

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: WV Board of Risk and Insurance Management TITLE NUMBER: 115

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Public Entities Insurance Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

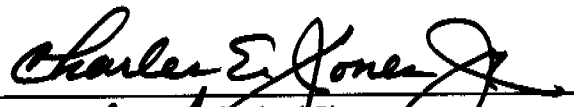
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

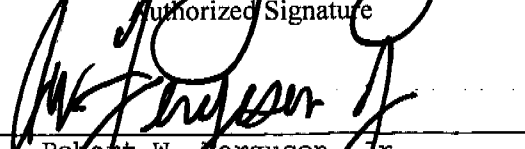
AUTHORIZATION IS CITED IN (house or senate bill number) SB 382

SECTION 64-2-6(a), PASSED ON April 9, 2005

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2005



Authorized Signature



Robert W. Ferguson Jr.
Cabinet Secretary
Department of Administration

\$5.20

FILED

2005 MAY 13 P 4: 10

TITLE 115
LEGISLATIVE RULES
STATE BOARD OF RISK AND INSURANCE MANAGEMENT
SERIES 2
PUBLIC ENTITIES INSURANCE PROGRAM

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§115-2-1. General.

1.1. Scope. -- This rule establishes the procedures for implementing and administering the public entities insurance program as established by W. Va. Code §§29-12-5(b) and 29-12A-1 et seq. The purpose of the program is to provide liability insurance coverage and property insurance coverage to eligible and qualified political subdivisions, charitable or public service organizations and emergency medical service agencies.

1.2. Authority. -- W. Va. Code §§29-12-5(a), 29-12-14.

1.3. Filing Date. -- May 18, 2005

1.4. Effective Date. -- July 1, 2005

§115-2-2. Definitions.

2.1. "Board" means the state board of risk and insurance management.

2.2. "Entity" means the political subdivisions, charitable or public service organizations and emergency medical service agencies requesting or obtaining liability or property insurance.

2.3. "Agent" means a resident property and casualty agent currently licensed as such by the state insurance commissioner.

2.4. "Information packet" means the questionnaire, survey, or any other underwriting data that may be requested by the board and furnished to the entity or agent.

2.5. "Fee agreement" means the document and/or agreement provided to the entity or agent for the purpose of paying the agent a service fee.

2.6. "Service fee" means the data acquisition cost and/or commission which shall be no greater than eight percent of the annual earned premium charged to the entity.

§115-2-3. Designation of Agent of Record.

3.1. Each entity which seeks to procure liability and/or property insurance through the board shall use a resident licensed property and casualty insurance agent pursuant to W.Va. Code §33-12-1 et seq.

3.2. The entity shall designate an agent of record in writing to the board either by signed letter or signed fee agreement.

3.3. Failure by an entity to comply with the requirements of subdivisions 3.1 or 3.2 will result in non-acceptance of an entity or non-renewal of an entity in the public entities insurance program.

3.4. The board shall furnish an information packet to the entity's agent of record. The entity and its agent of record are jointly responsible for submitting the information packet completed in a manner acceptable to the board.

3.5. The board may refer to the state insurance commissioner for disciplinary action any agent of record who fails to satisfactorily complete the information packet.

3.6. The board may ask the entity to designate another agent of record if its agent fails to satisfactorily complete the information packet.

§115-2-4. Service Fee.

4.1. The board shall include an amount designated as a service fee in the insurance premium charged to the entity. These moneys may be used to defray administrative expenses incurred as a result of the acquisition of underwriting data by the board. These moneys may be forfeited to the board to defray expenses incurred by the board as a result of the submission by the entity and/or agent of record of information and data not completed in a manner acceptable to the board.

4.2. The service fee cost is an amount equal to eight percent of the annual earned premium charged the entity for insurance coverage.

§115-2-5. Commission of Agent of Record.

5.1. The amount of commission or fee of the agent of record is a matter to be resolved between the entity and its agent.

5.2. The commission of the agent of record shall not exceed eight percent of the earned annual premium.

§115-2-6. Ineligible Classes.

6.1. The following classes of entities have been determined by the board to be ineligible for coverage under W. Va. Code §29-12-5(b):

a. Hospitals - except those owned and operated by political subdivisions already insured with the state program, or critical access hospitals as specified in W.Va. Code §29-12-5(b);

b. Airports and airport authorities.

c. Churches and religious organizations.

d. Country clubs.

e. Homeowners associations.

f. Lobbying organizations.

g. Political organizations.

h. Any "for profit" organizations, except emergency medical service agencies as specified in W.Va. Code §29-12-5(b).

6.2. If any entity listed in subsection 6.1 of this section is insured in the public entity insurance program, the board shall renew its coverage; however, the board shall not accept any entity in said ineligible classes after February 1, 1988.

§115-2-7. Rates and Coverages.

The board shall determine and establish rates, rate programs, deductibles, and coverages as needed.

§115-2-8. Cancellation and Nonrenewal Provisions.

8.1. The board may cancel an entity's insurance coverage for any of the following reasons:

8.1.a. The entity's failure to make a premium payment within thirty (30) days of the premium due date;

8.1.b. Fraud or substantial misrepresentation by the entity or a representative of the entity procuring or continuing the insurance coverage or in presenting a claim under the insurance coverage;

8.1.c. A substantial increase in the risk of loss to which the public entity insurance program is exposed under the policy, including, but not limited to, the following:

8.1.c.1. The conviction of the entity or a representative of the entity of any crime having as one of its necessary elements an act increasing any hazard insured against;

8.1.c.2. Discovery of willful or reckless acts or omissions on the part of any officer, employee or volunteer of the entity which substantially increases any hazard insured against;

8.1.c.3. The occurrence of a change in the risk which substantially increases any hazard insured against after insurance coverage has been issued or renewed;

8.1.c.4. The entity has a loss ratio exceeding one hundred percent in at least three of the past five years in the program; or

8.1.c.5. The entity's violation of any local fire, health, safety, building or construction regulation or ordinance with respect to any insured property or the occupancy thereof which substantially increases any hazard insured against;

8.1.d. The entity violates any of the material terms or conditions of the insurance coverage or the public entity insurance program; or

8.1.e. The entity no longer qualifies for participation in the public entity insurance programs administered by the board.

8.2. The board shall give an entity at least a thirty (30) day notice of cancellation of coverage by written notice to the entity by certified mail, return receipt requested. The notice shall comply with the requirements of section 8.4 of these rules.

8.3. The board shall renew an entity's insurance coverage, unless at least sixty (60) days prior to the date of the expiration provided in the certificate of coverage, the board provides the entity with a written notice, by certified mail, return receipt requested, of its intention not to renew the insurance coverage beyond the expiration date. The notice shall comply with section 8.4 of these rules unless the entity is insured elsewhere, has accepted replacement coverage, or has requested or agreed to the nonrenewal.

8.4. In every instance in which insurance coverage is cancelled or is not renewed, the board shall cite within the written notice of the action the reason or reasons set forth in section 8.1 of this rule for which the action was taken and shall state with specificity the circumstances giving rise to the board's action. The notice shall further state that the entity has a right to appeal the determination pursuant to section 8.6 of this

rule, and the right to be represented by counsel during such appeal as specified in the fee agreement.

8.5. Upon cancellation of a policy, the entity's agent of record shall refund commissions on the return premium to the board at the same rate at which such commissions were paid.

8.6. Any entity whose coverage has been cancelled or nonrenewed, may appeal the decision to the board by filing a written petition for appeal, conforming to the procedural rules promulgated by the board within fifteen (15) calendar days of receipt of the notice of cancellation or nonrenewal.

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
BOARD OF RISK AND INSURANCE MANAGEMENT



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Title 115
Legislative Rule
State Board of Risk and Insurance Management

Series 2
Public Entities Insurance Program

CONSENT TO FILING

I, John T. Poffenbarger, Acting Cabinet Secretary to the Department of Administration, do hereby consent to the filing of Title 115, Series 2, titled "Public Entities Insurance Program."

7-30-04
Date

Leather A. Connolly
for John T. Poffenbarger, Acting Cabinet Secretary
Department of Administration

**TITLE 115
LEGISLATIVE RULE
STATE BOARD OF RISK AND INSURANCE MANAGEMENT**

**SERIES 2
PUBLIC ENTITIES INSURANCE PROGRAM**

PROMULGATION HISTORY

Notice of Comment Period on a Proposed Rule	July 23, 2004
Notice of Agency Approval of a Proposed Rule And Filing with the Legislative Rule-Making Review Committee	August 26, 2004
Notice of Rule Modification of a Proposed Rule	January 20, 2005
Notice of Final Filing and Adoption of a Legislative Rule Authorized by the WV Legislature	May 18, 2005

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 382

(Senators Minard, Fanning, Prezioso,
Unger, Boley and Minear , *original sponsors*)

[Passed April 9, 2005; in effect from passage.]

AN ACT to amend and reenact §64-1-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact article 2, chapter 64 of said code, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing Department of Administration to promulgate a legislative rule relating to leasing space on behalf of state spending units ; authorizing Department of Administration to promulgate a legislative rule relating to state-owned vehicles ; authorizing Consolidated Public Retirement Board to promulgate a legislative rule relating to general provisions ; authorizing Consolidated Public Retirement Board to promulgate a legislative rule relating to Deputy Sheriff Retirement System; authorizing Consolidated Public Retirement Board to promulgate a legislative rule relating to benefit determination and appeal ; authorizing Consolidated Public Retirement Board to promulgate a legislative rule relating to the Teachers Defined Contribution System; authorizing Consolidated Public Retirement Board to promulgate a legislative rule relating to the Teachers Defined Benefit Plan ; authorizing

Consolidated Public Retirement Board to promulgate a legislative rule relating to the Public Employees Retirement System; authorizing Consolidated Public Retirement Board to promulgate a legislative rule relating to West Virginia State Police disability determination and appeal process ; authorizing Ethics Commission to promulgate a legislative rule relating to code of conduct for administrative law judges; authorizing Division of Information Services and Communications to promulgate a legislative rule relating to telecommunications payments by spending units; authorizing Division of Personnel to promulgate a legislative rule relating to administration of the Division; authorizing Division of Personnel to promulgate a legislative rule relating to preemployment references and inquiries; authorizing Board of Risk and Insurance Management to promulgate a legislative rule relating to the Public Entities Insurance Program; and authorizing Board of Risk and Insurance Management to promulgate a legislative rule relating to the Patient Injury Compensation Fund.

Be it enacted by the Legislature of West Virginia:

That §64-1-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that article 2, chapter 64 of said code be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL LEGISLATIVE AUTHORIZATION.

§64-1-1. Legislative authorization.

Under the provisions of article three, chapter twenty-nine-a of the Code of West Virginia, the Legislature expressly authorizes the promulgation of the rules described in articles two through eleven, inclusive, of this chapter, subject only to the limitations set forth with respect to each such rule in the section or sections of this chapter authorizing its promulgation. Legislative rules promulgated pursuant to the provisions of articles one through eleven, inclusive, of this chapter in effect at the effective date of this section shall continue in full force and effect until reauthorized in this chapter by legislative enactment or until amended by emergency rule pursuant to the provisions of article three, chapter twenty-nine-a of this code.

ARTICLE 2. AUTHORIZATION FOR DEPARTMENT OF ADMINISTRATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-1. Department of Administration.

(a) The legislative rule filed in the State Register on the twenty-seventh day of August, two thousand four, under the authority of section forty-two, article three, chapter five-a of this code modified by the Department of Administration to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the sixteenth day of November, two thousand four, relating to the Department of Administration (leasing space on behalf of state spending units, 148 CSR 2) is authorized, with the following amendment:

On page seven, by striking out all of subsection 12.6.

(b) The legislative rule filed in the State Register on the twenty-seventh day of August, two thousand four, under the authority of section forty-eight, article three, chapter five-a of this code relating to the Department of Administration (state-owned vehicles, 148 CSR 3) is authorized.

§64-2-2. Consolidated Public Retirement Board.

(a) The legislative rule filed in the State Register on the twenty-fourth day of August, two thousand four, under the authority of section one, article ten-d, chapter five of this code modified by the Consolidated Public Retirement Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the seventeenth day of November, two thousand four, relating to the Consolidated Public Retirement Board (general provisions, 162 CSR 1) is authorized, with the following amendment:

On page three, subdivision 6.2.1., lines sixteen and seventeen, by striking out the words "Accrued Retirement Benefit" and inserting in lieu thereof the words "vested accrued retirement benefit";

On page three, paragraph 6.2.1.1., by striking out the paragraph in its entirety and inserting in lieu thereof the following:

6.2.1.1. "Vested accrued retirement benefit" means the benefit due to the member as of the date specified by the parties in the Qualified Domestic Relations Order set out in subdivision 6.2.2. of this rule.;

On page three, subdivision 6.2.3., line nine, by striking out the words "Accrued Retirement Benefit" and inserting in lieu thereof the words "vested accrued retirement benefit";

On page three, subdivision 6.2.4., line nine, by striking out the words "Accrued Retirement Benefit" and inserting in lieu thereof the words "vested accrued retirement benefit";

On page four, paragraph 6.2.5.3., lines three and four, by striking out the words "Accrued Retirement Benefit" and inserting in lieu thereof the words "vested accrued retirement benefit";

And,

On page four, subdivision 6.2.8., line six, by striking out the words "Moreover, no qualified domestic relations order will be honored by the board while a loan under the above two sections is outstanding" and inserting in lieu thereof the words "Provided, That, a member may borrow from that portion of his or her individual account not subject to the qualified domestic relations order."

(b) The legislative rule filed in the State Register on the twenty-fourth day of August, two thousand four, under the authority of section one, article ten-d, chapter five of this code modified by the Consolidated Public Retirement Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the seventeenth day of November, two thousand four, relating to the Consolidated Public Retirement Board (Deputy Sheriff Retirement System, 162 CSR 10) is authorized, with the following amendment:

On page six, by striking out section fourteen in its entirety, and redesignating the remaining sections and their components accordingly.

(c) The legislative rule filed in the State Register on the twenty-fourth day of August, two thousand four, under the authority of section one, article ten-d, chapter five of this code modified by the Consolidated Public Retirement Board to meet the objections of the

Legislative Rule-Making Review Committee and refiled in the State Register on the seventeenth day of November, two thousand four, relating to the Consolidated Public Retirement Board (benefit determination and appeal, 162 CSR 2) is authorized.

(d) The legislative rule filed in the State Register on the twenty-fourth day of August, two thousand four, under the authority of section one, article ten-d, chapter five of this code modified by the Consolidated Public Retirement Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the seventeenth day of November, two thousand four, relating to the Consolidated Public Retirement Board (Teachers Defined Contribution System, 162 CSR 3) is authorized, with the following amendment:

On page one, subsection 3.1, line four, after the words "different meaning" by inserting a new subdivision to read as follows: "3.1.1. 'Accrued benefit' is the amount credited to the member's annuity account.", and by redesignating the remaining subdivisions accordingly;
On page three, subsection 4.1, line thirteen, following the words "fifteen (15) days of the end of the pay period.", by striking out the remainder of the subsection;
On page three, subsection 4.2, twenty-one, following the words "fifteen (15) days of the end of the pay period.", by striking out the remainder of the subsection;

And,

On page eight, subsection 7.5, line fourteen, after the words "default fund for distribution to the member", by inserting the words "or beneficiary".

(e) The legislative rule filed in the State Register on the twenty-fourth day of August, two thousand four, under the authority of section one, article ten-d, chapter five of this code modified by the Consolidated Public Retirement Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the seventeenth day of November, two thousand four, relating to the Consolidated Public Retirement Board (Teachers Defined Benefit Plan, 162 CSR 4) is authorized, with the following amendment:

On page seven, by striking out section 10 in its entirety.

(f) The legislative rule filed in the State Register on the twenty-fourth day of August, two thousand four, under the authority of section one, article ten-d, chapter five of this code modified by the Consolidated Public Retirement Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the seventeenth day of November, two thousand four, relating to the Consolidated Public Retirement Board (Public Employees Retirement System, 162 CSR 5) is authorized with the following amendment:

On page three, by striking out section 10 in its entirety and redesignating the remaining sections and their components accordingly.

(g) The legislative rule filed in the State Register on the twenty-fourth day of August, two thousand four, under the authority of section one, article ten-d, chapter five of this code relating to the Consolidated Public Retirement Board (West Virginia State Police disability determination and appeal process, 162 CSR 9) is authorized.

§64-2-3. West Virginia Ethics Commission.

The legislative rule filed in the State Register on the twenty-sixth day of August, two thousand four, under the authority of section five-a, article two, chapter six-b of this code modified by the Ethics Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the sixteenth day of February, two

thousand five, relating to the Ethics Commission (code of conduct for administrative law judges, 158 CSR 13) is authorized, with the following amendment:

On pages eleven and twelve, by striking out paragraph 4.7.a.2. in its entirety and inserting in lieu thereof the following:

"4.7.a.2. Personally solicit funds for a political organization or political candidate; Provided, That, the provisions of this paragraph do not apply to part-time state administrative law judges.

4.7.a.3. Be compelled to pay an assessment to a political organization or candidate or purchase tickets for political dinners or other similar functions. "

§64-2-4. Division of Information Service and Communications.

The legislative rule filed in the State Register on the twenty-seventh day of August, two thousand four, under the authority of section four-a, article seven, chapter five-a of this code modified by the Division of Information Services and Communications to meet the objections of the Legislative Rule- Making Review Committee and refiled in the State Register on the thirteenth day of January, two thousand five, relating to the Division of Information Services and Communications (telecommunications payments by spending units, 161 CSR 2) is authorized, with the following amendment:

On page one, section 2, subsection (g.), after the word "IS&C", by inserting the words "or 'the Division'";

On page two, section 2, subsection "(k.) 'Shared Account'", after the words "in §5A-7-4a", by striking "(l)" and inserting in lieu thereof "(k)";

On page two, section 2, by striking all of subsection (l.) and inserting in lieu thereof the following:

"2.15. 'Spending Unit' means a department, agency or institution of the state government for which an appropriation is requested, or to which an appropriation is made by the Legislature: *Provided*, That spending unit does not include the Legislature or the judiciary.";

On page three, section 3, following the words "spending units", by striking out the remainder of the section and inserting in lieu thereof "that have their telecommunications services billed on the state's shared account.";

On page three, section 4, subsection (b.), line 12, by striking out the words "to ensure the legitimacy of the charges.";

On page three, section 4, by striking out subdivision (g.) in its entirety and relettering the remaining subdivision;

On page three, section 5, by striking out the words "IS&C will insure all of its duties and rights are executed as defined below after the first billing period. This allows IS&C to implement the new policies and allow for transition by all parties (vendors, spending units, etc.)";

On page three, by striking out subdivisions 5.1.2. and 5.1.3. in their entirety and renumbering the remaining subdivision;

On page four, section 5.1.4., following the word "Charges" by striking out the words "not rejected during this preliminary review by IS&C";

On page five, section 6, by striking out the words "Any spending unit that is utilizing the services and pricing of a telecommunications provider via a state-issued contract must agree to have its charges included in the shared account and all requests for telecommunications services must be obtained by submitting to IS&C a Telecommunications Change Request form for approval.";

On page eight, section 8, line 3, after the word "via" by striking out the words "a state-issued contract" and inserting in lieu thereof the words "via a shared account";

On page eight, by striking out subsection 8.1 in its entirety;

And,

On page eight, section 8, by striking out the words "8.2 Invoices submitted for payment.

8.2.1. Vendors are required to submit all invoices to IS&C that include more than one spending unit. If vendors are providing services to spending units governed by the pricing included in the applicable state-issued contract then the charges for these services must be included on the shared account."

§64-2-5. Division of Personnel.

(a) The legislative rule filed in the State Register on the twenty-seventh day of August, two thousand four, under the authority of section ten, article six, chapter twenty-nine of this code modified by the Division of Personnel to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-third day of November, two thousand four, relating to the Division of Personnel (administration, 143 CSR 1) is authorized.

(b) The legislative rule filed in the State Register on the twenty-seventh day of August, two thousand four, under the authority of section ten, article six, chapter twenty-nine of this code modified by the Division of Personnel to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twentieth day of January, two thousand five, relating to the Division of Personnel (preemployment reference and inquiries, 143 CSR 4) is authorized, with the following amendment:

On page one, subsection 1.1., by striking out the word 'eligibility' and inserting in lieu thereof the word 'rejection';

On page one, subsection 2.1., line one, after the word 'employment' by striking out the word 'with' and inserting in lieu thereof the words 'in the classified service of';

On page one, subsection 2.1., line two, by striking out the semi-colon and inserting a comma, and by striking out the word 'includes' and inserting in lieu thereof the word 'including';

On page one, subsection 2.2., line two, after the word 'service.', by striking out the remainder of the subsection;

On page one, by striking out subsection 2.6. in its entirety and inserting in lieu thereof the following:

'2.5. Disqualifying event: Conviction of a crime of an infamous crime or other crime involving moral turpitude which has a reasonable connection to the position/class for which the applicant or employee is applying. For purposes of this rule, a plea of "guilty" or "no contest" is considered a conviction unless the charge was subsequently invalidated by a court decision.';

On page one, subsection 2.5., by striking out the entire subsection and inserting in lieu thereof the following:

'2.6. Director: The Director of the Division of Personnel or his or her designee.';

On page two, subsection 2.11., by striking out the words 'actions by the individual that would cause', and, after the word 'damage', by inserting the words 'or injury';

On page two, subsection 2.12., line one, after the word 'to' by inserting the words 'a classified service position in';

On page two, by striking out section 3 in its entirety and renumbering the succeeding sections accordingly;

On page two, section 4, by striking out the words 'the Director shall prescribe information required to be submitted by applicants, including fingerprints and driver's license number, that is needed by the State Police and other entities for processing or as is otherwise necessary to facilitate access to information.';

On pages two and three, by striking out the subsections 4.1. and 4.2. in their entirety, and inserting in lieu thereof the following:

'4.1. To establish the eligibility of an applicant or employee, the Director may verify information provided by the applicant, including, but not limited to:

- a. Current and previous employment and/or volunteer and/or student activities;
- b. Military service;
- c. Formal education; and
- d. Professional licensure and/or certification.

4.2. To the extent permitted by law and reasonably relevant to established eligibility standards or the nature of the position sought by the applicant, the Director may obtain and review:

- a. The applicant's state and/or federal criminal records history;
- b. The central abuse registry established pursuant to W. Va. Code §15-2C-1, *et seq.*; and
- c. The applicant's driving records.

4.3. To the extent permitted by law, the Director may require an applicant to provide any information necessary to afford the Director access to records reasonably relevant to established eligibility standards or the nature of the position sought by the applicant.

4.4. The Director shall conduct investigations and/or secure reports necessary to assess the suitability of an applicant. The Director may delegate some or all of the responsibility to qualified appointing authorities in accordance with the provisions of this rule.'

On page three, subsection 4.3, by renumbering the subsection as subsection '4.5.';

On page three, section 5, by striking out the entire section and renumbering the succeeding sections accordingly;

On page four, subsection 7.1., after the words 'separate file', by striking out the remainder of the subsection;

On page four, subsection 7.2., after the word 'all', by striking out the words 'required and requested' and, after the word 'reports', by inserting the words 'requested by the Division of Personnel pursuant to this rule';

On page four, subsection 8.1., line one, by striking out the words 'shall be' and inserting in lieu thereof the word 'is';

On page four, subsection 8.1., lines three and four, after the word 'report', by striking out the word 'the' and inserting in lieu thereof the word 'a', and by striking out the word 'limit' and inserting in lieu thereof the word 'provided';

On page four, subsection 8.2., by striking out the words 'that is needed' and inserting in lieu thereof the word 'required', and by striking out the words 'as is otherwise necessary';

On page four, subsection 9.1., line two, after the words 'employee to a' by inserting the words 'classified service';

And,

On page four, by striking out section 10 in its entirety.

§64-2-6. Board of Risk and Insurance Management.

(a) The legislative rule filed in the State Register on the twenty-sixth day of August, two thousand four, under the authority of section five, article twelve, chapter twenty-nine of this

code modified by the Board of Risk and Insurance Management to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twentieth day of January, two thousand five, relating to the Board of Risk and Insurance Management (Public Entities Insurance Program, 115 CSR 2) is authorized.

(b) The legislative rule filed in the State Register on the twenty-sixth day of August, two thousand four, under the authority of section five, article twelve, chapter twenty-nine of this code modified by the Board of Risk and Insurance Management to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the sixteenth day of February, two thousand five, relating to the Board of Risk and Insurance Management (Patient Injury Compensation Fund, 115 CSR 7) is authorized.