometry; authorizing the Board of Osteopathic Medicine to promulgate  
76           a legislative rule relating to osteopathic physician assistants; authorizing the Board of  
77           Osteopathic Medicine to promulgate a legislative rule relating to waiver of initial licensing  
78           fees for certain initial licensure applicants; authorizing the Board of Pharmacy to

79 promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing  
80 the Board of Pharmacy to promulgate a legislative rule relating to record keeping and  
81 automated data processing systems; authorizing the Board of Pharmacy to promulgate a  
82 legislative rule relating to Board of Pharmacy rules for registration of pharmacy  
83 technicians; authorizing the Board of Pharmacy to promulgate a legislative rule relating to  
84 Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy  
85 interns; authorizing the Board of Pharmacy to promulgate a legislative rule relating to  
86 Board of Pharmacy rules for centralized prescription processing; authorizing the Board of  
87 Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy  
88 permits; authorizing the Board of Pharmacy to promulgate a legislative rule relating to  
89 regulations governing pharmacists; authorizing the Board of Pharmacy to promulgate a  
90 legislative rule relating to application for waiver of initial licensing fees for certain  
91 individuals; authorizing the Board of Physical Therapy to promulgate a legislative rule  
92 relating to general provisions for physical therapist and physical therapist assistants;  
93 authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees  
94 for physical therapist and physical therapist assistant; authorizing the Board of Physical  
95 Therapy to promulgate a legislative rule relating to general provisions for athletic trainers;  
96 authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees  
97 for athletic trainers; authorizing the Board of Physical Therapy to promulgate a legislative  
98 rule relating to application for waiver of initial licensing fees for certain individuals;  
99 authorizing the Board of Registration for Professional Engineers to promulgate a  
100 legislative rule relating to examination, licensure and practice of professional engineers;  
101 authorizing the Board of Professional Surveyors to promulgate a legislative rule relating  
102 to examination and licensing of professional surveyors in West Virginia; authorizing the  
103 Board of Psychologists to promulgate a legislative rule relating to consideration of prior  
104 criminal convictions in initial licensure determinations and application for waiver of initial

licensing fees for certain individuals; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Commission to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Real Estate Commission to promulgate a legislative rule relating to consideration of prior criminal convictions in initial license eligibility determination; authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to request for waiver of initial licensing fees for certain individuals; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to establishment of fees; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to student temporary permit; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Sanitarians to promulgate a legislative rule relating to waiver of initial application fees and criteria for initial licensure; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the Board of Social Work to promulgate a legislative rule relating to fee schedule; authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology; authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology; authorizing the State Auditor to promulgate a legislative rule relating to local government purchasing card program; authorizing the State Conservation Committee to promulgate a legislative rule relating to State Conservation Committee Grant Program; authorizing the Board of Veterinary Medicine to promulgate a

131 legislative rule relating to organization and operation and licensing of veterinarians;  
132 authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to  
133 registration of veterinary technicians; and authorizing the Board of Veterinary Medicine to  
134 promulgate a legislative rule relating to schedule of fees.

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

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

**§64-9-1. Board of Accountancy.**

1 The legislative rule filed in the State Register on September 27, 2019, authorized under  
2 the authority of §30-9-5 of this code, modified by the Board of Accountancy to meet the objections  
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on November  
4 8, 2019, relating to the Board of Accountancy (board rules and rules of professional conduct, 1  
5 CSR 01), is authorized.

**§64-9-2. Board of Acupuncture.**

1 (a) The legislative rule filed in the State Register on July 22, 2019, authorized under the  
2 authority of §30-36-7 of this code, modified by the Board of Acupuncture to meet the objections  
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on October  
4 10, 2019, relating to the Board of Acupuncture (fees for the Board of Acupuncture, 32 CSR 04),  
5 is authorized.

6 (b) The legislative rule filed in the State Register on July 22, 2019, authorized under the  
7 authority of §30-36-7 of this code, modified by the Board of Acupuncture to meet the objections  
8 of the Legislative Rule-Making Review Committee and refiled in the State Register on October  
9 17, 2019, relating to the Board of Acupuncture (auricular detoxification therapy certificate, 32 CSR  
10 14), is authorized.



(c) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Acupuncture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 10, 2019, relating to the Board of Acupuncture (application for waiver of initial licensing fees for certain individuals, 32 CSR 15), is authorized.

(d) The legislative rule filed in the State Register on September 24, 2019, authorized under the authority of §30-1-24 of this code, modified by the Board of Acupuncture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 14, 2019, relating to the Board of Acupuncture (consideration of prior criminal convictions in initial licensure determinations, 32 CSR 16), is authorized.

**§64-9-3. Commissioner of Agriculture.**

(a) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §19-9-2 of this code, relating to the Commissioner of Agriculture (animal disease control, 61 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-37-3 of this code, relating to the Commissioner of Agriculture (Fresh Food Act, 61 CSR 10), is authorized.

(c) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-2C-3a 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 1, 2019, relating to the Commissioner of Agriculture (auctioneers, 61 CSR 11B), is authorized.

(d) The legislative rule filed in the State Register on July 11, 2019, authorized under the authority of §19-9-2 of this code, relating to the Commissioner of Agriculture (poultry rules for hatcheries, growers, and contractors pertaining to poultry disease control and eradication, 61 CSR 13A), is authorized.

(e) The legislative rule filed in the State Register on January 7, 2020, authorized under the authority of §19-11E-8 of this code, relating to the Commissioner of Agriculture (grade “A” pasteurized milk, 61 CSR 15), is authorized.

(f) The legislative rule filed in the State Register on January 6, 2020, authorized under the authority of §19-11E-8 of this code, relating to the Commissioner of Agriculture (West Virginia manufacture-grade milk, 61 CSR 19), is authorized.

(g) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-1-3b 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 1, 2019, relating to the Commissioner of Agriculture (employment reference and inquiries and background checks, 61 CSR 20), is authorized.

(h) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-20C-3 of this code, relating to the Commissioner of Agriculture (West Virginia Spay-Neuter Assistance Program, 61 CSR 24), is authorized with the following amendments:

On page two, subsection 3.10, after the word “rule” by inserting the following words “to perform spay neuter services for eligible owners and caretakers”;

On page two, after subdivision 3.10.b., by inserting a new subsection, designated 3.11, to read as follows:

“3.11. “Low-income restricted program” means a spay neuter program that provides spay neuter services to owners or caretakers currently receiving assistance from at least one of the state and federal public assistance programs:

3.11.a. The Supplemental Nutrition Assistance Program (SNAP);

3.11.b. Medicaid;

3.11.c. Supplemental Security Income (SSI);

3.11.d. The West Virginia Low Income Energy Assistance Program (LIEAP);

3.11.e. Social Security Disability;

3.11.f. Temporary Assistance for Needy Families (TANF);  
3.11.g. Aid to Families with Dependent Children (AFCD);  
3.11.h. Children's Health Insurance Program (CHIP); or  
3.11.i. Low Income Veterans Assistance under 38 USC 2044.”; and re-numbering the  
remaining subsections;

On page four, subsection 6.1, after the word “delivery.” by adding the following sentence:  
“The Advisory Committee shall give preference to applicants that intend to operate a low-income  
restricted program.”

On page four, subsection 6.2, after the word “application.” by adding the following  
sentence: “The Commission shall give preference to applicants that intend to operate a low-  
income restricted program.”

And,

On page five, by striking out all of §61-24-7 and renumbering the remaining section.

(i) The legislative rule filed in the State Register on July 26, 2019, authorized under the  
authority of §19-12E-7 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  
January 6, 2020, relating to the Commissioner of Agriculture (industrial hemp, 61 CSR 29), is  
authorized with the following amendment:

On page six, section 5.6. by striking everything after the words “the commissioner may”  
and inserting in lieu thereof the following:

“upon request, and if permitted by the United States Department of Agriculture, permit a  
licensee to submit a Corrective Action Plan and request a second sampling and test of the crop  
following implementation of the Corrective Action Plan.”

(j) The legislative rule filed in the State Register on July 26, 2019, authorized under the  
authority of §19-12E-7 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

January 6, 2020, relating to the Commissioner of Agriculture (hemp products, 61 CSR 30), is authorized with the following amendments:

On page four, section four, subdivision 4.6.a, after the words “changes in”, by adding the words “the chemical composition or formula of”;

On page five, section four, subdivision 4.6.c, after the words “changes to”, by adding the words “health-related”;

On page five, section four after subdivision 4.6.c, by renumbering the remaining subsections;

On page five, section four, subsection 4.7, after the word “retailer”, by adding the words “or distributor”;

On page five, section five, after subdivision 5.7, by inserting a new subdivision, designated subdivision 5.8 to read as follows:

5.8. A distributor of hemp products that does not itself engage in retail sales is not required to register under this section.

On page six, section seven, subsection 7.2, after the words “produced for”, by adding the word “topical”;

On page six, section seven, subsection 7.2, by striking the words “Cosmetic Product” and inserting in lieu thereof the words “Cosmetic Products”;

On page six, section seven, subsection 7.3, by striking the word “medical” and inserting in lieu thereof the words “disease or drug”;

On page six, section seven, by striking subsection 7.7 and renumbering the remaining subsections;

(k) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §19-2H-12 of this code, relating to the Commissioner of Agriculture (captive cervid farming, 61 CSR 34), is authorized with the following amendment:

On page 9, section 11, by striking out all of section 11.15 and inserting in lieu thereof the

following:

“11.15. The owner shall have a West Virginia licensed and accredited veterinarian or designee perform an annual visual examination of each animal and take an inventory to reconcile inventory records submitted with the license application or renewal. When the veterinarian performs the annual visual examination of each animal and takes an inventory, the West Virginia licensed and accredited veterinarian shall submit the veterinarian report to the Department within sixty (60) days of receipt and the inventory within thirty (30) days of completion.”

(l) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §19-35-4 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, 2019, relating to the Commissioner of Agriculture (farmers markets, 61 CSR 38), is authorized with the following amendment:

On page 7, section 7, subsection 7.4, after the word “products”, by inserting the words “excluding whole uncut produce and”.

(m) The legislative rule filed in the State Register on January 6, 2020, authorized under the authority of §19-11E-8 of this code, relating to the Commissioner of Agriculture (West Virginia exempted dairy farms and milk and milk products processing rules, 61 CSR 40), is authorized.

**§64-9-4. Board of Architects.**

(a) The legislative rule filed in the State Register on September 24, 2019, authorized under the authority of §30-12-1 of this code, modified by the Board of Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 18, 2019, relating to the Board of Architects (registration of architects, 2 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 16, 2019, authorized under the authority of §30-12-3 of this code, modified by the Board of Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November

18, 2019, relating to the Board of Architects (fees for registration of architects, 2 CSR 03), is authorized.

**§64-9-5. Board of Chiropractic Examiners.**

(a) The legislative rule filed in the State Register on July 10, 2019, authorized under the authority of §30-1-23 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 October 4, 2019, relating to the Board of Chiropractic Examiners (application for waiver of initial licensing fees for certain individuals, 4 CSR 07), is authorized.

(b) The legislative rule filed in the State Register on September 10, 2019, authorized under the authority of §30-1-24 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 November 18, 2019, relating to the Board of Chiropractic Examiners (consideration of prior criminal convictions in initial licensure determinations, 4 CSR 08), is authorized.

**§64-9-6. Board of Examiners in Counseling.**

The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 9, 2019, relating to the Board of Examiners in Counseling (application for waiver of initial licensing fees for certain individuals, 27 CSR 13), is authorized.

**§64-9-7. West Virginia Board of Dentistry.**

(a) The legislative rule filed in the State Register on September 20, 2019, authorized under the authority of §30-4-6 of this code, relating to the West Virginia Board of Dentistry (rule for the West Virginia Board of Dental Examiners, 5 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 19, 2019, authorized under the authority of §30-4-6 of this code, modified by the West Virginia Board of Dentistry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on

November 18, 2019, relating to the West Virginia Board of Dentistry (dental advertising, 5 CSR 08), is authorized.

**§64-9-8. Board of Licensed Dietitians.**

(a) The legislative rule filed in the State Register on August 30, 2019, authorized under the authority of §30-35-4 of this code, modified by the Board of Licensed Dietitians to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 1, 2019, relating to the Board of Licensed Dietitians (licensure and renewal requirements, 31 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Licensed Dietitians to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 2, 2019, relating to the Board of Licensed Dietitians (application for waiver of initial licensing fees for certain individuals, 31 CSR 06), is authorized.

**§64-9-9. Election Commission.**

(a) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §3-8-8 of this code, modified by the Election Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2019, relating to the Election Commission (corporate and membership organization political activity, 146 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §3-1A-5 of this code, modified by the Election Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2019, relating to the Election Commission (regulation of campaign finance, 146 CSR 03), is authorized.

**§64-9-10. Board of Funeral Service Examiners.**

(a) The legislative rule filed in the State Register on July 23, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Funeral Service Examiners to meet

3 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register  
4 on October 10, 2019, relating to the Board of Funeral Service Examiners (application for waiver  
5 of initial licensing fees for certain individuals, 6 CSR 05), is authorized.

6 (b) The legislative rule filed in the State Register on September 27, 2019, authorized under  
7 the authority of §30-1-24 of this code, modified by the Board of Funeral Service Examiners to  
8 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
9 Register on November 7, 2019, relating to the Board of Funeral Service Examiners (consideration  
10 of prior criminal convictions in initial licensure determinations, 6 CSR 06), is authorized.

**§64-9-11. Board of Hearing Aid Dealers.**

1 (a) The legislative rule filed in the State Register on July 25, 2019, authorized under the  
2 authority of §30-1-23 of this code, modified by the Board of Hearing Aid Dealers to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 October 21, 2019, relating to the Board of Hearing Aid Dealers (application for waiver of initial  
5 licensing fees for certain individuals, 8 CSR 04), is authorized.

6 (b) The legislative rule filed in the State Register on September 27, 2019, authorized under  
7 the authority of §30-1-24 of this code, modified by the Board of Hearing Aid Dealers to meet the  
8 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
9 November 7, 2019, relating to the Board of Hearing Aid Dealers (consideration of prior criminal  
10 convictions in initial licensure determinations, 8 CSR 05), is authorized.

**§64-9-12. Board of Landscape Architects.**

1 The legislative rule filed in the State Register on September 27, 2019, authorized under  
2 the authority of §30-1-24 of this code, modified by the Board of Landscape Architects to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 November 21, 2019, relating to the Board of Landscape Architects (consideration of prior criminal  
5 convictions in initial licensure determinations, 9 CSR 05), is authorized.



**§64-9-13. Massage Therapy Licensure Board.**

1 (a) The legislative rule filed in the State Register on July 22, 2019, authorized under the  
2 authority of §30-1-23 of this code, modified by the Massage Therapy Licensure Board to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 October 10, 2019, relating to the Massage Therapy Licensure Board (application for waiver of  
5 initial licensing fees for certain individuals, 194 CSR 05), is authorized.

6 (b) The legislative rule filed in the State Register on September 24, 2019, authorized under  
7 the authority of §30-1-24 of this code, modified by the Massage Therapy Licensure Board to meet  
8 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register  
9 on November 7, 2019, relating to the Massage Therapy Licensure Board (consideration of prior  
10 criminal convictions in initial licensure determinations, 194 CSR 06), is authorized.

**§64-9-14. Medical Imaging and Radiation Therapy Technology Board of Examiners.**

1 The legislative rule filed in the State Register on September 27, 2019, authorized under  
2 the authority of §30-23-7 of this code, modified by the Medical Imaging and Radiation Therapy  
3 Technology Board of Examiners to meet the objections of the Legislative Rule-Making Review  
4 Committee and refiled in the State Register on October 31, 2019, relating to the Medical Imaging  
5 and Radiation Therapy Technology Board of Examiners (West Virginia Medical Imaging and  
6 Radiation Therapy Technology Board of Examiners, 18 CSR 01), is authorized.

**§64-9-15. Board of Medicine.**

1 (a) The legislative rule filed in the State Register on July 25, 2019, authorized under the  
2 authority of §30-3E-3 of this code, modified by the Board of Medicine to meet the objections of  
3 the Legislative Rule-Making Review Committee and refiled in the State Register on October 8,  
4 2019, relating to the Board of Medicine (licensure, disciplinary and complaint procedures,  
5 continuing education, physician assistants, 11 CSR 01B), is authorized.

6 (b) The legislative rule filed in the State Register on July 25, 2019, authorized under the  
7 authority of §30-1-23 of this code, modified by the Board of Medicine to meet the objections of

the Legislative Rule-Making Review Committee and refiled in the State Register on October 8, 2019, relating to the Board of Medicine (waiver of initial licensing fees for certain initial licensure applicants, 11 CSR 13), is authorized.

**§64-9-16. Nursing Home Administrators Licensing Board.**

The legislative rule filed in the State Register on November 26, 2019, authorized under the authority of §30-25-6 of this code, modified by the Nursing Home Administrators Licensing Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 27, 2019, relating to the Nursing Home Administrators Licensing Board (nursing home administrators, 21 CSR 01), is authorized.

**§64-9-17. Board of Occupational Therapy.**

(a) The legislative rule filed in the State Register on July 3, 2019, authorized under the authority of §30-28-7 of this code, relating to the Board of Occupational Therapy (fees for services rendered by the Board, 13 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on July 3, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Occupational Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 30, 2019, relating to the Board of Occupational Therapy (request for waiver of initial licensing fees for certain individuals, 13 CSR 07), is authorized.

(c) The legislative rule filed in the State Register on December 2, 2019, authorized under the authority of §30-1-24 of this code, relating to the Board of Occupational Therapy (consideration of prior criminal convictions in initial licensure determinations, 13 CSR 08), is authorized.

**§64-9-18. Board of Optometry.**

The legislative rule filed in the State Register on October 1, 2019, authorized under the authority of §30-8-6 of this code, modified by the Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November

26, 2019, relating to the Board of Optometry (rules for the West Virginia Board of Optometry, 14 CSR 01), is authorized.

**§64-9-19. Board of Osteopathic Medicine.**

(a) The legislative rule filed in the State Register on July 31, 2019, authorized under the authority of §30-3E-3 of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 14, 2019, relating to the Board of Osteopathic Medicine (osteopathic physician assistants, 24 CSR 02), is authorized.

(b) The legislative rule filed in the State Register on July 30, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 14, 2019, relating to the Board of Osteopathic Medicine (waiver of initial licensing fees for certain initial licensure applicants, 24 CSR 08), is authorized.

**§64-9-20. Board of Pharmacy.**

(a) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-5-7 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 2, 2019, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-5-7 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 October 10, 2019, relating to the Board of Pharmacy (record keeping and automated data processing systems, 15 CSR 04), is authorized.

(c) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-5-7 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 October 11, 2019, relating to the Board of Pharmacy (Board of Pharmacy rules for registration of pharmacy technicians, 15 CSR 07), is authorized with the following amendments:

On page 5, section 4, by striking subdivision 4.3.c and inserting the following:

“4.3.c. has not been convicted of a crime bearing a rational nexus to the practice duties of a pharmacy technician. For other convictions not bearing a rational nexus to the practice of pharmacy, the Board shall permit the applicant to apply for initial licensure if:”

And

On page 10, section 6, by striking subsection 6.7 and 6.8 and inserting the following:

“6.7. has not been convicted of a crime bearing a rational nexus to the practice duties of a pharmacy technician. For other convictions not bearing a rational nexus to the practice of pharmacy, the Board shall permit the applicant to apply for initial licensure if:

6.7.a. a period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

6.7.b. the individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

6.7.c. the conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the individual board.”

And,

By renumbering the remaining subsections.

(d) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-5-7 of this code, relating to the Board of Pharmacy (Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy interns, 15 CSR 12), is authorized.

(e) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-5-7 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 October 10, 2019, relating to the Board of Pharmacy (Board of Pharmacy rules for centralized prescription processing, 15 CSR 14), is authorized.

(f) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-5-7 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 October 11, 2019, relating to the Board of Pharmacy (regulations governing pharmacy permits, 15 CSR 15), is authorized.

(g) The legislative rule filed in the State Register on October 10, 2019, authorized under the authority of §30-5-7 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 2, 2019, relating to the Board of Pharmacy (regulations governing pharmacists, 15 CSR 16), is authorized.

(h) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §30-1-23 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 October 11, 2019, relating to the Board of Pharmacy (application for waiver of initial licensing fees for certain individuals, 15 CSR 18), is authorized.

**§64-9-21. Board of Physical Therapy.**

(a) The legislative rule filed in the State Register on September 30, 2019, authorized under the authority of §30-20-6 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 27, 2019, relating to the Board of Physical Therapy (general provisions for physical therapist and physical therapist assistants, 16 CSR 01), is authorized.

6 (b) The legislative rule filed in the State Register on September 30, 2019, authorized under  
7 the authority of §30-20-6 of this code, modified by the Board of Physical Therapy to meet the  
8 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
9 November 27, 2019, relating to the Board of Physical Therapy (fees for physical therapist and  
10 physical therapist assistant, 16 CSR 04), is authorized.

11 (c) The legislative rule filed in the State Register on September 23, 2019, authorized under  
12 the authority of §30-20A-2 of this code, modified by the Board of Physical Therapy to meet the  
13 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
14 November 27, 2019, relating to the Board of Physical Therapy (general provisions for athletic  
15 trainers, 16 CSR 05), is authorized.

16 (d) The legislative rule filed in the State Register on September 23, 2019, authorized under  
17 the authority of §30-20A-2 of this code, modified by the Board of Physical Therapy to meet the  
18 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
19 November 27, 2019, relating to the Board of Physical Therapy (fees for athletic trainers, 16 CSR  
20 06), is authorized.

21 (e) The legislative rule filed in the State Register on July 18, 2019, authorized under the  
22 authority of §30-1-23 of this code, modified by the Board of Physical Therapy to meet the  
23 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
24 November 27, 2019, relating to the Board of Physical Therapy (application for waiver of initial  
25 licensing fees for certain individuals, 16 CSR 09), is authorized.

**§64-9-22. Board of Registration for Professional Engineers.**

1 The legislative rule filed in the State Register on September 20, 2019, authorized under  
2 the authority of §30-13-9 of this code, modified by the Board of Registration for Professional  
3 Engineers to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
4 the State Register on November 18, 2019, relating to the Board of Registration for Professional

5 Engineers (examination, licensure and practice of professional engineers, 7 CSR 01), is  
6 authorized.

**§64-9-23. Board of Professional Surveyors.**

1 The legislative rule filed in the State Register on September 17, 2019, authorized under  
2 the authority of §30-13A-6 of this code, modified by the Board of Professional Surveyors to meet  
3 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register  
4 on December 19, 2019, relating to the Board of Professional Surveyors (examination and  
5 licensing of professional surveyors in West Virginia, 23 CSR 01), is authorized.

**§64-9-24. Board of Psychologists.**

1 The legislative rule filed in the State Register on October 11, 2019, authorized under the  
2 authority of §30-1-23 and §30-1-24 of this code, modified by the Board of Psychologists to meet  
3 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register  
4 on January 8, 2020, relating to the Board of Psychologists (consideration of prior criminal  
5 convictions in initial licensure determinations and application for waiver of initial licensing fees for  
6 certain individuals, 17 CSR 07), is authorized.

**§64-9-25. Real Estate Appraiser Licensing and Certification Board.**

1 The legislative rule filed in the State Register on September 9, 2019, authorized under the  
2 authority of §30-38-9 of this code, modified by the Real Estate Appraiser Licensing and  
3 Certification Board to meet the objections of the Legislative Rule-Making Review Committee and  
4 refiled in the State Register on December 6, 2019, relating to the Real Estate Appraiser Licensing  
5 and Certification Board (requirements for licensure and certification, 190 CSR 02), is authorized.

**§64-9-26. Real Estate Commission.**

1 (a) The legislative rule filed in the State Register on July 2, 2019, authorized under the  
2 authority of §30-1-23 of this code, modified by the Real Estate Commission to meet the objections  
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on October 7,

2019, relating to the Real Estate Commission (application for waiver of initial licensing fees for certain individuals, 174 CSR 06), is authorized.

(b) The legislative rule filed in the State Register on September 27, 2019, authorized under the authority of §30-1-24 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, 2019, relating to the Real Estate Commission (consideration of prior criminal convictions in initial license eligibility determination, 174 CSR 07), is authorized.

**§64-9-27. Board of Examiners for Registered Professional Nurses.**

(a) The legislative rule filed in the State Register on October 11, 2019, authorized under the authority of §30-7-4 of this code, relating to the Board of Examiners for Registered Professional Nurses (requirements for registration and licensure and conduct constituting professional misconduct, 19 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on August 22, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Examiners for Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 7, 2019, relating to the Board of Examiners for Registered Professional Nurses (request for waiver of initial licensing fees for certain individuals, 19 CSR 15), is authorized.

**§64-9-28. West Virginia Board of Respiratory Care.**

(a) The legislative rule filed in the State Register on June 27, 2019, authorized under the authority of §30-34-6a of this code, modified by the West Virginia Board of Respiratory Care to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 1, 2019, relating to the West Virginia Board of Respiratory Care (establishment of fees, 30 CSR 02), is authorized.

(b) The legislative rule filed in the State Register on June 27, 2019, authorized under the authority of §30-34-6a of this code, modified by the West Virginia Board of Respiratory Care to



8 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
9 Register on October 2, 2019, relating to the West Virginia Board of Respiratory Care (student  
10 temporary permit, 30 CSR 09), is authorized.

11 (c) The legislative rule filed in the State Register on December 10, 2019, authorized under  
12 the authority of §30-1-24 of this code, relating to the Board of Respiratory Care (consideration of  
13 prior criminal convictions in initial licensure determinations, 30 CSR 10), is authorized.

**§64-9-29. Board of Sanitarians.**

1 The legislative rule filed in the State Register on November 1, 2019, authorized under the  
2 authority of §30-17-6 of this code, modified by the Board of Sanitarians to meet the objections of  
3 the Legislative Rule-Making Review Committee and refiled in the State Register on January 7,  
4 2020, relating to the Board of Sanitarians (waiver of initial application fees and criteria for initial  
5 licensure, 20 CSR 05), is authorized.

**§64-9-30. Board of Social Work.**

1 (a) The legislative rule filed in the State Register on September 27, 2019, authorized under  
2 the authority of §30-30-6 of this code, modified by the Board of Social Work to meet the objections  
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on November  
4 1, 2019, relating to the Board of Social Work (qualifications for the profession of social work, 25  
5 CSR 01), is authorized.

6 (b) The legislative rule filed in the State Register on July 10, 2019, authorized under the  
7 authority of §30-30-6 of this code, modified by the Board of Social Work to meet the objections of  
8 the Legislative Rule-Making Review Committee and refiled in the State Register on October 10,  
9 2019, relating to the Board of Social Work (fee schedule, 25 CSR 03), is authorized.

**§64-9-31. Board of Speech-Language Pathology and Audiology.**

1 (a) The legislative rule filed in the State Register on June 28, 2019, authorized under the  
2 authority of §30-32-7 of this code, modified by the Board of Speech-Language Pathology and  
3 Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in

the State Register on November 4, 2019, relating to the Board of Speech-Language Pathology and Audiology (licensure of speech-pathology and audiology, 29 CSR 01), is authorized with the following amendments:

On page seven, subdivision 10.8.1.a., following the word “for”, by inserting the words, “active duty”.

And,

On page seven, subdivision 10.8.2.a., following the word “for”, by inserting the words, “active duty”.

(b) The legislative rule filed in the State Register on September 17, 2019, authorized under the authority of §30-32-7 of this code, modified by the Board of Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2019, relating to the Board of Speech-Language Pathology and Audiology (disciplinary and complaint procedures for speech-language pathology and audiology, 29 CSR 04), is authorized.

**§64-9-32. State Auditor.**

The legislative rule filed in the State Register on July 8, 2019, authorized under the authority of §6-9-2a of this code, relating to the State Auditor (local government purchasing card program, 155 CSR 06), is authorized.

**§64-9-33. State Conservation Committee.**

The legislative rule filed in the State Register on July 10, 2019, authorized under the authority of §19-21A-4(g)(11) of this code, relating to the State Conservation Committee (State Conservation Committee Grant Program, 63 CSR 03), is authorized.

**§64-9-34. Board of Veterinary Medicine.**

(a) The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-10-6 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

January 2, 2020, relating to the Board of Veterinary Medicine (organization and operation and licensing of veterinarians, 26 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-10-6 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 January 2, 2020, relating to the Board of Veterinary Medicine (registration of veterinary technicians, 26 CSR 03), is authorized.

(c) The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-10-6 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 January 2, 2020, relating to the Board of Veterinary Medicine (schedule of fees, 26 CSR 06), is authorized with the amendments set forth below:

On page 2, Section 3.6, by striking out "\$100.00" and inserting in lieu thereof "\$10.00";

On page 2, Section 3.7, by striking out "\$80.00" and inserting in lieu thereof "\$5.00";

On page 2, Section 3.8, by striking out "\$25.00" and inserting in lieu thereof "\$2.00";

And,

On page 2, Section 3.9, by striking out "\$80.00" and inserting in lieu thereof "\$6.00".



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

.....  
*Chairman, House Committee*

.....  
*Chairman, Senate Committee*

Originating in the House.

In effect from passage.

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*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

.....  
*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2020.

.....  
*Governor*