

Wednesday, November 28, 2012

1:00 p.m. to 3:00 p.m.

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

Earl Ray Tomblin
ex officio nonvoting member

Richard Thompson
ex officio nonvoting member

Senate

House

Minard, Chairman
Snyder, Vice Chair
Laird
Unger
Boley
Facemyer

Absent
Absent
Absent

Brown, Chairman
Poling, Vice Chair
Fleischauer
Talbott
Overington
Sobonya

The meeting was called to order by Senator Minard, Chair.

Debra Graham, Chief Counsel, explained his abstract on the rule proposed by the **WV Department of Agriculture, Poultry Litter and Manure Movement into Primary Poultry Breeder Rearing Areas, 61CSR28**, and responded to questions from the Committee.

Senator Minard moved that the proposed rule be approved as modified.

Delegate Sobonya moved to amend the rule on page three, subsection 4.1.a, by striking out the word "may" and inserting in lieu thereof the word "shall".

Senator Minard moved that the proposed rule be approved as modified and amended. The motion was adopted.

Charles Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **WV Board of Dental Examiners, Rule for the WV Board of Dental Examiners, 5CSR1**.

Delegate Brown moved that the proposed rule be approved. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Dental Examiners, Continuing Education, 5CSR10**, and stated that the Agency has agreed to technical modifications.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Dental Examiners, Continuing Education, 5CSR11**, and stated that the Agency has agreed to technical modifications.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Dental Examiners, Expanded Duties of Dental Hygienists and Dental Assistants, 5CSR13.**

Delegate Brown moved that the proposed rule be approved. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Pharmacy, Controlled Substance Monitoring, 15CSR8,** and stated that the Agency has agreed to technical modifications.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Pharmacy, Ephedrine and Pseudoephedrine, 15CSR11,** stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **Bureau of Senior Services, In-Home Care Worker Registry, 76CSR2,** stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Senator Minard moved that the proposed rule be laid over until the December Interims. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Optometry, Schedule of Fees, 14CSR5,** and stated that the Agency has agreed to technical modifications.

Senator Minard moved that the proposed rule be placed at the foot of the agenda. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Optometry, Continuing Education, 14CSR10,** and stated that the Agency has agreed to technical modifications.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Optometry, Expanded Therapeutic Procedures Certificate, 14CSR12,** and responded to questions from the Committee.

Delegate Fleischauer moved that the proposed rule be withdrawn.

Stacy Newicki, Counsel for the Board, responded to questions from the Committee.

Senator Snyder moved to amend the amendment by moving to lay over the proposed rule until the December Interims. The amendment to the amendment was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Osteopathic Medicine, Licensing Procedures for Osteopathic Physicians, 24CSR1**, and stated that the Agency has agreed to technical modifications.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Osteopathic Medicine, Osteopathic Physicians Assistants, 24CSR2**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Osteopathic Medicine, Practitioner Requirements for Controlled Substances Licensure and Accessing the West Virginia Controlled Substance Monitoring Program Database, 24CSR7**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Medicine, Licensure, Disciplinary and Complaint Procedures, Continuing Education for Physician Assistants, 11CSR1b**, and stated that the Agency has agreed to technical modifications.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Medicine, Continuing Education for physicians and podiatrists, 11CSR6**, and stated that the Agency has agreed to technical modifications.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Medicine, Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database, 11CSR10**, and stated that the Agency has agreed to technical modifications.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Examiners for Registered Professional Nurses, Advanced Practice Registered Nurse, 19CSR7**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Examiners for Registered Professional Nurses, Limited Prescriptive Authority for Nurses in Advance Practice, 19CSR8**, and stated that the Agency has agreed to technical modifications.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky reviewed his abstract on the rule proposed by the **WV Board of Examiners for Registered Professional Nurses, Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing, 19CSR12**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Laura Rhodes, Executive Director for the Board, responded to questions from the Committee.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Examiners for Registered Professional Nurses, Practitioner Requirements for Accessing the West Virginia Controlled Substance Monitoring Program Database, 19CSR14**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Mrs. Rhodes responded to questions from the Committee.

Delegate Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Optometry, Schedule of Fees, 14CSR5**, and stated that the Agency has agreed to technical modifications.

Senator Minard moved that the proposed rule be laid over until the December Interims. The motion was adopted.

Senator Minard moved to adjourn the meeting. The motion was adopted.