

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

FILED

JUN 13 1 05 PM '00

Form #3

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: BOARD OF BARBERS AND COSMETOLOGISTS TITLE NUMBER: 3

CITE AUTHORITY WV CODE 30-27-8

AMENDMENT TO AN EXISTING RULE: YES  NO

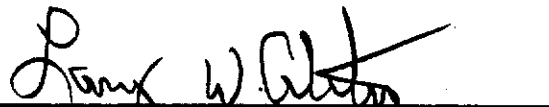
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 8

TITLE OF RULE BEING PROPOSED: CONTINUING COMPETENCE

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature

WEST VIRGINIA BOARD OF BARBERS AND COSMETOLOGISTS

RULE ABSTRACT

Title: Continuing Competence

CSR Title & Series: 3 CSR 8

Type: Legislative

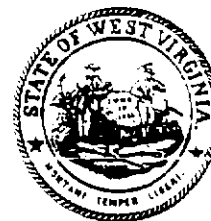
Summary: The proposed rule establishes continuing education requirements for barbers, cosmetologists, manicurists and aestheticians.

For further information contact: West Virginia Board of Barbers and Cosmetologists, 1716 Pennsylvania Avenue, Suite 7, Charleston, West Virginia, 25302. Telephone: 558-2924. Fax 558-3450.

# State of West Virginia

## Board of Barbers and Cosmetologists

1716 Pennsylvania Avenue, Suite 7, Charleston, West Virginia 25302  
Phone (304) 558-2924 Phone/Fax (304) 558-3450



Larry W. Absten  
Director

### MEMO

DATE: April 19, 2000

TO: West Virginia Secretary of State  
Ms. Judy Cooper  
Administrative Law Division  
Charleston, WV 25305

FROM: Larry W. Absten, Director *Larry W. Absten*  
Board of Barbers and Cosmetologists

RE: Proposed Rule Title 3 Series 8 of The Board of Barbers and Cosmetologists  
Legislative Rules

The purpose of this rule is to comply with Senate Bill 358 enacted by the West Virginia Legislature in the 1996 Legislative session mandating continuing education requirements for barbers, cosmetologists, manicurists and aestheticians.

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: JUNE 13, 2000

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) BOARD OF BARBERS AND COSMETOLOGISTS

1716 PENNSYLVANIA AVE., SUITE 7, CHARLESTON, WV 25302

PHONE: (304) 558-2924

LEGISLATIVE RULE TITLE: CONTINUING COMPETENCE

1. Authorizing statute(s) citation 30-27-8

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
APRIL 19, 2000

b. What other notice, including advertising, did you give of the hearing?  
WE SENT COPIES OF THE PROPOSED RULE TO ALL SCHOOL OF  
BARBERING AND COSMETOLOGY WITHIN THE STATE AND ADVERTISED  
IN DAILY NEWSPAPERS THROUGHOUT THE STATE.

c. Date of Public Hearing(s) or Public Comment Period ended:  
MAY 26, 2000

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

JUNE 13, 2000

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- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

LARRY W. ABSTEN, DIRECTOR

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1716 PENNSYLVANIA AVE., SUITE 7, CHARLESTON, WV 25302

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PHONE: (304) 558-2924 FAX: (304) 558-3450

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- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

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b. Date of hearing or comment period:

APRIL 19, 2000 to MAY 26, 2000.

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

JUNE 13, 2000

d. Attach findings and determinations and reasons:

Attached X

APPENDIX 3

FISCAL NOTE FOR PROPOSED RULES

Rule Title: CONTINUING COMPETENCE

Type of Rule:  Legislative  Interpretive  Procedural

Agency BOARD OF BARBERS AND COSMETOLOGISTS

Address 1716 PENNSYLVANIA AVE., SUITE 7  
CHARLESTON, WV 25302

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	DECREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	\$ 7,500	\$	\$ 0	\$ 7,500	\$ 6,000
<b>PERSONAL SERVICES</b>	5,000		0	5,000	5,000
<b>CURRENT EXPENSE</b>	2,500		0	2,500	1,000
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>					
<b>OTHER</b>					

2. Explanation of above estimates:

THE ABOVE ESTIMATES INCLUDE FUNDS FOR ADDITIONAL POSTAGE AND RELATED COSTS TO NOTIFY LICENSEES. THE FUNDS FOR PERSONAL SERVICES ARE FOR TEMPORARY HELP TO ASSIST IN PROCESSING AND AUDITING THE APPLICATIONS.

3. Objectives of these rules:

TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR BARBERS, COSMETOLOGISTS, MANICURISTS AND AESTHETICIANS.

Rule Title: CONTINUING COMPETENCE

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

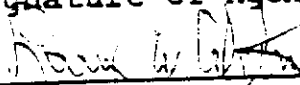
LICENSEES OF THE BOARD WILL INCURR ANNUAL FEES ESTIMATED TO BE TWENTY FIVE TO THIRTY FIVE DOLLARS PER YEAR.

C. Economic Impact on Citizens/Public at Large.

NONE

Date: 4/19/2000

Signature of Agency Head or Authorized Representative



LARRY W. ABSTEN, DIRECTOR

**TITLE 3  
LEGISLATIVE RULES  
BOARD OF BARBERS AND COSMETOLOGISTS**

**SERIES 8**

**CONTINUING COMPETENCE**

**§ 3-8-1. General**

1.1. **Scope** - This legislative rule establishes requirements for continuing competence to practice barbering, cosmetology, manicuring and aesthetics.

1.2. **Authority** - W. Va. Code § 30-27-8 and § 30-27-1.

1.3. **Filing Date** -

1.4. **Effective Date** -

**§ 3-8-2. Definition of Terms, Continuing Competence**

2.1. "Approved provider" means a state or national agency, organization, association or individual registered with and recognized by the Board.

2.2. "Audit" means the selection of individual licensees for verification of satisfactory completion of continuing education requirements during a specified time period; or the selection of approved providers for verification of adherence of continuing education provider requirements during a specified time period.

2.3. "Continuing education" means planned organized learning activities engaged in following initial licensure and designed to maintain, improve or extend licensee's knowledge and skills or to develop new knowledge and skills to enhance service to and safety and health of the public.

2.4. "Methods of instruction" shall include lectures and workshops from a Board approved provider or related classes from any degree granting college or university recognized by the West Virginia college and university systems.

**§ 3-8-3. Continuing Competence - A Prerequisite for Renewal**

3.1. Continuing education requirements

3.1.1 Each applicant for renewal of a license, if the license is currently active, or reinstatement of a license if a license is lapsed or on the inactive list, shall verify that he or she has completed (16) contact hours of continuing education during the prescribed two (2) year

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**OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE**

reporting period.

Units of measurement for continuing education courses are:

- (a) 1 contact hour = 50 minutes of instruction.
- (b) 1 contact hour = 50 minutes of clinical practice in a workshop
- (c) 1 continuing education unit (CEU) = 8 contact hours of instruction
- (d) 1 academic semester hour = ~~10~~ 15 contact hours of instruction

3.1.2 During the licensing year January 1, 2002 through December 31, 2002, each licensed barber, cosmetologist, manicurist and aesthetician with an active license shall complete a minimum of 8 hours of continuing education as approved by this rule. The licensee shall report his or her continuing education requirements to the Board no later than December 31, 2002, with the application for renewal of his or her license for the licensing year January 1, 2003 to December 31, 2003.

3.1.3 After the one year phase in period, each licensed barber, cosmetologist, manicurist or aesthetician with an active license to practice in West Virginia shall complete 16 hours of continuing education as approved by this rule, every two calendar or licensing years, on or before December 31, 2004, and every other December 31st thereafter, each active licensee of the Board shall file a report of their continuing education activities with the Board at the time the licensee files an application for renewal of his or her license.

3.1.4 The Board shall not grant credit for identical continuing education activities submitted during any single two year reporting period. Continuing education credits from a previous two (2) year reporting period may not be used, nor shall credits be accumulated for use in a future two year reporting period.

3.1.5 Exceptions to continuing education requirements.

The Board shall exempt from continuing education requirements a licensee who qualifies for exceptions set forth in this rule.

3.1.6 A licensee who obtains a license for the first time in West Virginia during the first twelve months of any (24) twenty four month reporting period shall complete 8 hours of continuing education activities as set forth in this rule, before the end of the current reporting period. A licensee who obtains a license for the first time in West Virginia during the second twelve (12) months of any two year reporting period is exempt from the continuing education requirements for the entire reporting period.

3.1.7 A licensee who resides outside of West Virginia and who holds a license to practice in a state other than West Virginia who also has mandatory continuing education is exempt from the continuing education set forth in this rule. A licensee who claims this exemption shall retain evidence of the out-of-state license and present the evidence to the Board upon request.

3.1.8 A licensee or licensed spouse of anyone serving on active duty in the military in

another state or foreign country is exempt from continuing education requirements for the duration of active duty by the licensee or licensed spouse not residing within the state of West Virginia.

3.1.9 The Board may grant a waiver to a licensee who has a physical or mental disability or illness or who is providing direct care to a member of his or her immediate family during all or a portion of the reporting period. A waiver may also provide for an extension of time or exemption from some or all of the continuing education requirements. Any licensee may request an application for waiver from the Board. The Board shall approve or deny an application for waiver after review of the application. The Board shall not grant an exception from continuing education requirements for more than one (1) two (2) year reporting period, as set forth in this rule.

3.1.10 Failure to meet requirements or exceptions to requirements.

The Board may take the following actions if a licensee fails to meet the continuing education requirements or the conditions for exceptions for renewal.

3.1.11 The Board may place the licensee on inactive status without penalty and may waive the continuing education requirements, providing the licensee notifies the Board in writing of his or her desire to have the Board place his or her license on inactive status before the last day of the reporting period. The Board shall not charge a fee to place the license on inactive status.

3.1.12 The Board shall lapse the license of any person who fails to notify the Board in writing prior to the last day of the reporting period that he or she wishes to place his or her license on inactive status.

3.1.13 Reinstatement of a license on lapsed status.

A license on lapsed status may be reinstated only by payment of all lapsed fees specified by West Virginia Code §30-27-4, and completion of continuing education requirements specified in this rule.

3.1.14 Audit of licenses.

The Board may select any licensee who holds a current license to audit for compliance with continuing education requirements. To comply with audit requests, the licensee shall submit legible copies of certificates of attendance at continuing education offerings and shall submit all requested documents within thirty (30) days of the date he or she received the request. The Board may grant an extension of time for submission of the documents, on an individual basis, providing the licensee makes a written request for an extension of time and provides justification for the request.

3.1.15 Licensees are required to keep copies of certificates of attendance at continuing education offerings, and documentation of exceptions from continuing education requirements for a two year period following submission of continuing education activities to the Board.

3.1.16 Licensees shall be required to furnish proof of 16 contact hours of continuing education for each two (2) year reporting period regardless of the number of licenses they hold.

3.1.17 The Board shall notify the licensee of the satisfactory completion of an audit. if a person fails to submit the audit information requested by the Board or meet the standards for continuing education set forth in this rule, the Board shall not renew a license until the audit is completed.

3.1.18 The Board shall take action pursuant to West Virginia Code §30-27-11 against any licensee who submits false information to the Board.

3.1.19 A licensee who fails to notify the Board of a current mailing address is not absolved from the audit or continuing education requirements. The Board shall not renew the license until the audit is completed.

#### **§ 3-8-4. Continuing Education Providers**

4.1. The Board shall recognize as approved providers an agency, corporation or individual which meets minimum provider standards as set forth in subparagraph 4.2 of this rule. approved providers include, but are not limited to: any degree granting college or university recognized by the West Virginia State college and university systems. the State colleges and universities are exempt from any provider fees imposed by the Board.

4.2 Minimum standards for approved providers.

4.2.1 The minimum duration shall be at least 1 contact hour .

4.2.2 The provider shall prepare written objectives in measurable terms which describe what a licensee can expect to learn.

4.2.3 The program content shall relate to the program objectives.

4.2.4 The provider shall furnish the instructor's qualifications in the subject areas to be taught, in writing.

4.2.5 The providers shall establish a written method to determine whether the participant has achieved the stated objectives of the offering. Methods may include but are not limited to self-evaluation check lists or tests.

4.2.6 The provider shall furnish a written statement of completion to each participant who satisfactorily completes the continuing education activity which is signed by the instructor or a designee and the individual participant.

4.2.7 The provider shall maintain a record of individuals who attend a continuing education offering for a period of not less than three (3) years.

4.2.8 Applications for continuing education providers will be reviewed by the Board on an individual basis.

4.2.9 The Board reserves the right to limit the number of continuing education providers for any particular reporting period.

4.2.10 The Board shall impose an initial registration fee of five hundred (500) dollars and an annual renewal fee of two hundred fifty (250) dollars for all continuing education providers with the exception of those providers exempted by subparagraph 4.1 of this rule.

4.2.11 A provider number will be assigned to each registered provider approved by the Board.

4.3 The photo identification jointly issued by the West Virginia Board of Barbers and Cosmetologists and the West Virginia Department of Motor Vehicles is the only approved ID authorizing admittance to any continuing education class or offering.

4.4 The following activities are not acceptable for continuing education credit:

4.4.1 Orientation and presentation of programs as part of licensees on-going job responsibilities.

4.4.2 Activities which are part of a licensees usual job responsibility.

4.4.3 Classes or offerings by anyone other than a continuing education provider approved by the Board.

# Huntington School of Beauty Culture

5185 Rt. 60 East

Room 115

Huntington, WV 25705

(304)736-6289 Fax (304)736-6298

April 26, 2000

State Board of Barbers & Cosmetologists  
1716 Pennsylvania Avenue, Suite 7  
Charleston, WV 25302

Re: Continuing Education

Dear Mr. Absten:

Regarding your April 20 memo regarding continuing education for cosmetology teachers and licensed operators, we wish to submit the following information.

- (1) NACCAS no longer approves classes for continuing education. However, Standard II, criteria #5, addresses continuing education, which is 12 clock hours per calendar year. (I am forwarding copy of Standard). When NACCAS reaccredits, they review all personnel files for documentation of continuing education classes. NACCAS assessment is that schools should now be knowledgeable regarding continuing education requirements.
- (2) NACCAS no longer approves continuing education providers. Again, they feel the school owners should be aware of requirements. For the most recent three years, we have brought a Milady Career Institute Educator to our school. Most of the instructors in the southern part of our state attend these two day classes. It is more cost efficient to bring the educator to us, rather than send the staff out for classes.

We are in agreement with Proposed Rules, with the exception of:

- 3.1.1. (c) 1 continuing education unit (CEU) = 10 contact hours of instruction (not 8)
- (d) 1 academic semester hour = 30 contact hours of instruction (not 10)

- 4.2.10 Schools wishing to participate as continuing education providers should only have to pay \$250.00 for initial registration fee (as the school licenses are \$250.00 per year) and \$125.00 per year thereafter.

We do not think that hairshows should be included as continuing education (even though this is not listed in the proposed rules). Also, in addition to cutting, coloring, perming, styling, advanced nail and advanced skin care classes, we feel the following classes should be included for continuing education:

- |                                   |                 |
|-----------------------------------|-----------------|
| 1. Communications/Professionalism | 4. Teamwork     |
| 2. Business Management            | 5. Booth Rental |
| 3. Time Management                | 6. Marketing    |
| 4. Client Retention               |                 |

If you have any questions, please give me a call.

Sincerely,



Jack Bonta, President  
Huntington School of Beauty Culture  
Beckley Beauty Academy

Proposed Rules  
Public Comments Received  
Discussion and Response

Title: "Complaint Procedures" West Virginia Board of Barbers and Cosmetologists  
Legislative Rules, 3 CSR 9.

The only comment received was from Mr. Jack Donta, president of the Huntington School of Beauty Culture.

Mr. Donta stated that in 3.1.1 of the proposed rule, a CEU should equal ten (10) contact hours of instruction rather than eight (8), and one (1) semester hour should equal thirty (30) contact hours of instruction rather than ten (10) hours.

The Board reviewed the comments and has elected to maintain the CEU at eight (8) contact hours rather than increase it to ten (10) contact hours. The eight (8) contact hours will allow the participants in a continuing education offering to acquire the required eight (8) hours of continuing education in a single day rather than multiple days. The comment on the academic semester hours was reviewed and the Board's decision was to increase the academic semester hour to fifteen (15) contact hours which would be equivalent to one (1) academic hour of a typical college or university course.

Mr. Donta commented in 4.2.10 of the proposed rule that licensed WV schools should have their provider fees reduced by 50%. The Board reviewed the request and decided to maintain all provider fees at the same level to prevent the appearance of favoritism to local schools.

Mr. Donta also stated that hair shows should not be included for continuing education. The Board's decision was that they were not going to automatically exclude any method of instruction and that each offering would be approved or denied on its own merits.

Mr. Donta listed several classes that he would like to see included for continuing education. The Board reviewed the requests and agreed that all of the classes listed would be beneficial to the licensees. The Board will review all proposed classes on an individual basis and approve or disapprove them pursuant to their subject matter and qualifications of the provider.



FILED

Nov 16 6 49 AM '00

**WEST VIRGINIA LEGISLATURE**  
**Legislative Rule-Making Review Committee** OFFICE OF THE SECRETARY OF STATE

State Capitol - Room MB-49  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0610  
(304) 347-4840  
(304) 347-4919 FAX

email: [tanders@mail.wvnet.edu](mailto:tanders@mail.wvnet.edu)

Senator Mike Ross, Co-Chairman  
Delegate Mark Hunt, Co-Chairman  
Debra A. Graham, Counsel

Joseph A. Altizer, Associate Counsel  
Rita Pauley, Associate Counsel  
Teri Anderson, Administrative Assistant

November 12, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Larry Absten  
Barbers and Cosmetologists, Board of  
1716 Pennsylvania Ave., Suite 7  
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Continuing Competence, 3CSR8**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency

\_\_\_\_\_ /
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
 

\_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
 

\_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
 

\_\_\_\_\_
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.
 

\_\_\_\_\_

ANALYSIS OF PROPOSED LEGISLATIVE RULES

**Agency:** Board of Barbers and Cosmetologists

**Subject:** Continuing Competence, 3CSR8

PERTINENT DATES

Filed for public comment: April 19, 2000  
Public comment period ended: May 23, 2000  
Filed following public comment period: June 13, 2000  
Filed LRMRC: June 13, 2000  
Filed as emergency:

Fiscal Impact: \$7,500 increase

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

JUN 19 3 32 PM '00

FILED

ABSTRACT

The proposed rule is new. The following is a section-by-section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 defines terms.

Section 3 provides that continuing competence is a prerequisite for renewal of licensure. It requires each barber, cosmetology, manicuring or aesthetic licensee to complete 16 contact hours of continuing education during each two-year reporting period. Each licensee is required to complete eight hours during the one year phase-in beginning January 1, 2002, and to complete 16 hours in each following two-year period.

Exceptions are provided for new licensees, licensees residing outside West Virginia who hold a license to practice in another state that also has mandatory continuing education, and licensees or licensed spouses of anyone serving on active duty in another state or foreign country. It also allows the Board to grant a waiver to a licensee that has a physical or mental disability or is providing direct care to a member of his or her immediate family during all or part of the reporting period.

This section allows the Board to place a licensee on inactive status or lapse the license of any person who fails to meet continuing education requirements. A licensee on lapsed or inactive status must pay all fees and complete continuing education requirements in order to reinstate his or her license.

Under this section the Board may also audit licensees for compliance of continuing education requirements. It requires all licensee to keep copies of certificate of attendance for a two-year period following submission of continuing education activities to the Board.

Section 4 relates to continuing education providers. It provides that the Board shall approve providers who meet the minimum standards set forth in this section. It provides that any degree granting college or university recognized by the West Virginia State College and University System is automatically approved and that the state colleges and universities are exempt from provider fees. This section provides that the Board is to impose an initial registration fee of \$500 and an annual renewal fee of \$250 on all continuing education providers. This section also lists activities that are not acceptable for continuing education credit.

#### AUTHORITY

Statutory authority: W.Va. Code, §30-27-1, which provides, in part, as follows:

...(g) The board shall have the power to promulgate rules generally regarding the practice and conduct of barbering and beauty culture, including, but not limited to, the procedures, criteria and curricula for examination and qualifications of applicants for licensure, and for the licensing of instructional personnel for schools of barbering and beauty culture, and the practice and conduct of aestheticians...

#### ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.