

**SEPTEMBER**



**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Monday, September 13, 1999**  
**5 to 7 p.m.**  
**Senate Finance Committee Room M-451**

1. **Approval of Minutes** - Meetings of August 15 and 16, 1999
2. **Review of Legislative Rules:**
  - a. **West Virginia Health Care Authority**  
*Certificate of Need Rule, 65CSR7*
  - b. **West Virginia Health Care Authority**  
*Health Services Offered by Health Professionals, 65CSR17*
  - c. **West Virginia Board of Medicine**  
*Fees for Services Rendered by the Board of Medicine, 11CSR4*
  - d. **Office of the State Auditor**  
*Transaction Fee and Rate Structure, 155CSR4*
  - e. **Ron Yost Personal Assistance Services Act Board**  
*Ron Yost Personal Assistance Services Act Board, 198CSR1*
  - f. **West Virginia Division of Labor**  
*Amusement Rides and Amusement Attractions Safety Act, 42CSR17*
  - g. **Division of Labor**  
*Steam Boiler Inspection, 42CSR3*
  - h. **State Election Commission**  
*Regulation of Campaign Finance, 146CSR3*
  - i. **Office of Air Quality**  
*To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas, 45CSR5*
  - j. **Office of Air Quality**  
*To Prevent and Control Air Pollution from Combustion or Refuse, 45CSR6*
  - k. **Office of Air Quality**  
*To Prevent and Control Particulate Matter, Air Pollution From Manufacturing Processes and Associated Operations, 45CSR7*

1. **Office of Air Quality**

*To Prevent and Control Particulate Matter Air Pollution from  
Materials Handling, Preparation, Storage and other Sources  
of Fugitive Particulate Matter, 45CSR17*

3. **Other Business**

Monday, September 13, 1999

5:00 p.m. - 7:00 p.m.

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

Earl Ray Tomblin  
ex officio nonvoting member

Robert "Bob" Kiss  
ex officio nonvoting member

**Senate**

**House**

Ross, Chairman  
Anderson, Vice Chairman  
Snyder  
Unger  
Minear

Hunt, Chairman                      Absent  
Linch, Vice Chairman  
Compton  
Jenkins  
Faircloth  
Riggs

The meeting was called to order by Mr. Ross, Co-Chairman.

The minutes of the August 15 and 16, 1999, meetings were approved.

Debra Graham, Committee Counsel, stated that the rule proposed by the *West Virginia Health Care Authority-Certificate of Need Rule, 65CSR7*, had been laid over from the previous meeting, and she explained the modifications proposed by the Health Care Authority.

Mr. Faircloth moved that the proposed modifications be approved. The motion was adopted.

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

Ms. Graham stated that the rule proposed by the *West Virginia Health Care Authority-Health Services Offered by Health Professionals, 65CSR17*, had been laid over from the previous meeting. She explained the modifications proposed by the West Virginia Hospital Association. Jim Thomas, Counsel for the West Virginia Hospital Association; Michelle Ginberg, Counsel for the West Virginia Medical Association; and Bob Coffield, Counsel for the Health Care Authority, addressed the Committee and responded to questions.

Mr. Faircloth moved that the proposed rule lie over until the Committee's next meeting. After further discussion, Mr. Faircloth asked unanimous consent to withdraw his motion. There being no objection, the motion was withdrawn.

Mr. Snyder moved that the proposed modifications be approved. The motion was adopted.

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

Ms. Graham explained that the rule proposed by the *West Virginia Board of Medicine-Fees for Services Rendered by the Board of Medicine, 11CSR4*, had been laid over from the previous meeting. Dr. Kenneth Wolfe, a member of the Board, addressed the Committee regarding the need for increased fees and responded to questions. Dr. Henry Taylor, Secretary of the Board of Medicine, and Amy Tolliver, Government Specialist for the West Virginia Medical Association, responded to questions.

Mr. Anderson moved to modify subsections 2.1, 2.6 and 2.9 of the proposed rule by lowering the fees from \$300 to \$250. After further discussion, Mr. Anderson asked unanimous consent to withdraw his motion. There being no objection, the motion was withdrawn.

Mr. Anderson moved to amend subsections 2.1, 2.6 and 2.9 of the proposed rule by lowering the fees from \$300 to \$250. The motion was adopted.

Mr. Anderson moved that the proposed rule be approved as amended. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the *Office of the State Auditor-Transaction Fee and Rate Structure, 155CSR4*, and stated that the Office of the State Auditor has agreed to technical modifications. Glen Gainer, State Auditor, addressed the Committee and responded to questions.

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

Ms. Graham explained the rule proposed by the *Ron Yost Personal Assistance Services Act Board-Ron Yost Personal Assistance Services Act Board, 198CSR1*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Labor-Amusement Rides and Amusement Attractions Safety Act, 42CSR17*, and stated that the Division has agreed to technical modifications. Andy Brown, Assistant to the Commissioner of Labor, responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the *Division of Labor-Steam Boiler Inspection, 42CSR3*, and stated that the Division has agreed to technical modifications. Mr. Brown responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *State Election Commission-Regulation of Campaign Finance, 146CSR3*, and stated that the Commission has agreed to technical modifications. Jan Casto, Deputy Secretary of State, responded to questions from the Committee.

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

Joseph Altizer, Associate Counsel, explained the rule proposed by the *Office of Air Quality-To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas, 45CSR5*, stated the Office of Air Quality has agreed to technical modifications and responded to questions from the Committee.

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

Mr. Altizer reviewed his abstract on the rule proposed by the *Office of Air Quality-To Prevent and Control Air Pollution from Combustion or Refuse, 45CSR6*.

Mr. Anderson moved that the proposed rule be approved. The motion was adopted.

Mr. Altizer explained the rule proposed by the *Office of Air Quality-To Prevent and Control Particulate Matter, Air Pollution from Manufacturing Processes and Associated Operations, 45CSR7*, and stated that the Office of Air Quality has agreed to technical modifications.

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

Mr. Altizer reviewed his abstract on the rule proposed by the *Office of Air Quality-To Prevent and Control Particulate Matter Air Pollution from Materials Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter, 45CSR17*, and stated that the Office of Air Quality has agreed to technical modifications.

Ms. Minear moved that the proposed rule be approved as modified. The motion was adopted.

The meeting was adjourned.

The Committee moves to amend CSR§65-17-2.1 by striking the entire subsection 2.1 and inserting the following language:

2.1 "Diagnostic center" means:

2.1.a. Any private office practice of one or more health professionals licensed, authorized, or organized pursuant to Chapter 30 of the West Virginia Code which offers laboratory or imaging services and in which the total cost of all the equipment required to provide these services exceeds \$2,000,000; provided however, in determining whether the total cost of equipment exceeds \$2,000,000, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of the equipment shall be included; provided further, that if the equipment is acquired for less than fair market value, the term "cost" includes fair market value; provided further, that the term "cost" also includes a series of expenditures which exceeds \$2,000,000 if the board determines that the sum total constitutes a single expenditure subject to review under the provisions at 65 C.S.R. 7, Section 3.6.a., 3.6.b., and 3.6.c.; or

2.1.b. Any facility owned or operated by one or more health professionals licensed, authorized, or organized pursuant to Chapter 30 of the West Virginia Code which offers laboratory or imaging services in a setting that is not ancillary to and functionally integrated with private office practice of such health professionals, regardless of the cost associated with the proposal; or

2.1.c. Any facility owned or operated by one or more health professionals licensed, authorized, or organized pursuant to Chapter 30 of the West Virginia Code which offers laboratory or imaging services to patients that are not examined and evaluated in the same

manner as any other patient of the private office practice of such licensed health professionals, regardless of the cost associated with the proposal; or

2.1.d. Any facility owned or operated by one or more health professionals licensed, authorized, or organized pursuant to Chapter 30 of the West Virginia Code which offers laboratory or imaging services to patients in a setting that is licensed by the department of health and human resources/office of health facility licensure and certification, or accredited by the joint commission for the accreditation of healthcare organizations, regardless of the cost associated with the proposal.

C0315024.1





R. Curtis Arnold, D.P.M.  
South Charleston

Rev. Richard Bowyer  
Fairmont

A. Paul Brooks, Jr., M.D.  
Parkersburg

Ahmed D. Faheem, M.D.  
Beckley

Mr. Roger Foster  
Morgantown

Angelo N. Georges, M.D.  
Wheeling

Phillip B. Mathias, M.D.  
Glen Dale

Mr. Jewel F. McClanahan  
Nitro

Carmen R. Rexrode, M.D.  
Moorefield

Lee Elliott Smith, M.D.  
Princeton

S. Kenneth Wolfe, M.D.  
Huntington

Kenneth Dean Wright, P.A.-C.  
Huntington

## State of West Virginia

West Virginia Board of Medicine

101 Dee Drive

Charleston, WV 25311

Telephone (304) 558-2921

Fax (304) 558-2084

9/12/99

The following is a summary of information (to the best of my knowledge) regarding the WV Board of Medicine's recommendation to increase the Medical and Podiatric Licensure Application Fees and Active Biennial Registration Fees from \$200 to \$300.

The WV Board of Medicine last raised these fees 13 years ago in 1986. Since then our revenues (fiscal years) have remained relatively stable or decreased (\$992,551 in '86 , \$899,359 in '98) while our disbursements have steadily increased ( \$435,230 in '86 , \$981,588 in '98 ). Our cash balance has declined from \$941,449 in July '87 to \$179,322 June 30, 1999. This past year Board disbursements exceeded revenue by almost \$190,000 (\$859,087 in receipts, \$1,049,028 in disbursements (calendar year): Annual Report to the Legislature, 1998).

The increase in disbursements have been multifactorial:

1. Normal costs of doing business have risen in the past 13 years.
2. The Legislature has appropriated \$1,000,000 from the Board of Medicine (\$500,000 in both 1988 and 1990).
3. New duties and expenses have been added by the Legislature (West Virginia Code 30-1-12, 30-3-10a, 5A-2-15. These items include obtaining an 800 number, addition of a computer guru, transferring over \$3000 per year to PEIA, and the volunteer medical license which costs the Board money to implement.
4. DHHR has assessed the Board \$32,000 and \$37,000 the past two years for its services. DHHR also took \$21,565 seven years ago for establishing a uniform health professionals data collection system under West Virginia Code 16-1-10b.

PRESIDENT  
Sarjit Singh, M.D.  
Weirton

VICE PRESIDENT  
Leonard Simmons, D.P.M.  
Fairmont

SECRETARY  
Henry G. Taylor, M.D., M.P.H.  
Charleston

COUNSEL  
Deborah Lewis Rodecker  
Charleston

EXECUTIVE DIRECTOR  
Ronald D. Walton  
Charleston

5. Our review by the Federation of State Medical Boards this past year included a recommendation that we hire a prosecutor ( \$23,000/year ) to avoid conflicts involving our in house counsel.

6. There are increasing numbers of lawsuits against the Board resulting in increased legal fees. There have been 36 hearings held in the past 5 1/2 years with 1/3 of these being appealed and only one reversal. One of these which has been expensive was when the Board was required to deny licensure to a physician due to child support arrearage under West Virginia Code 48A-5A-5 enacted in 1997.

If the proposed fees are enacted it will make those paid by physicians and podiatrists equivalent or less than attorney license renewal fees in West Virginia (\$150-\$195 annually). I have also reviewed the fees of the other 49 states and 4 districts (Puerto Rico, DC, Guam, and Virgin Islands). Currently there are only seven who charge less than West Virginia and of those the two closest to us, Pennsylvania and Virginia, have requested increases. If the \$100 biennial fee increase is enacted 20 of the other licensing medical boards will still charge as much or more than West Virginia; and of the remaining 33 boards, 14 get additional sources of funding from their states i.e. Department Funds or State General Funds.

If there is no fee increase and the Legislature does not provide alternative funding then the WV Board of Medicine estimates in its budget for fiscal year 2000 that there will be a surplus at year's end of less than \$50,000 which is not felt to be safe and in the public's interest. The proposed increase in fees (\$100 biennially or \$50/year) is expected to bring in an average of \$277,000 additional per year. Based on last year's deficit of \$190,000, an increase of \$50 biennially would bring in \$138,500 and would be insufficient to cover expenses. A \$75 biennial increase would provide an estimated \$207,750 in additional funds.

Finally, I would like to say that of the fifteen members of the West Virginia Board of Medicine who were involved in the decision to recommend a fee increase, eleven of us are either physicians or podiatrists and have to pay the fee ourselves. Obviously we would prefer an alternative source of funding or reducing expenditures. Unfortunately the Board can not control a number of its expenditures if it is to perform its mission.

Sincerely,

  
S. Kenneth Wolfe, MD



Cecil H. Underwood  
Governor

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
**HEALTH CARE AUTHORITY**

D. Parker Haddix  
Chairman

September 10, 1999

Board Members  
Garry D. Black  
Louie A. Paterno, Jr.

**Facsimile Transmission Only**

Debra Graham, Counsel  
Legislative Rule-Making Review Committee  
Building 1, Room MB-49  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0610

**Re: Proposed Modifications to CSR §65-7**

Dear Debra:

Please find attached six (6) proposed modifications to W. Va. CSR §65-7 to be presented by the West Virginia Health Care Authority to the Legislative Rule-Making Review Committee at the meeting scheduled for Monday, September 13, 1999. The proposed modifications have been approved by the West Virginia Hospital Association and the West Virginia Medical Association.

If you have any questions or need additional information, please give me a call at 558-7000.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. L. Coffield".

**ROBERT L. COFFIELD**  
Assistant General Counsel

RLC/dlg

Attachment

cc: Steven Summer  
Evan Jenkins  
Jim Thomas  
Michele Grinberg

### **MODIFICATION #1**

The Committee moves to modify in CSR §65-7-2.8 by striking the entire subsection 2.8, and by substituting the following language:

"Diagnostic services" means, the offering or development of laboratory or imaging services at a new or existing health care facility or health maintenance organization; provided however, that a health care facility or health maintenance organization already offering one or more laboratory or imaging services, including but not limited to, radiology, ultrasound, mammography, fluoroscopy, nuclear imaging, densitometry, or computerized tomography at its existing facility, and proposing to add at its existing health care facility laboratory or imaging services not otherwise enumerated under subsection 28.1 and not constituting major medical equipment under subsection 2.16.j, shall not be deemed to be engaged in the addition of health care services under subsection 2.16.e of this rule.

### **PURPOSE:**

The purpose of this modification is to maintain the status quo. The modification eliminates the capital expenditure threshold for the provision of diagnostic services, while maintaining the flexibility of existing providers of diagnostic services to reasonably upgrade such services at existing facilities.

**MODIFICATION #2**

The Committee moves to modify CSR §65-7-2.14 by striking the entire subsection, and by substituting the following language:

2.14 "Private office practice" means the independent practice of one or more health professionals licensed, authorized, or organized pursuant to the provisions of Chapter 30 of the West Virginia Code which is not controlled directly or indirectly, in whole or in part, by any other person or entity.

**PURPOSE:**

The purpose of this modification is to define the term "private office practice."

**MODIFICATION #3**

The Committee moves to modify CSR §65-7-8.1 by striking ". . . the applicant may not submit additional information unless it is requested by the board. If . . ." and adding ". . . the board may require the applicant to submit additional information. If no hearing is requested upon the application, and . . ." in its place.

**PURPOSE:**

The purpose of this modification is to maintain the status quo.

**MODIFICATION #4**

The Committee moves to modify CSR §65-7-11.4 by striking the sentence "Additional information may only be filed by an applicant at the request of the board".

**PURPOSE:**

The purpose of this modification is to maintain the status quo.

**MODIFICATION #5**

The Committee moves to modify CSR §65-7-11.4.b by striking "or rate review."

**PURPOSE:**

The purpose of this modification is to maintain the status quo.



**MODIFICATION #6**

The Committee moves to modify CSR §65-7-16.3 by striking the sentence "Additional information may only be submitted upon request of the board."

**PURPOSE:**

The purpose of this modification is to maintain the status quo.

SEPTEMBER INTERIM SCHEDULE  
Legislative Interim Meetings  
September 12, 13, and 14, 1999

Monday, September 13, 1999

5:00 - 7:00 p.m.

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

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

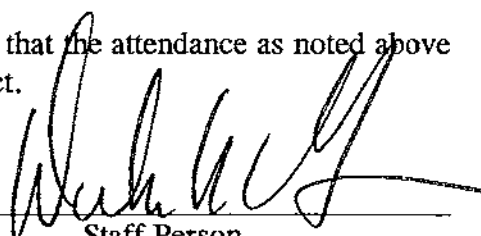
Senate

House

Ross, Chair ✓  
Anderson, Vice Chair ✓  
~~Schoonover~~ \_\_\_\_\_  
Snyder ✓  
Unger ✓  
Minear ✓

Hunt, Chair \_\_\_\_\_  
Linch, Vice Chair ✓  
Compton ✓  
Jenkins ✓  
Faircloth ✓  
Riggs ✓

I certify that the attendance as noted above  
is correct.

  
\_\_\_\_\_  
Staff Person

Debra

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review Date 9-13-99  
Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Monday, September 13, 1999**  
**5 to 7 p.m.**  
**Senate Finance Committee Room M-451**

1. Approval of Minutes - Meetings of August 15 and 16, 1999
2. Review of Legislative Rules:

Approved ✓  
as modified

West Virginia Health Care Authority  
Certificate of Need Rule, 65CSR7

Approved ✓  
as modified

West Virginia Health Care Authority  
Health Services Offered by Health Professionals, 65CSR17

Approved ✓  
as amended

West Virginia Board of Medicine  
Fees for Services Rendered by the Board of Medicine, 11CSR4

Approved ✓  
as modified

Office of the State Auditor  
Transaction Fee and Rate Structure, 155CSR4

Approved ✓  
as modified

Ron Yost Personal Assistance Services Act Board  
Ron Yost Personal Assistance Services Act Board, 198CSR1

Approved ✓  
as modified

West Virginia Division of Labor  
Amusement Rides and Amusement Attractions Safety Act, 42CSR17

Approved ✓  
as modified

Division of Labor  
Steam Boiler Inspection, 42CSR3

Approved ✓  
as modified

State Election Commission  
Regulation of Campaign Finance, 146CSR3

Approved ✓  
as modified

Office of Air Quality  
To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas, 45CSR5

Approved ✓

Office of Air Quality  
To Prevent and Control Air Pollution from Combustion or Refuse, 45CSR6

Approved ✓  
as modified

Office of Air Quality  
To Prevent and Control Particulate Matter, Air Pollution From Manufacturing Processes and Associated Operations, 45CSR7

Approved.  
as modified

**Office of Air Quality**

To Prevent and Control Particulate Matter Air Pollution from  
Materials Handling, Preparation, Storage and other Sources  
of Fugitive Particulate Matter, 45CSR17

**3. Other Business**

5:00 - 7:00 p.m.

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

Senate Finance Room

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

Senate

House

- ✓ Ross, Chair
- ✓ Anderson, Vice Chair
- Schoonover
- ✓ Snyder
- ✓ Unger
- ✓ Minear

- Hunt, Chair
- ✓ Linch, Vice Chair
- ✓ Compton
- ✓ Jenkins
- ✓ Faircloth
- ✓ Riggs

Minutes

HCA - Con

Explained mods

adopted Faircloth - approve <sup>✓ proposed</sup> ~~as~~ mods

adopted Faircloth - approve as mod

HCA - Health Servs

Approve as mod

Diagnostic Center - propose mods

<sup>Counsel E</sup> Jim Thomas - explained def of diagnostic center

Michela Gunberg - atty Med Assn disagreed w/ subdiv.(d)

Bob Colfield - would agree to mod. w/ tech agreements

law over - w/draw

Bd. of Medicine - Fees

Dr. Kenneth Wolfe, Bd member addressed the Q regarding the need for increased fees; responded to q's

Dr. Henry Taylor responded to q's

Amy Tolliver - WO State Medical Assn. responded to q's

adopted Faircloth

adopted Snyder

Faircloth

See Bd of M

Anderson

Approve as mod

" adopted

Mod \$200 → \$250 & not \$300

Anderson

w/drew

Anderson  
adopted

Amend \$200 → \$250 & not \$300. 2.1, 2.6, 2.9

Anderson  
adopted

Approved as ~~mod~~ amended

Auditor - Trans.

Auditor addressed the C

Anderson

Approved as mod

Pan Loet

inch  
adopted

Approve as mod

Labor - Amusement Rides

Andy Brown responded to q's

Labor - Steam Boilers Inspection

Andy Brown responded to q's

Anderson

Approve as mod

adopted

State Election Commission

Jan Cuto, Sec of State responded to q's

Can you require the contributors age

Ungef  
adopted

Approve as mod

OAQ - Coal Prep Plants

Joe explained

Approve as mod

Joe to prepare bill repealing rule

Anderson  
adopted

OAQ - Combustion or Refuse

Approve

Anderson  
adopted

OAQ - Particulate Matter; Manuf

Joe explained

Approve as mod

Anderson  
adopted

OAQ - Particulate Matter; Materials Handling

Joe explained

Approve as mod

Minear  
adopted



**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Tuesday, September 14, 1999**  
**9 to 11 a.m.**  
**Senate Finance Committee Room M-451**

1. **Review of Legislative Rules:**
  - a. **Division of Natural Resources**  
*Boating Rule, 58CSR25*
  - b. **Division of Natural Resources**  
*Revocation of Hunting and Fishing Licenses, 58CSR23*
  - c. **Division of Natural Resources**  
*Litter Control Grant Program, 58CSR6*
  - d. **West Virginia Board of Veterinary Medicine**  
*Standards of Practice, 26CSR4*
  - e. **West Virginia Consolidated Public Retirement System**  
*General Provisions, 162CSR1*
  - f. **West Virginia Consolidated Public Retirement System**  
*Teacher's Defined Contribution System, 162CSR3*
  - g. **West Virginia Consolidated Public Retirement System**  
*Teacher's Defined Benefit Plan, 162CSR4*
  - h. **West Virginia Consolidated Public Retirement System**  
*Public Employees Retirement System, 162CSR5*
  - i. **West Virginia Consolidated Public Retirement System**  
*Refund, Reinstatement and Loan Interest Factors, 162CSR7*
  - j. **Division of Motor Vehicles**  
*Administrative Due Process, 91CSR1*
  - k. **Division of Motor Vehicles**  
*Motor Vehicle Dealers, 91CSR6*
  - l. **West Virginia Board of Examiners for Registered Professional Nurses**  
*Policies and Criteria for the Evaluation and Accreditation of Colleges, Departments or Schools of Nursing, 19CSR1*

- m. **West Virginia Economic Development Authority**  
*General Administration of the West Virginia Capital Company  
Act: Establishment of the Application Procedures to Implement  
the Act, 117CSR1*
  
- n. **State Board of Registration for Foresters**  
*Registration of Foresters, 200CSR1*

2. **Other Business**

Tuesday, September 14, 1999

9:00 a.m. - 11:00 a.m.

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

Earl Ray Tomblin  
ex officio nonvoting member

Robert "Bob" Kiss  
ex officio nonvoting member

**Senate**

**House**

Ross, Chairman  
Anderson, Vice Chairman  
Snyder  
Unger  
Minear

Hunt, Chairman	Absent
Linch, Vice Chairman	
Compton	Absent
Jenkins	Absent
Faircloth	
Riggs	Absent

The meeting was called to order by Mr. Ross, Co-Chairman.

Debra Graham, Committee Counsel, explained the rule proposed by the *Division of Natural Resources-Boating Rule, 58CSR25*, and stated that the Division has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Natural Resources-Revocation of Hunting and Fishing Licenses, 58CSR23*, and stated that the Division has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Division of Natural Resources-Litter Control Grant Program, 58CSR6*, and stated that the Division has agreed to technical modifications. Emily Fleming, Chief of the Environmental Resources Section, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *West Virginia Consolidated Public Retirement Board-General Provisions, 162CSR1*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *West Virginia Consolidated Public Retirement Board-Teacher's Defined Contribution System, 162CSR3*, and stated that the Board has agreed to technical modifications. Betty Ireland, Executive Secretary, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *West Virginia Consolidated Public Retirement Board-Teacher's Defined Benefit Plan, 162CSR4*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *West Virginia Consolidated Public Retirement Board-Public Employees Retirement System, 162CSR5*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the *West Virginia Consolidated Public Retirement Board-Refund, Reinstatement and Loan Interest Factors, 162CSR7*, and stated that the Board has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *Division of Motor Vehicles-Administrative Due Process, 91CSR1*, and stated that the Division has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Motor Vehicles-Motor Vehicle Dealers, 91CSR6*, and stated that the Division has agreed to technical modifications. Joe Miller, Commissioner; Steve Dale, Assistant to the Commissioner; Warren Stevens, Director of Vehicle Services and Rich Hartman, Executive Assistant to the Secretary of the Department of Transportation, responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the *West Virginia Board of Examiners for Registered Professional Nurses-Policies and Criteria for the Evaluation and Accreditation of*

*Colleges, Departments or Schools of Nursing, 19CSRI*, and stated that the Board has agreed to technical modifications. Laura Rhodes, Executive Secretary, responded to questions from the Committee.

Mr. Anderson moved that the proposed rule be laid over. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the *West Virginia Economic Development Authority-General Administration of the West Virginia Capital Company Act: Establishment of the Application Procedures to Implement the Act, 17CSRI*, and stated that the Authority has agreed to technical modifications.

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

Ms. Graham explained the rule proposed by the *State Board of Registration for Foresters-Registration of Foresters, 200CSRI*, and stated that the Board has agreed to technical modifications. David Lilly, Secretary of the Board, responded to questions from the Committee.

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

The meeting was adjourned.

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review

Date 9-14-99

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Laura Rhodes	101 Dee Tor Chas	RN Board	
Mike McThomson	RAM	WV Econ Dev Auth.	if requested

SEPTEMBER INTERIM SCHEDULE  
Legislative Interim Meetings  
September 12, 13, and 14, 1999

Tuesday, September 14, 1999

9:00 - 11:00 a.m.

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

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

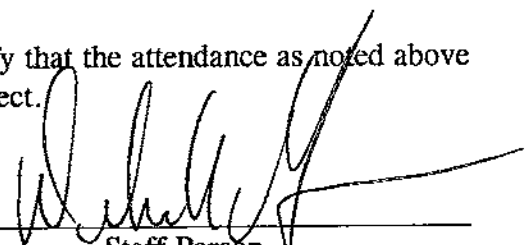
Senate

House

Ross, Chair   
Anderson, Vice Chair   
~~Schoonover~~   
Snyder   
Unger   
Miner

Hunt, Chair   
Linch, Vice Chair   
Compton   
Jenkins   
Faircloth   
Riggs

I certify that the attendance as noted above  
is correct.

  
\_\_\_\_\_  
Staff Person

Debra

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

Tuesday, September 14, 1999

9 to 11 a.m.

Senate Finance Committee Room M-451

1. Review of Legislative Rules:

- Approved ✓  
as modified* a. Division of Natural Resources  
Boating Rule, 58CSR25
- Approved as ~~is~~  
modified* b. Division of Natural Resources  
Revocation of Hunting and Fishing Licenses, 58CSR23
- Approved ✓  
as modified* c. Division of Natural Resources  
Litter Control Grant Program, 58CSR6
- Approved ✓* d. West Virginia Board of Veterinary Medicine  
Standards of Practice, 26CSR4
- Approved ✓  
as modified* e. West Virginia Consolidated Public Retirement System  
General Provisions, 162CSR1
- Approved ✓  
as modified* f. West Virginia Consolidated Public Retirement System  
Teacher's Defined Contribution System, 162CSR3
- Approved as ~~is~~  
modified* g. West Virginia Consolidated Public Retirement System  
Teacher's Defined Benefit Plan, 162CSR4
- Approved ✓  
as modified* h. West Virginia Consolidated Public Retirement System  
Public Employees Retirement System, 162CSR5
- Approved ✓  
as modified* i. West Virginia Consolidated Public Retirement System  
Refund, Reinstatement and Loan Interest Factors, 162CSR7
- Approved ✓  
as modified* j. Division of Motor Vehicles  
Administrative Due Process, 91CSR1
- Approved ✓  
as modified* k. Division of Motor Vehicles  
Motor Vehicle Dealers, 91CSR6
- Approved ✓  
as modified* l. West Virginia Board of Examiners for Registered Professional  
Nurses  
Policies and Criteria for the Evaluation and Accreditation  
of Colleges, Departments or Schools of Nursing, 19CSR1
- held over* 1



Approved ✓  
as modified

**West Virginia Economic Development Authority**  
General Administration of the West Virginia Capital Company  
Act: Establishment of the Application Procedures to Implement  
the Act, 117CSR1

Approved as ✓  
modified

**State Board of Registration for Foresters**  
Registration of Foresters, 200CSR1

2. Other Business

Tuesday, September 14, 1999

9:00 - 11:00 a.m.

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

Senate Finance Room

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

Senate  
✓ Ross, Chair  
✓ Anderson, Vice Chair  
~~Schoonover~~  
✓ Snyder  
✓ Unger  
✓ Minear

House  
Hunt, Chair  
✓ Linch, Vice Chair  
Compton  
Jenkins  
✓ Faircloth  
Riggs

DNR - Boating

Approve as mod

Anderson  
adopted

DNR - Recreation

Approve as mod

Snyder  
adopted

DNR - Litter

Emily Fleming responded to questions from the C

CPRB - Gen Provisions

Approve as mod

Anderson  
adopted

CPRB - Teachers Defined Contrib

Approve as mod

Snyder  
adopted

CPRB - Teachers Defined Ben

Betty Ireland and questions  
Approve as modified

Snyder

CPRB - PERS

Snyder  
adopted

Approve as mod

CPRB - Refund

Anderson  
adopted

Approved as mod

DMU - Administrative

Fairbairn  
adopted

Approve as mod

DMU - Motor Vehicle

Commissioner Miller

Warren Stevens, Dir. Vehicle Services

Steve Dale

→ responded to q's

Rich Hartman - Exec Act ~~of~~ See DOT

Unger  
adopted

Approve as mod

Registered Prof Nurses

I.e. Laura Rhodes responded to questions

Lay over until next month

Anderson

WVEDA - Gen Admin

Unger  
adopted

Approve as mod

Foresters - Registration

Repeal David Lilly, Sec of the Bd responded to questions

Snyder  
adopted

Approve as mod