

**OCTOBER 14**



**AGENDA**

**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

**Monday, October 14, 1996, 5:00 p.m. to 8:00 p.m.**

**Senate Finance Committee Room - M-451**

- 1. Approval of Minutes - Meeting September 17, 1996**
- 2. Committee Business:**
  - a. Review of the Committee's recommendation options**
  - b. Discussion on fees in rules.**
- 3. Review of Legislative Rules:**
  - a. Division of Health  
Clinical Laboratory Technician and Technologist  
Licensure and Certification**
  - b. Economic Development Authority, WV  
General Administration of the West Virginia Capital  
Company Act: Establishment of the Procedures to implement  
the Act**
  - c. State Fire Commission  
State Building Code**
  - d. Governor's Committee on Crime, Delinquency and Correction  
Protocol for Law Enforcement Response to Domestic  
Violence**
  - e. Cable Television Advisory Board  
Implementing Rules**
  - f. Board of Pharmacy  
Controlled Substances Monitoring**
  - g. Board of Chiropractic Examiners  
Regulations of Chiropractic Examiners**
  - h. Division of Labor  
Manufactured Housing Construction and Safety Standards**
  - i. Board of Respiratory Care  
Procedures for Licensure Application Process**
  - j. Respiratory Care Board  
Establishment of Fees**

- k. Respiratory Care Board  
Continuing Educational Requirements
- l. State Tax Division  
Tax Credit for Qualified Agricultural Equipment
- m. Tax Division, State  
Personal Income Tax Low Income Exclusion
- n. Division of Motor Vehicles  
Motor Vehicle Inspection Manual
- o. Division of Motor Vehicles  
Compulsory Motor Vehicle Liability Insurance
- p. Division of Environmental Protection  
Underground Storage Tank Insurance Trust Fund
- q. Division of Environmental Protection, Office of Air  
Quality  
Confidential Information
- r. Division of Environmental Protection, Office of Water  
Resources  
Waste Loads
- s. Secretary of State  
Procedures for Recount of Election Returns
- t. Secretary of State  
Trademarks and Service Marks
- u. Board of Barbers & Cosmetologists  
Schedule of Fees
- v. Board of Barbers & Cosmetologists  
Procedures, Criteria and Curricula for Examination  
and Licensure of Barbers, Cosmetologists, Manicurists and  
(A) Estheticians
- w. Board of Barbers & Cosmetologists  
Qualifications, Training, Examination and Licensure of  
Instructors in Barbering and Beauty Culture
- x. State Auditor and Purchasing Division of the Department  
of Administration  
State Purchasing Card Program
- y. Auditor's Office, State  
Standards for Requisition for Payment Issued by State  
Officer on the Auditor
- z. Board of Accountancy  
Board Rules and Rules of Professional Conduct

3. Other Business:

Monday, October 14, 1996

5:00 - 8:00 p.m.

Legislative Rule-Making Review Committee  
(Code §29A-3-10)

Earl Ray Tomblin                      Robert "Chuck" Chambers,  
ex officio nonvoting member      ex officio nonvoting member

Senate

House

Ross, Chairman  
Grubb, Vice Chairman  
Anderson  
Boley  
Buckalew  
Macnaughtan

Douglas, Chairman  
Linch, Vice Chairman  
Compton (Absent)  
Faircloth  
Gallagher  
Riggs

The meeting was called to order by Ms. Douglas, Co-Chairman.

The minutes of the September 17, 1996, meeting were approved.

Debra Graham, Committee Counsel, reviewed for the Committee, the actions which it may take regarding proposed rules that come before it.

Ms. Graham asked for direction from the Committee regarding whether or not specific fees should be set forth in proposed rules.

Mr. Ross moved that where an agency wants to set a fee in a proposed rule, it must set a specific fee. The motion was adopted.

Joe Altizer, Associate Counsel, distributed and explained the proposed modifications which the Division of Health had submitted regarding its proposed rule, Clinical Laboratory Technician and Technologist Licensure and Certification. He stated that the proposed modifications had been agreed to by all of the interested in-state parties. Kay Howard, Regulatory Development office, of the Department of Health and Human Resources, responded to questions from the Committee.

Mr. Faircloth, moved that the proposed rule be approved as modified. The motion was adopted.

Rita Pauley, Associate Counsel, explained the rule proposed by the West Virginia Economic Development Authority, General Administration of the West Virginia Capital Company Act: Establishment of the Procedures to implement the Act, had been laid over from the last meeting to allow the Authority to submit

written proposed modifications. She stated that she had just received the proposed modifications and had not had a chance to review them. She briefly reviewed the proposed rule and her suggested modifications. Michael Funk, Special Counsel to the Authority, responded to questions from the Committee.

Mr. Ross moved that the proposed rule be placed at the bottom of the agenda to allow Ms. Pauley an opportunity to review the proposed rule. The motion was adopted.

Ms. Graham stated that the rule proposed by the State Fire Commission, State Building Code, had been laid over from the last meeting to allow the Commission an opportunity to consider Counsel's suggested modifications to the proposed rule. She stated that the Commission has agreed to the suggested modifications and responded to questions from the Committee. Francis Guffie, a member of the Commission, addressed the Committee and answered questions.

Mr. Ross, moved that the proposed rule be approved as modified and that it include the exception to the energy provisions in the most recent BOCA Code. The motion was adopted.

Ms. Graham reviewed the rule proposed by the Governor's Committee on Crime, Delinquency and Correction, Protocol for Law Enforcement Response to Domestic Violence, and stated that the Committee has agreed to technical modifications. John Davidson, representing the Governor's Committee, answered questions from the Committee.

Mr. Buckalew, moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the Cable Television Advisory Board, Implementing Rules, and stated that the Board has agreed to technical modifications.

Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed the rule proposed by the Board of Pharmacy, Controlled Substances Monitoring, and stated that the Board has agreed to technical modifications. She responded to questions from the Committee. William Douglas, Executive Director of the Board, answered questions from the Committee and agreed to modify the proposed rule to make it clear that controlled substances dispensed to inpatients are not required to be reported.

Mr. Gallagher, moved that the proposed rule be laid over to the Committee's next meeting. The motion was adopted.

Ms. Graham informed the Committee that the rule proposed by the Board of Chiropractic Examiners, Regulations of Chiropractic Examiners, has been withdrawn by the Board.

Ms. Graham reviewed the rule proposed by the Division of Labor, Manufactured Housing Construction and Safety Standards, and stated that the Division has agreed to technical modifications. Chris Quaesbarth, Deputy Commissioner, and Leff Moore, of the WV Manufactures, answered questions from the Committee.

Mr. Anderson, moved that the proposed rule be approved as modified. After further discussion, Mr. Anderson requested unanimous consent to withdraw his motion. There being no objection, the motion was withdrawn.

Ms. Boley, moved that the proposed rule be laid over to the Committee's next meeting. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the Board of Respiratory Care, Procedures for Licensure Application Process, and stated that the Board has agreed to technical modifications.

Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed the rule proposed by the Respiratory Care Board, Establishment of Fees, and stated that the Board has agreed to technical modifications.

Mr. Faircloth, moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the Respiratory Care Board, Continuing Educational Requirements, and stated that the Board has agreed to technical modifications.

Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed the rule proposed by the State Tax Division, Tax Credit for Qualified Agricultural Equipment, and stated that the Division has agreed to technical modifications. Keith Larson, representing the Tax Division, answered questions from the Committee.

Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the Tax Division, Personal Income Tax Low Income Exclusion, and stated that the Division has agreed to technical modifications.

Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed the rule proposed by the Division of Motor Vehicles, Motor Vehicle Inspection Manual, and stated that the Division has agreed to technical modifications. Jane Cline, Commissioner of the Division, responded to questions from the Committee.

Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the Division of Motor Vehicles, Compulsory Motor Vehicle Liability Insurance, and stated that the Division has agreed to technical modifications. Ms. Cline answered questions from the Committee.

Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Altizer reviewed the rule proposed by the Division of Environmental Protection, Underground Storage Tank Insurance Trust Fund, and stated that the Division has agreed to technical modifications.

Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Altizer explained his abstract on the rule proposed by the Division of Environmental Protection, Office of Air Quality, Confidential Information, and stated that the Division has agreed to technical modifications. Karen Price, representing the Manufacturers Association, addressed the Committee and responded to questions of the Committee.

Mr. MacNaughtan moved that lay over to the Committee's next meeting. The motion was adopted.

Ms. Douglas stated that Mr. Altizer had not had a chance to review his abstract on the rule proposed by the Division of Environmental Protection, Office of Water Resources, Waste Loads, with the Division. She removed it from the agenda and told the Committee that it would be on next month's agenda.

Ms. Graham explained her abstract on the rule proposed by the Secretary of State, Procedures for Recount of Election Returns, and stated that the Secretary of State has agreed to technical modifications.

Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed the rule proposed by the Secretary of State, Trademarks and Service Marks, and stated that the Secretary of State has agreed to technical modifications. Mary Ratliff, Deputy Secretary of State, responded to questions from the Committee.



Mr. Ross, moved that the proposed rule be approved as modified. The motion was adopted.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 10-14-96

TIME: 5:00 - 8:00

NAME Present Absent Yeas Nays

Chambers, Robert "Chuck", Speaker

Douglas, Vickie, Co-Chair

Linch, Larry, Vice-Chair

Compton, Mary Pearl

Faircloth, Larry V.

Gallagher, Brian

Riggs, Dale

Tomblin, Earl Ray, President

Ross, Michael, Co-Chair

Grubb, David, Vice-Chair

Anderson, Leonard

Boley, Donna

Buckalew, Jack

Macnaughtan, Don

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RE: \_\_\_\_\_  
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REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

COMMITTEE: Leg. Rule-Making Review

DATE: October 14, 1996

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
CHRIS QUASEBARTIL	DIVISION OF LABOR	DOL MANUFACTURERS HOUSING BOARD	IF NEEDED
FRANCIS GUYTON	CHARLESTON	STATE FIRE COMMISSION	X
Beth Shannon	601 Low Bldg	P.O. Box 6210 J311	if needed
Anna Parkman	PO Box 3709, Char WV 25337	Board of Resp. Care	if needed
JOHN MONTGOMERY	TAX & REVENUE	CHARLESTON	IF NEEDED
KEITH LARSEN	"	"	"
WAYNE WILLIAMS	"	"	"
Karen Pace	WV Manufacturers Assn	2001 QUANTER ST.	"
F. Gregory Lane	3004 Chestertield Ave. Charleston	CLMA	
Dale Fork/BERT LUDWIG	1558 Washburn St Charleston	WV DEP / OAD	Answer questions if needed
William St. Douglass Jr.	236 Capitol St.	WV Bd. of Pharmacy	If needed
Larry Absten	1716 Perry Ave. Char	Bd of Prof & Bus Cosmetologists	If needed
Mike Funk	Stephoe & Johnson	Economic Development Auth.	If needed
Ray Howard	Charleston	DHHR	If needed
Dr. Frank Lambert	"	"	"
Paul S Mollen	"	State Auditor	if needed
Tom RYAN	Sissonville	DOL-Mfg Housing Board	" "
Leg Moore	Intro	WV mfg Hous.	" "

*Dist. mt meeting 10/14/96*

**Date:** October 14, 1996  
**From:** Kay Howard *KH*  
**To:** Reviewers  
**Re:** Working Draft #3.2 Proposed Modified Clinical Laboratory Technician and Technologist Licensure and Certification Rule

Working Draft #3.2 Modified Rule (dated 10/14/96) uses the notation described below to differentiate among the various versions of the proposed "lab tech" licensure rule:

1) A shaded gray background shows proposed modifications new in Draft #3.2. New text is marking with gray shading and is also underlined. This text is proposed to be added to the agency-approved rule (see below). Text which was proposed to be added to the agency approved rule in Draft #2 which is to be deleted from Draft #3.2 is marked with underline plus strike-through plus gray shading. This text is not a proposed modification of the agency-approved rule. New deletions are marked with strike-through plus gray shading and are proposed to be deleted from the agency-approved rule. (This notation is a lot easier to understand just by looking at it than it is to describe.) Changes marked with a gray-shaded background were developed during the meeting of concerned State parties which occurred October 10, 1996, and were agreed to by all in attendance except the national representative of the American Society of Clinical Pathologists.

New clarifying text necessitated by the additional proposed modifications is noted in the same manner (7.4.1, 7.4.2, 7.4.3, 8.2.2.b). In addition to changes discussed at the meeting, the Committee's Counsel requested the addition of language to allow for an individual who might wish to perform additional moderate complexity tests. That text appears in proposed new 8.2.2.a as a "Provided further" clause.

2) Strike-through and underline notation without gray shading shows unchanged proposed modifications which were presented to the Legislative Rule-Making Review Committee at the 9/15/96 meeting between the "agency-approved rule" submitted to the Legislative Rule-Making Review Committee in October of 1995 (10/5/95) which represented: 1) Technical revisions requested by the Committee's counsel in order to bring the proposed rule in line with the authorizing statute; and, 2) Additional modifications developed by the Department regarding waived tests and provider-performed microscopy procedures.

The additional notation is necessary because some of the new text involves changes to previously proposed modifications. (The "agency-approved" rule included the Department's revisions to the rule subsequent to the public comment period in response to comments received.) Subject to approval by the Committee, the text which is underlined (with or without gray shading) would be added to the rule; text which is struck-through (with or without gray shading) would be deleted; and text marked with strike through plus underline plus gray shading disappears from consideration (will not be a modification).

# WORKING DRAFT

[PROPOSED MODIFIED RULE]

WEST VIRGINIA LEGISLATIVE RULE  
DIVISION OF HEALTH

CLINICAL LABORATORY TECHNICIAN AND TECHNOLOGIST  
LICENSURE AND CERTIFICATION

64 CSR 57

199\_

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Modified Rule Approved  
by the  
Legislative Rule-Making Review Committee

[Date]

**WEST VIRGINIA LEGISLATIVE RULE  
DIVISION OF HEALTH  
CLINICAL LABORATORY TECHNICIAN AND TECHNOLOGIST  
LICENSURE AND CERTIFICATION  
64 CSR 57**

**TABLE OF CONTENTS**

§64-57-1. General	1
§64-57-2. Application and Enforcement	1
§64-57-3. Definitions	2
§64-57-4. Incorporation by Reference	4
§64-57-5. Prohibition; Persons Subject to Licensure; Clinical Laboratory Practitioner Trainees	5
§64-57-6. Licensure Requirements	5
§64-57-7. Certification Requirements	6
§64-57-8. Exemption from Certification	7
§64-57-9. Expiration of Certification and Exemption	8
§64-57-10. Reciprocity	8
§64-57-11. Limitations on Certification, License and Use of Titles by Health Care Facilities	8
§64-57-12. Revocation and Non-issuance of Clinical Laboratory Practitioner Certifications and Licenses and Health Care Facility Licenses	9
<del>§64-57-13. Criminal Penalties</del>	9
§64-57-13. Hearings	9
§64-57-14. Severability	9



1 centers;

2 ~~2.2.3. Any laboratory operated by the federal government;~~

3 ~~2.2.4. Any laboratory operated purely for research or teaching purposes; or~~

4 2.2.1. Any individual who performs only laboratory tests published in the Federal  
5 Register as waived under CLIA by the Centers for Disease Control under the provisions of § 42  
6 CFR 493.15(a) - (d) 493.7;

7 2.2.2. Any physician, dentist, nurse practitioner, nurse midwife or physician assistant,  
8 licensed within this State working within the scope of his or her professional license, who  
9 performs only provider-performed microscopy procedures as found at § 42 CFR 493.19 (a) - (d);  
10 or

11 2.2.5, 2.2.3. Any individual who performs laboratory tests only on himself or herself  
12 or members of his or her family.

13 2.3. Enforcement - This rule is enforced by the secretary of the West Virginia department  
14 of health and human resources.

15 **§64-57-3. Definitions.**

16 3.1. CLIA - Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578)  
17 to Section 353 of the Public Health Service Act (Title 42 United States Code Section 263a).

18 3.2. Clinical Laboratory - Any facility or place, however named, for the biological,  
19 microbiological, serological, chemical, immuno-hematological, hematological, biophysical,  
20 cytological, pathological, or other examination of materials derived from the human body for the  
21 purpose of providing information for the diagnosis, prevention or treatment of any disease, or the  
22 impairment of, or the assessment of the health of human beings.

23 3.3. Clinical Laboratory Consultant - A person who:

24 3.3.1. Meets the qualifications for:

25 3.3.1.a. Moderate complexity testing technical consultant found at 42 CFR §  
26 493.1411;

27 3.3.1.b. Moderate complexity testing clinical consultant found at 42 CFR §  
28 493.1417; or

29 3.3.1.c. High complexity testing clinical consultant found at 42 CFR § 493.1455.

30 3.4. Clinical Laboratory Director - A person who:

31 3.4.1. Provides overall management and direction of a clinical laboratory; and



1 3.4.2. Meets the qualifications for directors of:

2 3.4.2.a. Moderate complexity testing laboratories found at 42 CFR § 493.1405;

3 3.4.2.b. High complexity testing laboratories found at 42 CFR § 493.1443; or

4 3.4.2.c. Waived clinical laboratories found at 42 CFR § 493.35.

5 ~~3.4.2.d. Laboratories performing provider performed microscopy (PPM) found at~~  
6 ~~§ 42 CFR 493.1357.~~

7 3.5. Clinical Laboratory Practitioner - ~~A person whose job tasks include specimen~~  
8 ~~processing, laboratory test performance, or laboratory test reporting in a clinical laboratory. A~~  
9 ~~laboratory technician or a clinical laboratory technologist.~~ The term "clinical laboratory  
10 practitioner" includes laboratory technicians and laboratory technologists, but does not include:  
11 clinical laboratory practitioner trainees; clinical laboratory directors, consultants, or supervisors  
12 whose job tasks do not include processing specimens, or performing or reporting laboratory tests;  
13 or physicians licensed under W. Va. Code § 30-3-1 et seq. or § 30-14-1 et seq. who perform  
14 laboratory tests only on their own patients.

15 3.6. Clinical Laboratory Practitioner Trainee - A person who is in a training program  
16 designed for his or her qualification as a clinical laboratory practitioner or who has successfully  
17 completed such a training program and has applied for, but not yet received a clinical laboratory  
18 practitioner license.

19 3.7. Clinical Laboratory Supervisor - A person who meets the qualifications for:

20 3.7.1. A high complexity testing technical supervisor found at 42 CFR § 493.1449;

21 3.7.2. A high complexity testing general supervisor found at 42 CFR § 493.1461; or

22 3.7.3. A high complexity testing cytology general supervisor found at 42 CFR §  
23 493.1469.

24 3.8. Contact Hours - The actual number of hours an individual participates in continuing  
25 education. Ten (10) contact hours equal one (1) continuing education unit.

26 3.9. Department - The West Virginia Department of Health and Human Resources.

27 3.10. Health Care Facility - An entity subject to licensure as a:

28 3.10.1. Birthing center under W. Va. Code § 16-2E-1 et seq.;

29 3.10.2. Hospital or extended care facility operated in connection with a hospital, or an  
30 ambulatory surgical facility, or an ambulatory health care facility, including a medical adult day  
31 care center under W. Va. Code § 16-5B-1 et seq.;

1 3.10.3. Nursing home or personal care home under W. Va. Code § 16-5C-1 et seq.;

2 3.10.4. Residential board and care home under W. Va. Code § 16-5C-1 et seq. and §  
3 16-5H-1 et seq.;

4 3.10.5. Hospice under W. Va. Code § 16-5I-1 et seq.;

5 3.10.6. Clinical laboratory under W. Va. Code § 16-5J-1 et seq.;

6 3.10.7. Hospital, center or institution for the care and treatment of the mentally ill or  
7 mentally retarded, or for the prevention of such disorders under W. Va. Code § 27-9-1 et seq.;

8 or  
9 3.10.8. Group residential facility for the developmentally disabled or behaviorally  
10 disabled under W. Va. Code § 27-17-1 et seq.

11 3.11. Laboratory Technician - ~~A clinical laboratory practitioner.~~ A person whose job tasks  
12 include specimen processing, laboratory test performance, or laboratory test reporting in a clinical  
13 laboratory.

14 3.12. Laboratory Technologist - ~~A clinical laboratory practitioner.~~ A person whose job tasks  
15 include specimen processing, laboratory test performance, or laboratory test reporting in a clinical  
16 laboratory.

17 3.13. Laboratory Test - The biological, microbiological, serological, chemical, immuno-  
18 hematological, hematological, biophysical, cytological, pathological, or other examination of  
19 materials derived from the human body for the purpose of providing information for the  
20 diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the  
21 health of human beings.

22 **§64-57-4. Incorporation by Reference.**

23 The following provisions of the October 1, 1994, edition of 42 CFR Part 493, Laboratory  
24 Requirements, as amended in the April 24, 1995 edition of the Federal Register (60 FR 20035),  
25 and as further amended and published by January 1, 1997, are hereby incorporated by reference:

26 4.1. 42 CFR § ~~493.15(a) - (d)~~ 493.7;

27 4.2. 42 CFR 493.19 (a) - (d);

28 4.3. 42 CFR § 493.35;

29 4.4. ~~42 CFR § 493.1357;~~

30 4.5. 42 CFR § 493.1363.

31 4.6. 42 CFR § 493.1405;

1           4.7. 42 CFR § 493.1411;

2           4.8. 42 CFR § 493.1417;

3           4.9. 42 CFR § 493.1423;

4           4.10. 42 CFR § 493.1443;

5           4.11. 42 CFR § 493.1449;

6           4.12. 42 CFR § 493.1455;

7           4.13. 42 CFR § 493.1461;

8           4.14. 42 CFR § 493.1469;

9           4.15. 42 CFR § 493.1483; and

10          4.16. 42 CFR § 493.1489.

11       **§64-57-5. Prohibition; Persons Subject to Licensure; Clinical Laboratory Practitioner**  
12       **Trainees.**

13           5.1. No person shall perform any clinical laboratory practitioner tasks in West Virginia,  
14       except as specified in this rule, unless the person is licensed by the secretary as a clinical labo-  
15       ratory practitioner.

16           5.2. A clinical laboratory practitioner trainee may perform tasks related to laboratory tests  
17       only under the personal and direct supervision of: a licensed clinical laboratory practitioner; or  
18       a clinical laboratory director, consultant or supervisor.

19       **§64-57-6. Licensure Requirements, Duration, Renewal.**

20           6.1. Applicants for a clinical laboratory practitioner license shall submit to the secretary:

21               6.1.1. A completed application form supplied by the secretary with the documentation  
22       of qualifications required by this rule;

23  
24               6.1.2. If employed in a clinical laboratory, a current job description and a statement  
25       identifying the specialty or specialties of laboratory tests for which the applicant has been trained  
26       and is currently competent to perform, except as specified in this rule. The required job  
27       description and statement of competency shall be signed and provided to the applicant by the  
28       applicant's clinical laboratory director. The attestation shall be partially based on the applicant's  
29       performance, if any, in proficiency testing programs; and

30               6.1.3. The licensure fee shown on the application as ~~may be set~~ authorized by W. Va.  
31       Code ~~or rule~~.

6.2. The secretary shall grant a clinical laboratory practitioner license to applicants who:

2 6.2.1. Are certified as a clinical laboratory practitioner under Section 7 of this rule or  
3 are exempt from certification under Section 8 of this rule; and

4 6.2.2. Comply with the requirements of section 6.1 of this rule.

5 6.3. An applicant for renewal of either a current or an expired license shall submit the  
6 application, information and licensure fee required by subsection 6.1 of this rule and evidence  
7 that the applicant has completed at least ten (10) contact hours (one (1) continuing education unit)  
8 of educational activities commensurate with the level of complexity of testing the individual  
9 performs from a program or programs approved by the secretary, since the issuance of his or her  
10 current or expired license, as applicable. Acceptable continuing educational activities include,  
11 but are not limited to, activities such as: lectures, seminars, workshops, formal classes, in-service  
12 programs or correspondence courses.

13 6.4. The secretary shall renew a license if the applicant complies with the requirements of  
14 subsection 6.3 of this rule.

15 6.5. A clinical laboratory practitioner license expires the earlier of:

16 6.5.1. One (1) year after issuance; or

17 6.5.2. The expiration of the individual's certification or exemption from certification  
18 as a clinical laboratory practitioner.

19 **§64-57-7. Certification Requirements.**

20 ~~7.1.~~ A person seeking certification as a clinical laboratory practitioner shall, at the time of  
21 application for initial licensure as a clinical laboratory practitioner, also apply for certification on  
22 the form provided by the secretary and submit documentation sufficient to establish that he or  
23 she meets one (1) of the following qualifications for certification: ~~established by this rule.~~

24 ~~7.2. An individual qualifies for certification as a clinical laboratory practitioner if the~~  
25 ~~individual:~~

26 ~~7.2.1.~~ 7.1. He or she is certified as a medical laboratory technician or technologist by the  
27 American Medical Technologists or the American Society of Clinical Pathologists;

28 ~~7.2.2.~~ 7.2. He or she is certified as a clinical laboratory technician or scientist by the Nation-  
29 al Certification Agency for Medical Laboratory Personnel;

30 ~~7.2.3.~~ 7.3. He or she was performing clinical laboratory practitioner tasks in a clinical  
31 laboratory in West Virginia on July 7, 1989; or

32 ~~7.2.4.~~ 7.4. He or she meets the qualifications, except for State licensure, for:

1 ~~7.2.4.a.~~ 7.4.1. Testing personnel found at 42 CFR § 493.1423, for persons performing  
2 moderate complexity tests; or

3 ~~7.4.2.~~ Testing personnel found at 42 CFR § 493.1489, for persons performing high  
4 complexity tests; or

5  
6 ~~7.2.4.b.~~ 7.4.3. Cytotechnologists found at 42 CFR § 493.1483, for persons performing  
7 cytological examinations; or

8 ~~7.2.5.~~ 7.5. He or she is certified under any other applicable federal program.

9 **§64-57-8. Exemption from Certification.**

10 8.1. A person seeking an exemption from certification as a clinical laboratory practitioner  
11 shall submit a request for exemption from certification on a form provided by the secretary. The  
12 request shall include a statement signed by the director of the clinical laboratory in which the  
13 applicant is employed of: the type and number of the laboratory's CLIA certificate, and which  
14 of the qualifications for exemption established by this rule the applicant meets.

15 The request shall include a document which identifies the type and number of CLIA certificate  
16 of the laboratory in which the person is employed and states the exemption qualification found  
17 in section 8.2 of this rule which applies to the person seeking the exemption. The document shall  
18 be signed by the clinical director of the laboratory.

19 8.2. The secretary shall exempt a person from certification as a clinical laboratory  
20 practitioner if:

21 8.2.1. He or she is employed in a clinical laboratory which holds a CLIA certificate  
22 other than a certificate of waiver; and

23 8.2.2. His or her laboratory director states that the person applying for exemption from  
24 certification meets the qualifications, except for State licensure, for:

25 8.2.2.a. Testing personnel found at 42 CFR § 493.1423, ~~or § 493.1489~~ : Provided,  
26 That the applicant shall submit with his or her application documentation that he or she has at  
27 least a high school diploma, a general education development certificate (GED), or an equivalent  
28 approved by the State department of education, and has had training designed to provide him or  
29 her the following with respect to the specific tests he or she will perform:

30 8.2.2.a.(1) The skills required for proper specimen collection, including patient  
31 preparation, if applicable, labeling, handling, preservation or fixation, processing or preparation,  
32 transportation and storage of specimens;

33 8.2.2.a.(2) The skills required for implementing all standard laboratory  
34 procedures;

35 8.2.2.a.(3) The skills required for performing each test method and for proper

1 instrument use;

2 8.2.2.a.(4) The skills required for performing preventive maintenance, trouble  
3 shooting and calibration procedures related to each test performed;

4 8.2.2.a.(5) A working knowledge of reagent stability and storage;

5 8.2.2.a.(6) The skills required to implement the quality control policies and  
6 procedures of the laboratory;

7 8.2.2.a.(7) An awareness of the factors that influence test results, and

8 8.2.2.a.(8) The skills required to assess and verify the validity of patient test  
9 results through the evaluation of quality control sample values prior to reporting patient test  
10 results, and Provided further: That, in the event that the individual is to perform additional tests,  
11 he or she shall submit to the secretary documentation of training related to the additional tests  
12 in the skills, knowledge, and awareness as required by Sections 8.2.2.a(1) through 8.2.2.a(8) of  
13 this rule; or

14  
15 8.2.2.b. For persons performing cytotechnological examinations, the qualifications  
16 for cytotechnologists found at 42 CFR § 493.1483. ~~or~~

17 ~~8.2.2.c. Persons performing provider provided microscopy as found at 42 CFR §~~  
18 ~~493.1363.~~

19 **§64-57-9. Expiration of Certification and Exemption.**

20 An individual's certification or exemption from certification as a clinical laboratory  
21 practitioner expires when the person holding the certification or the exemption no longer meets  
22 the qualifications stated in this rule for certification or for exemption from certification.

23 **§64-57-10. Reciprocity.**

24 The secretary may issue a clinical laboratory practitioner license or certification to a person  
25 who holds a license or certification from another jurisdiction which has licensure or certification  
26 requirements ~~at least comparable to~~ as stringent as the requirements of this rule. Applicants for  
27 reciprocity shall submit the license application fee and a statement from their licensing or certify-  
28 ing jurisdiction that they are in good standing with their application.

29 **§64-57-11. Limitations on Certification, License and Use of Titles by Health Care Facilities.**

30 11.1. Licensure or certification as a clinical laboratory practitioner does not authorize the  
31 person to perform laboratory tests unless his or her clinical laboratory director has determined  
32 that the person is qualified by education, training or experience to perform such tests.

33 11.2. Health care facilities shall not use the terms clinical laboratory practitioner, laboratory  
34 or medical technician or laboratory or medical technologist, or abbreviations thereof, to refer to

1 a person who is not licensed as a clinical laboratory practitioner.

2 **§64-57-12. Revocation and Non-issuance of Clinical Laboratory Practitioner Certifications**  
3 **and Licenses and Health Care Facility Licenses.**

4 12.1. A clinical laboratory practitioner license, certification, or exemption from certification,  
5 shall not be issued or shall be revoked if the applicant for or holder thereof:

6 12.1.1. Has misrepresented material facts in an application or has assisted another  
7 person in doing so;

8 12.1.2. Does not meet requirements for licensure, certification, or exemption from  
9 certification; or

10 12.1.3. Has been convicted of a felony involving laboratory practices.

11 ~~12.2. No license shall be issued to a health care facility as long as it uses in West Virginia~~  
12 ~~an unlicensed clinical laboratory practitioner.~~

13 ~~**§64-57-13. Criminal Penalties.**~~

14 ~~A violator of the provisions of this rule is subject to fine or imprisonment as found at W.~~  
15 ~~Va. Code §§ 16-1-18 and 16-5J-8.~~

16 **§64-57-13. Hearings.**

17 13.1. A request for a hearing may be made to the secretary by an applicant for a clinical  
18 laboratory practitioner certification or license, by a holder thereof or by a health care facility.  
19 The request shall specify the grounds relied upon as a basis for the relief requested.

20 13.2. Hearings shall be conducted in accordance with the provisions of W. Va. Code § 29A-  
21 5-1 et seq., and Rules of Procedure for Contested Case Hearings and Declaratory Rulings, West  
22 Virginia Administrative Rules, 64 CSR 1.

23 **§64-57-14. Severability.**

24 The provisions of this rule are severable. If any provision of this rule is held invalid,  
25 the remaining provisions remain in effect.

Dist. at meeting  
10-14-96

West Virginia  
Cable Television Advisory Board

201 Brooks Street, P.O. Box 812  
Charleston, West Virginia 25323



Phone: (304) 340-0441  
(304) 800-272-2253  
FAX: (304) 340-0774

James E. Sago, Chairman  
Lawrence M. Barrett  
David Howell  
Sam Kapourales  
Robert R. Legg, Jr.  
Robert L. Swoope  
James L. Walker

Mary Collins  
Executive Secretary

October 11, 1996


Ms. Debra Graham, Counsel  
West Virginia Legislature  
Legislative Rule-Making Review Committee  
Room MB47, State Capitol  
Charleston, West Virginia 25305

Dear Ms. Graham:

At its meeting held on Thursday, October 11, 1996, the West Virginia Cable Television Advisory Board resolved that it has no opposition to a proposal by the West Virginia Cable Television Association to amend the provisions of Title 187, Series 2, Late Fee Rule, Section 4, to delete the language "whichever is less" as contained in the Rule.

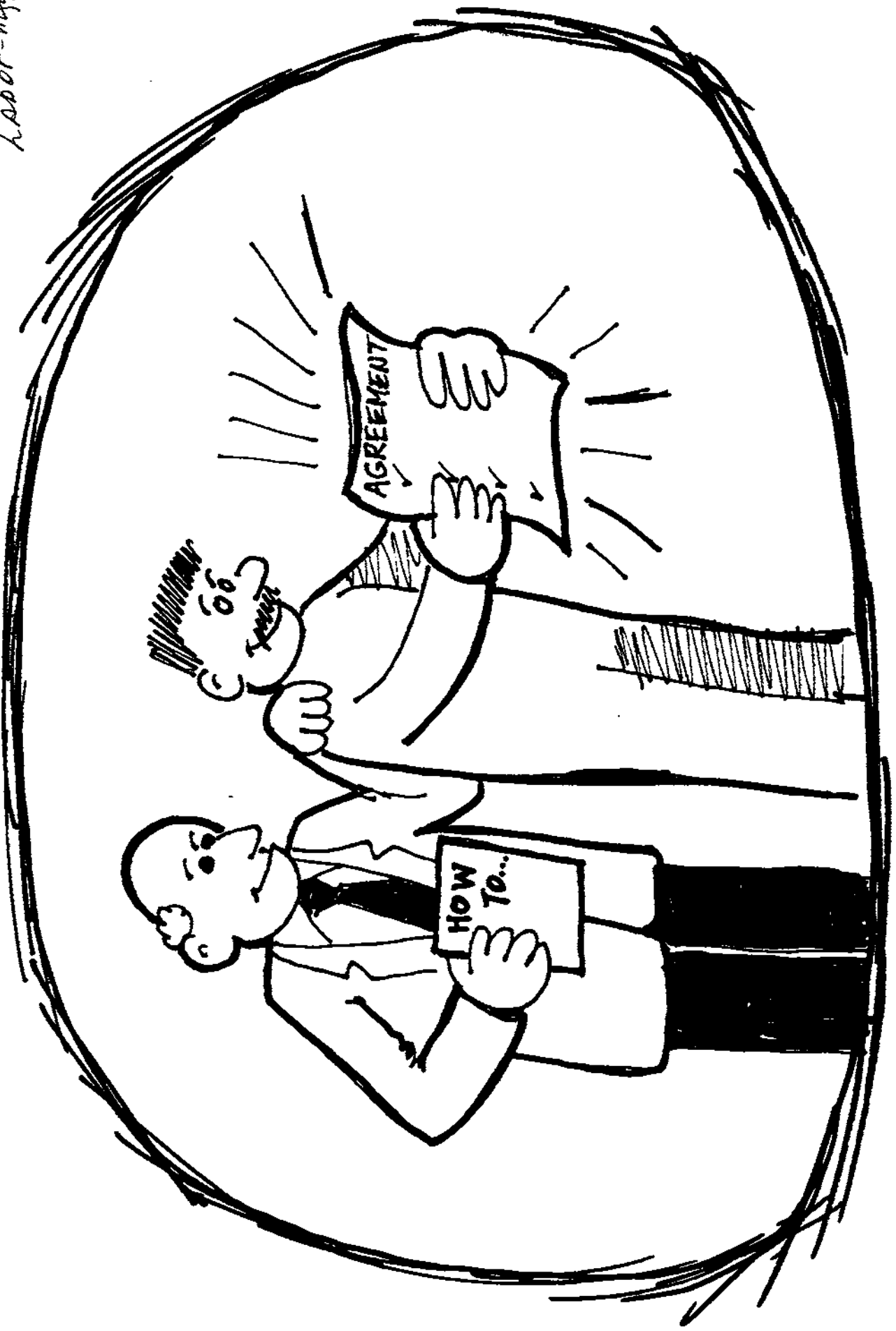
The proposal by the Cable Television Association was contained in a letter of September 12, 1996, from Mark Polen, Government Relations Representative, to Senator Ross and Representative Douglas, Co-Chairs of the Legislative Rule-Making Review Committee.

At the Board's meeting, Mr. Polen appeared and explained the Cable Association's proposal. The matter was discussed by the Board and the resolution above was passed unanimously.

Very truly yours,  
  
Mary Collins  
Executive Secretary



Dist. at meeting 10/14  
Labor - Mgr. Assoc.

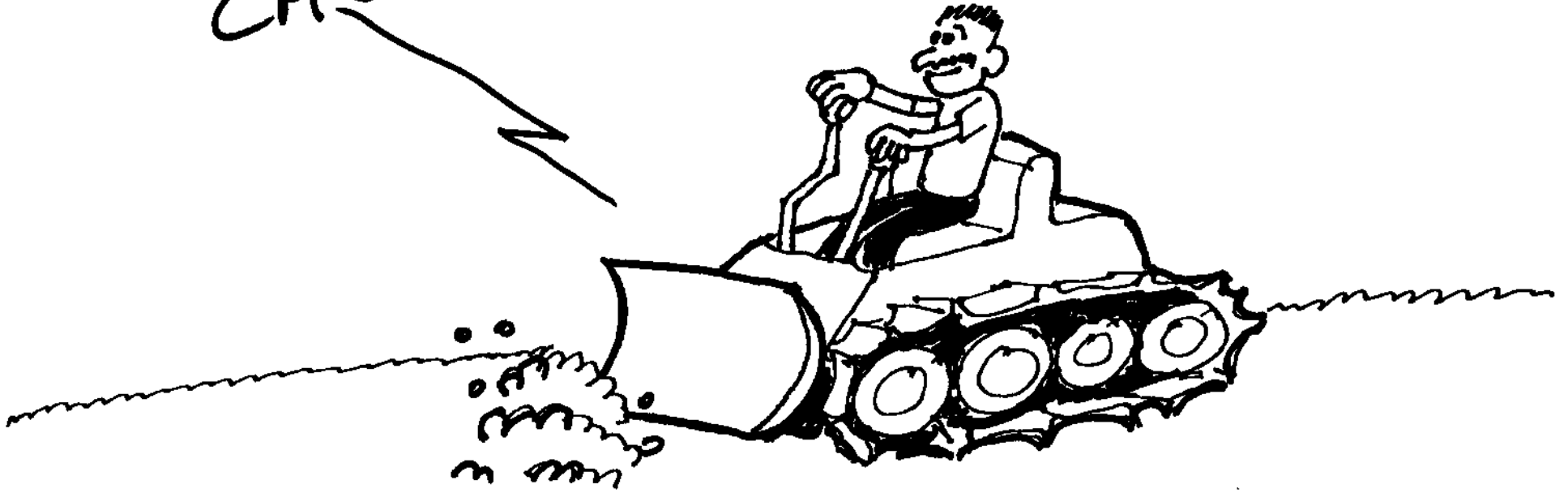




**EVALUATING THE SITE  
FOR COMPLIANCE**  
• DONE ONLY BY  
LICENSEE OF THE BOARD

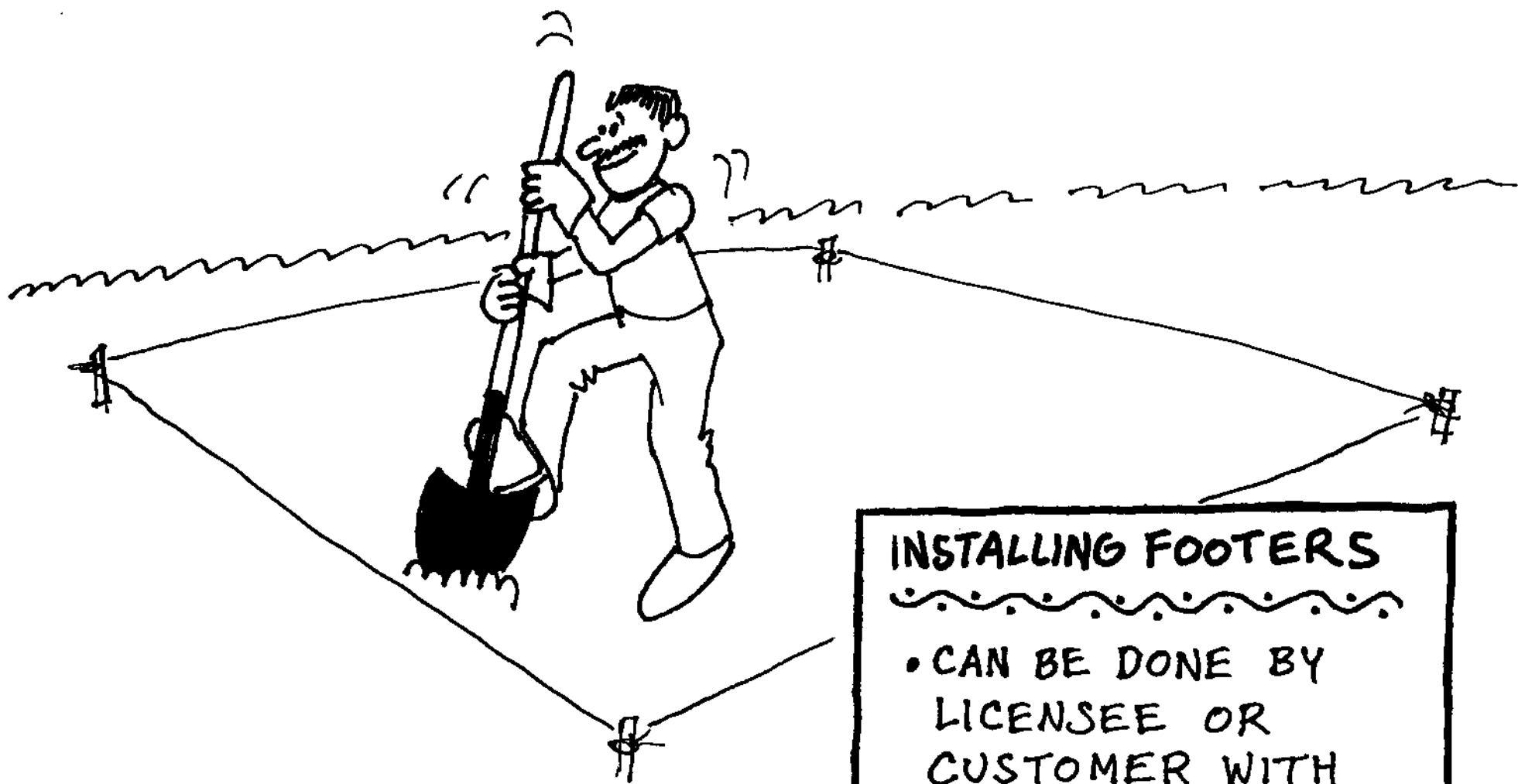


CHUG!  
CHUG!



## SITE PREPARATION

- CAN BE DONE BY LICENSEE OR CUSTOMER WITH INSTRUCTIONS.

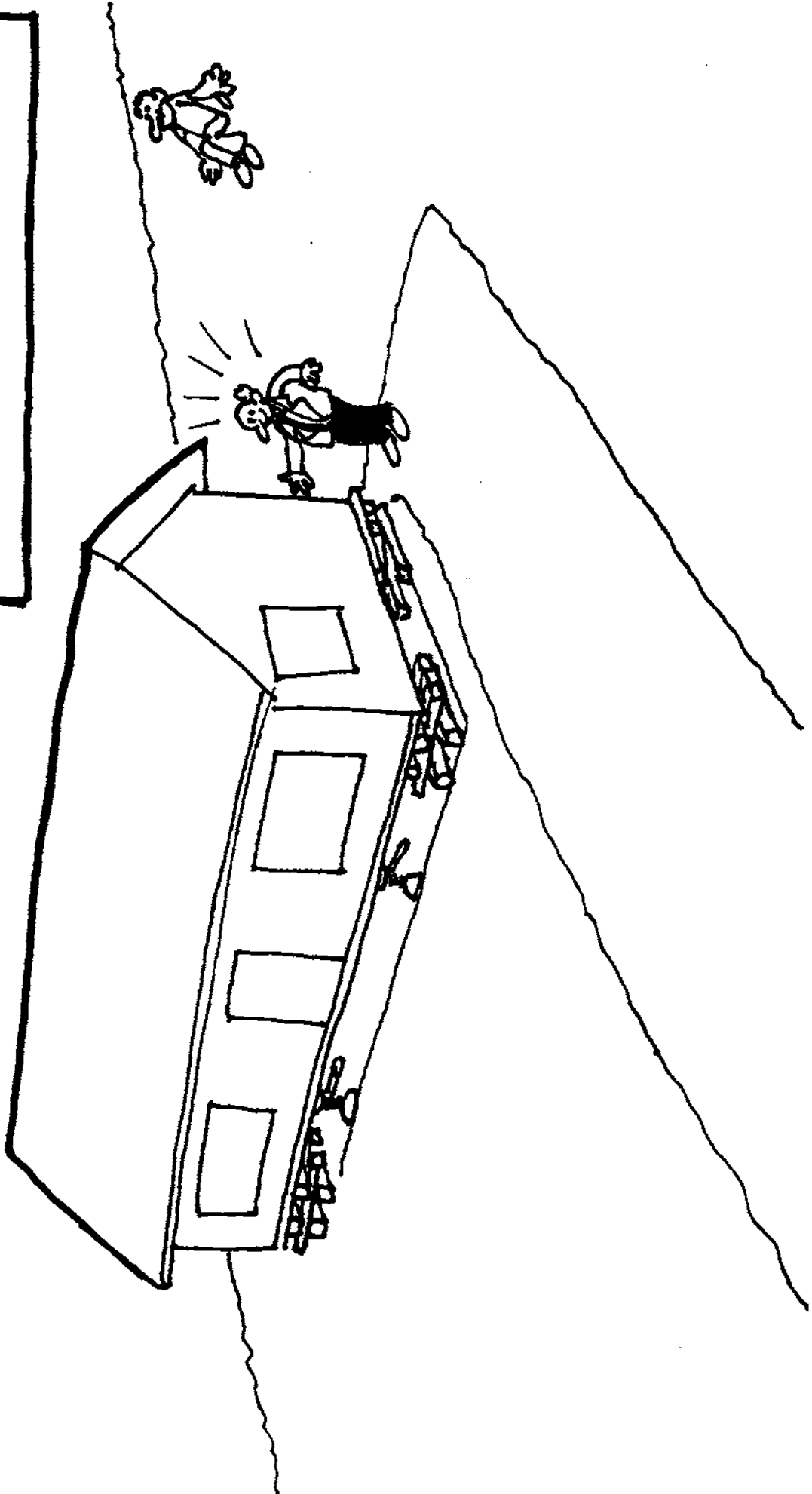


## INSTALLING FOOTERS

- CAN BE DONE BY LICENSEE OR CUSTOMER WITH INSTRUCTIONS.

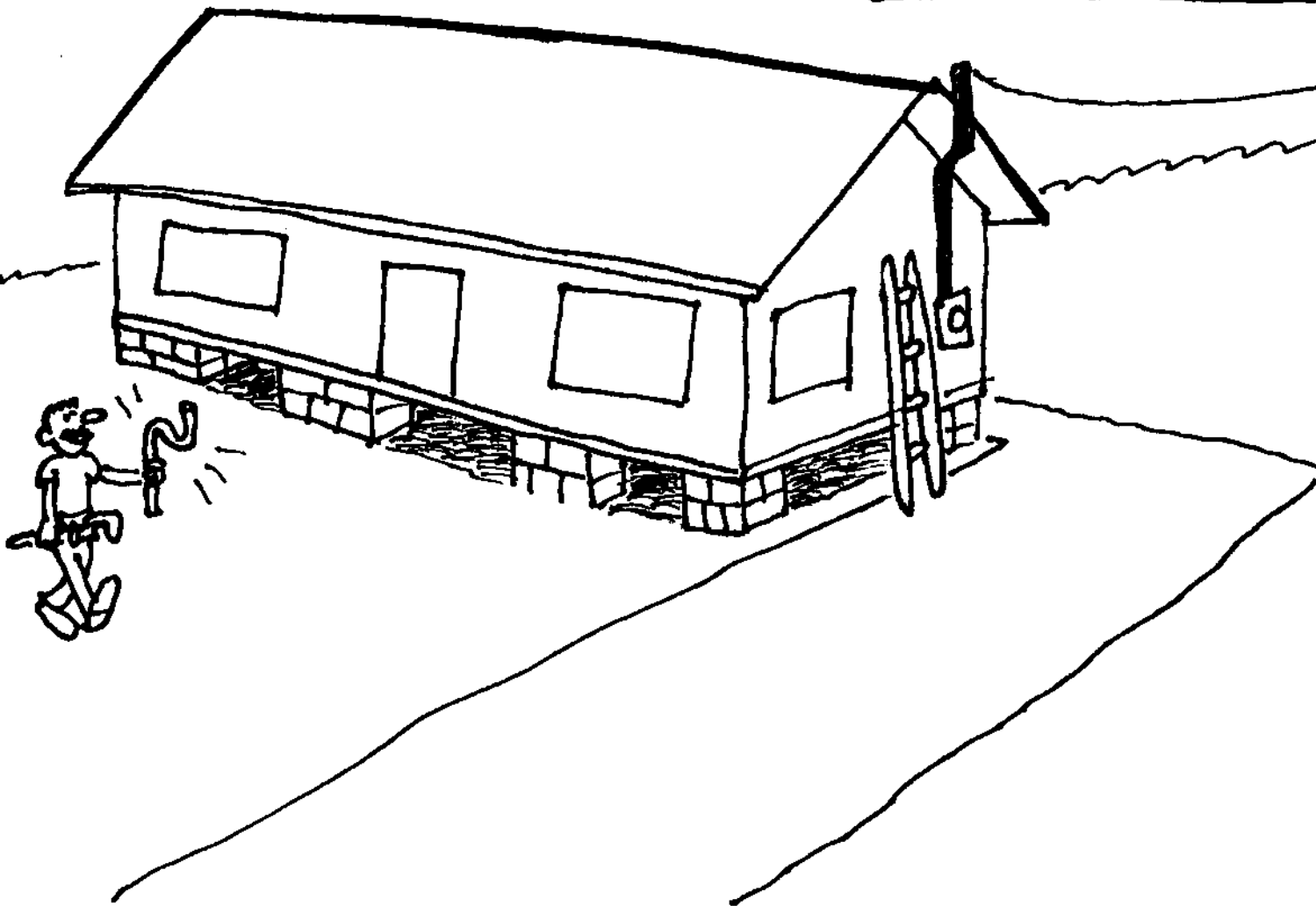
# LEVEL AND TRIM

• DONE ONLY BY  
LICENSEE OF THE BOARD.



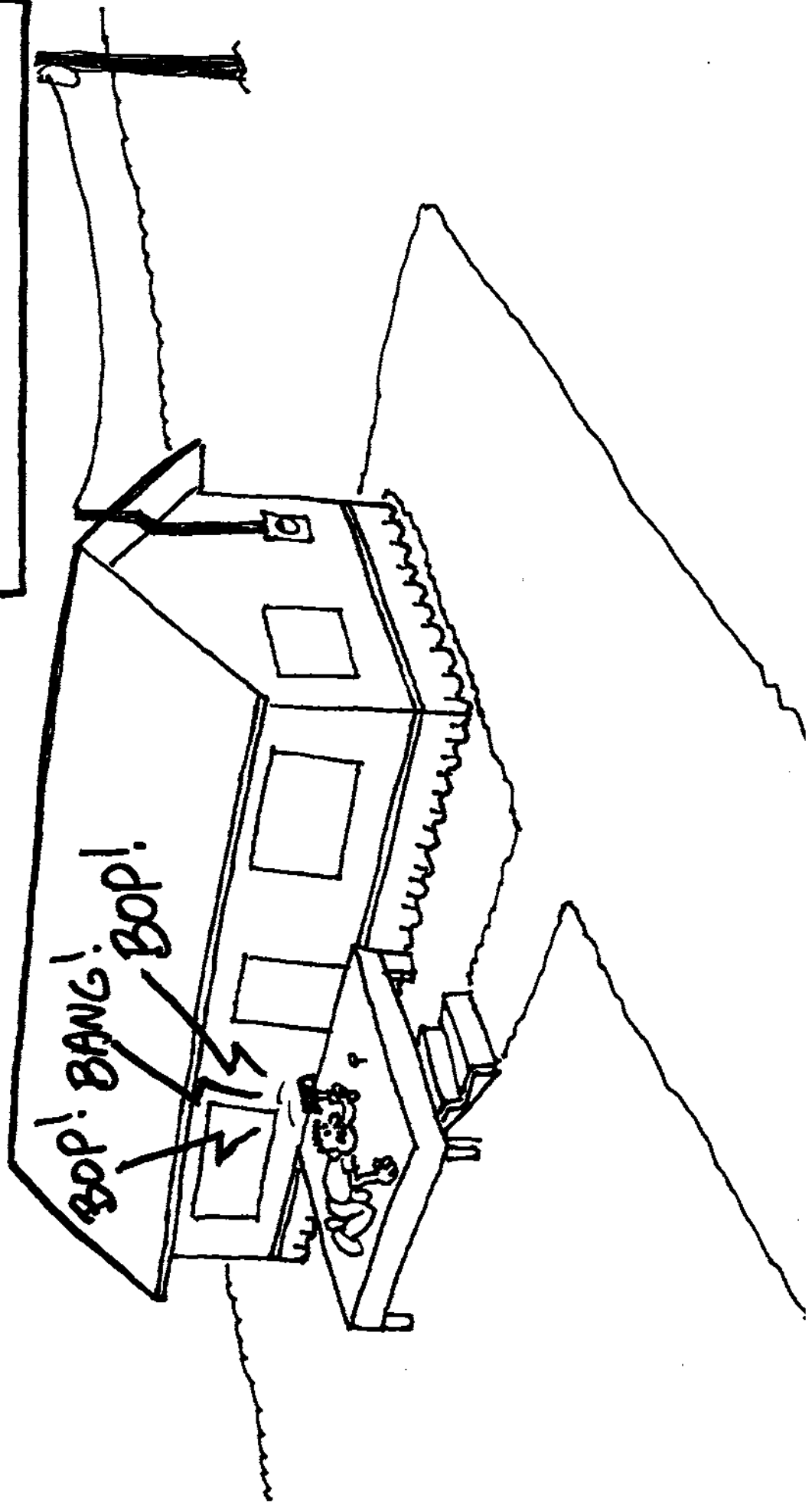
## UTILITY CONNECTIONS

• CAN BE DONE BY  
LICENSEE OR  
CUSTOMER WITH  
INSTRUCTIONS.



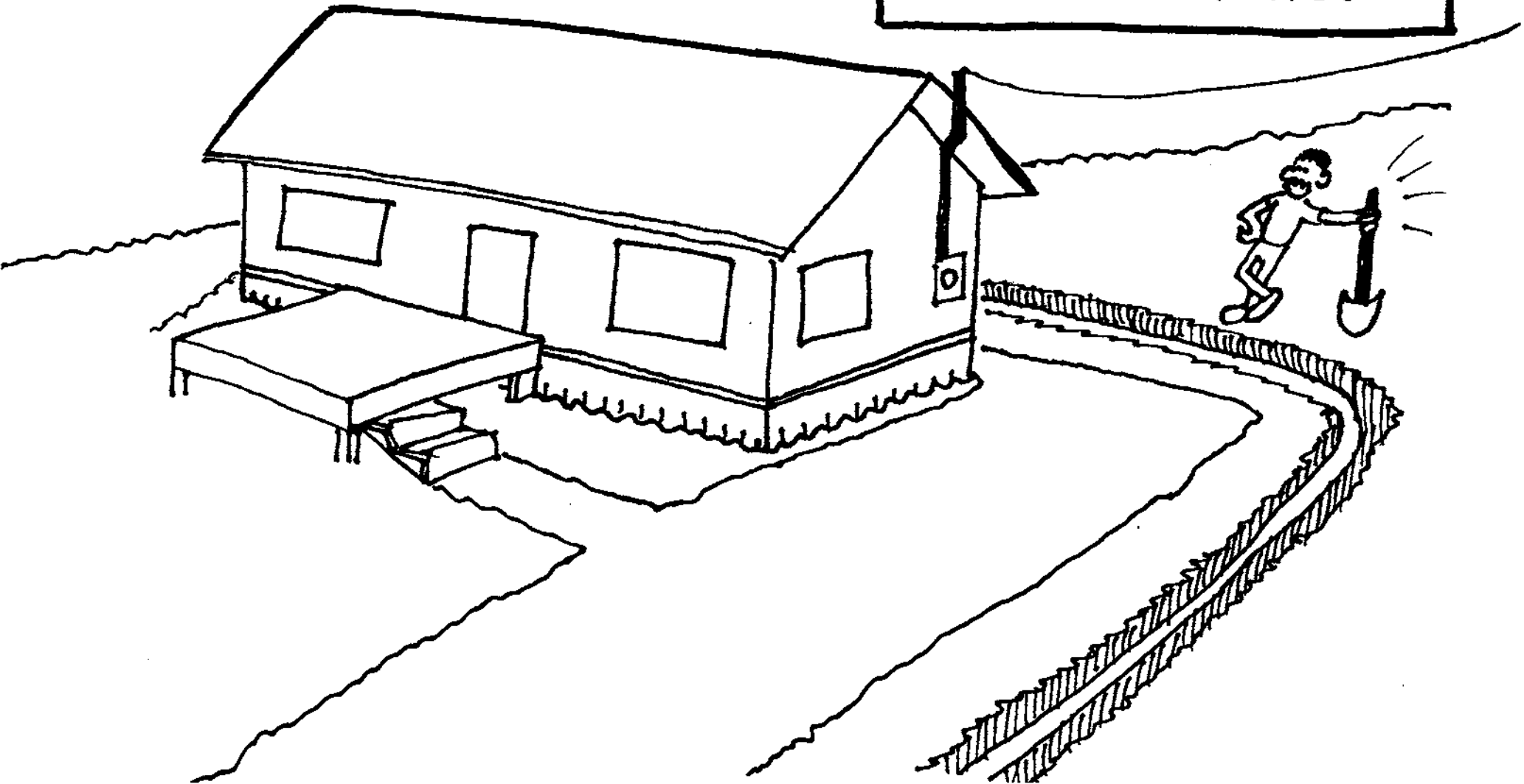
# OPTIONAL ACCESSORIES

- CAN BE DONE BY LICENSEE OR CUSTOMER WITH INSTRUCTIONS.



## FINAL GRADE AND WATER CONTROL

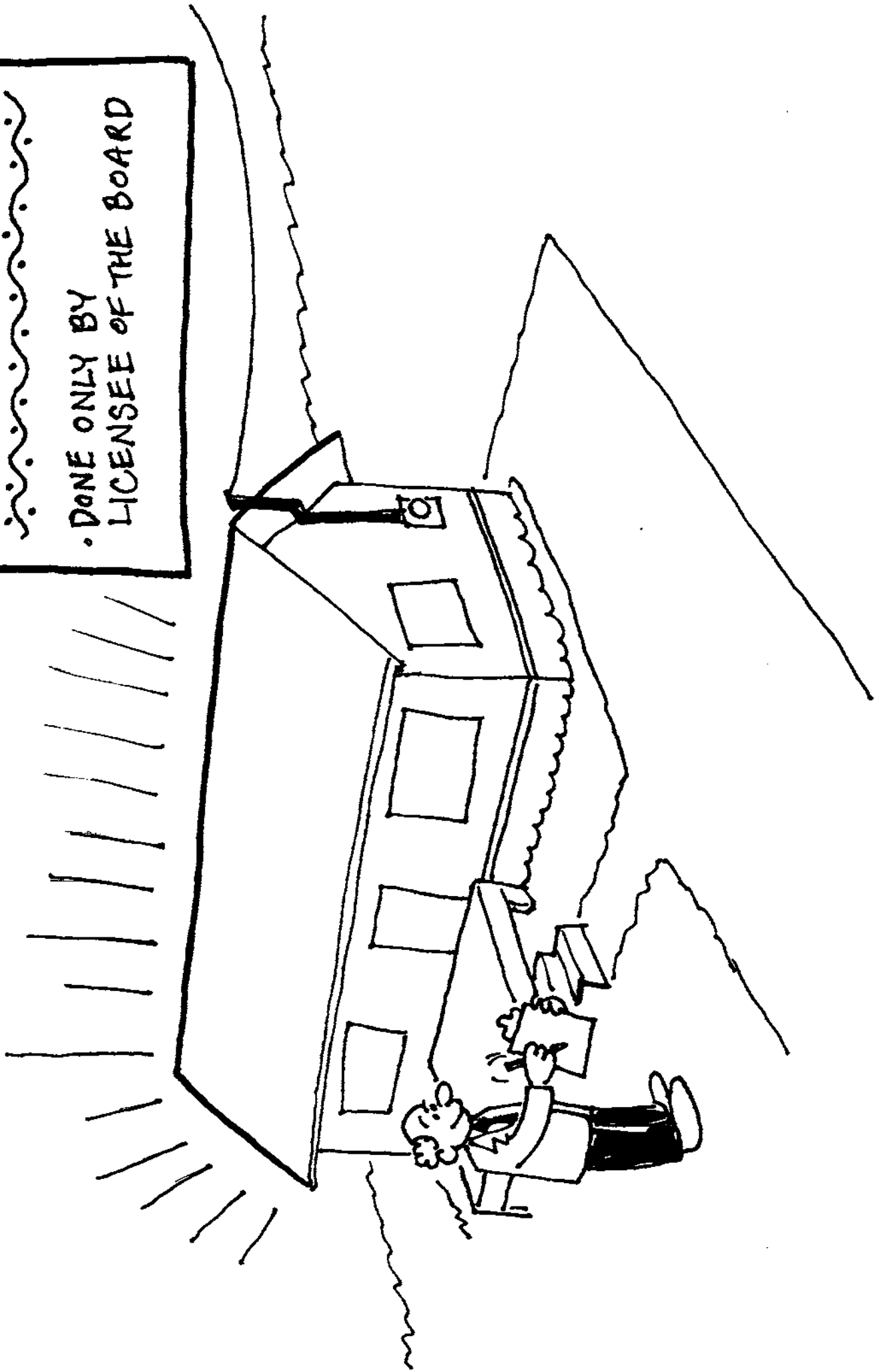
- CAN BE DONE BY  
LICENSEE OR  
CUSTOMER WITH  
INSTRUCTIONS.





**INSPECTION FOR  
COMPLIANCE WITH  
AGREEMENT**

• DONE ONLY BY  
LICENSEE OF THE BOARD



*Dist. mt meeting  
10-14-96*

West Virginia  
Cable Television Advisory Board

201 Brooks Street, P.O. Box 812  
Charleston, West Virginia 25323



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Very truly yours,  
*Mary Collins*  
Mary Collins  
Executive Secretary

# CHAPTER 13

## ENERGY CONSERVATION

### SECTION 1301.0 GENERAL

**1301.1 Scope:** Buildings shall be designed and constructed in compliance with the energy code listed in Chapter 35.

\*

*Boce*

# CGSB

Canadian General Standards Board  
222 Queens Street  
14th Floor, Suite 1402  
Ottawa, Ontario, Canada K1A 1G6

Standard reference number	Title	Referenced in code Section number
37-GP-52M - 84	Roofing and Waterproofing Membrane, Sheet Applied, Elastomeric .....	1505.4.2 1507.5.2
37-GP-54M - 79	Roofing and Waterproofing Membrane, Sheet Applied, Flexible, Polyvinyl Chloride .....	1507.5.3
37-GP-56M - 80	Membrane, Modified, Bituminous, Prefabricated, and Reinforced for Roofing — with December 1985 Amendment .....	1507.5.4

Building Officials and Code Administrators  
International, Inc.  
4051 West Flossmoor Road  
Country Club Hills, IL 60478-5795

# CODES\*

Standard reference number	Title	Referenced in code Section number
BNPMC - 96	BOCA National Property Maintenance Code .....	102.2 3401.2, 3401.4, 3408.3.2
BNFPC - 96	BOCA National Fire Prevention Code .....	102.2 201.3, 307.2, 307.8, Table 307.8(1), Table 307.8(2), 408.6, 412.3.7, 415.1, 416.14, 416.14.2, 417.1, 417.2.1, Table 417.2.1.1, 417.3, 417.5, 417.5.1, 417.5.2, 417.5.3, 417.5.5, 417.6, 417.6.1, 417.6.3, 418.1, 418.2, 418.2.1, 418.3, 418.3.1, 418.3.2, 418.3.2.3, 418.3.3, 418.4, 418.5, 419.2.3, 705.2.1, 707.1.1, 901.2, 901.4, 901.7, 904.5, 915.1, 921.2, 3103.1, 3305.1, 3305.2, 3401.2, 3401.4, 3408.3.2, 3408.6.8.1, 3408.6.14, 3408.6.14.1
IMC - 96	ICC International Mechanical Code .....	201.3 307.8, 408.4.1, 408.5, 411.3, 416.9, 417.1, 417.3, 418.3.1.4, 418.3.2, 418.3.3, 418.3.4, 419.2, 419.2.1, 602.4.2, 602.4.3, 718.2, 723.2, 910.6, 914.1, 1005.7, 1203.1, 1208.3, 1209.1, 1210.3, 2305.12, 2702.2, 2801.2, 2802.1, 2802.3, 2804.1, 2805.2.3, 2805.2.4, 2808.3, 2809.1, 3007.5, 3107.6, 3309.2, 3401.3, 3408.6.8, 3408.6.8.1
IPC - 95	ICC International Plumbing Code — with 1996 Supplement .....	201.3 408.4, 418.3.4, 602.4.3, 907.6.2, 1102.1, 1108.2, 1108.2.1, 1108.3, 1212.7, 1510.7.2, 1813.5.3, 2901.1, 2902.3, 2904.3, 2905.4.2, 2908.1, 2908.2, 3107.9, 3401.3
IPSDC - 95	ICC International Private Sewage Disposal Code — with 1996 Supplement .....	107.6.1 2906.1
OTFDC - 95	CABO One & Two Family Dwelling Code .....	310.6
MEC - 95	CABO Model Energy Code .....	1301.1

\* All publications are available from BOCA

# CPSC

Consumer Product Safety Commission  
Office of the Secretary  
Washington, DC 20207

Standard reference number	Title	Referenced in code Section number
16 CFR; 1201 - 77	Safety Standard for Architectural Glazing .....	2405.1 2405.1, 2407.2
16 CFR; 1209 - 79	Interim Safety Standard for Cellulose Insulation .....	723.5
16 CFR; 1404 - 79	Cellulose Insulation .....	723.5
16 CFR; 1500 - 84	Hazardous Substances and Articles; Administration and Enforcement Regulations .....	307.2
16 CFR; 1630 (DOC FF-1) - 70	Standard for the Surface Flammability of Carpets and Rugs .....	805.3 805.5

# DOC

United States Department of Commerce  
National Institute of Standards and Technology  
Gaithersburg, MD 20899

Standard reference number	Title	Referenced Section
PS 1 - 95	Construction and Industrial Plywood .....	
PS 2 - 95	Performance Standard for Wood-Based Structural-Use Panels .....	
PS 20 - 94	American Softwood Lumber Standard .....	
FF-1 (CPSC 16 CFR; 1630) - 70	Standard for the Surface Flammability of Carpets and Rugs .....	

# DOTn

U.S. Department of Transportation  
c/o Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402-9325

Standard reference number	Title
49CFR; 100-199 - 88	Specification for Transportation of and Other Dangerous Articles, SI Containers .....

**SECTION 119  
ENERGY CONSERVATION**

**119.1 General.** Provisions for energy conservation are contained in Appendix E and shall be enforceable only when specifically adopted by the jurisdiction.

*CA Bw*

## APPENDIX E ENERGY CONSERVATION

Energy Conservation shall be based on the 1995 edition of the *CABO Model Energy Code*. These provisions shall apply to all site-built and prefabricated housing units, with the exception of manufactured (mobile) homes.