

Legislative Rule-Making Review Committee

Tuesday, September 15, 2015

Senate Judiciary Committee Room

9:00 a.m. to 11:00 a.m.

Senate

Maynard, Chair	Present
Boley	Present
Karnes	Present
Miller	
Snyder	Present
Sypolt	Present

House

Sobonya, Chair	Present
Frich, Vice-Chair	Present
Hanshaw	Present
Moffatt	Present
Rowe	Present
Fleischauer	Present

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Tuesday, September 15, 2015. The meeting was called to order by the Senate Chair Senator Maynard. A silent roll call was taken by the Clerk as reflected above. Staff present included Debra Graham, Chief Counsel; Jeff Johnson, Senate Counsel; James Bailey, Senate Counsel; Charlie Roskovensky, House Counsel; Tracy Webb, House Counsel; Jared Wyrick, Senate Clerk; Beth Lovell, Senate Clerk; James Fuerhoff, House Clerk; Kim Jeffrey, House Clerk and Mark White, House Clerk.

* James Bailey, Associate Counsel, explained his abstract on the rule proposed by the **Counseling, Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements, 27CSR3**, and responded to questions from the Committee. Mr. Bailey stated that the Division has approved the modifications.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

* James Bailey, Associate Counsel, explained his abstract on the rule proposed by the **Counseling, Marriage and Family License Renewal and Continuing Professional Education Requirements, 27CSR10**. Mr. Bailey stated that the Division has approved the modifications.

On motion of Delegate Sobonya., the proposed rule was approved as modified.

* Charlie Roskovensky, Counsel, explained his abstract on the rule proposed by the **WV Dental Association, Continuing Education Requirements, 5CSR11**, and responded to questions from the Committee. Mr. Roskovensky stated that the Board has approved the modifications.

Richard Stephens, Executive Director, West Virginia Dental Association, Inc., responded to questions from the Committee.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

* Charlie Roskovensky, Counsel, explained his abstract on the rule proposed by the **WV Dental Association, Expanded Duties of Dental Hygienists and Dental Assistants, 5CSR13**. Mr. Roskovensky stated that the Board has approved the modifications.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

* John Reed, Counsel, explained his abstract on the rule proposed by the **Department of Veterans' Assistance, VA Headstones or Markers 86CSR4** and responded to questions from the Committee.

On motion of Delegate Sobonya, the proposed rule was approved.

* John Reed, Counsel, explained his abstract on the rule proposed by the **Department of Veterans' Assistance, State Home for Veterans – Fiscal, 86CSR2** and responded to questions from the Committee.

Rick Thompson, Cabinet Secretary, Department of Veterans Assistance, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved.

* Tracy Webb, Counsel, explained her abstract on the rule proposed by **the Registration for Professional Engineers, Examination, Licensure and Practice of Professional Engineers, 7CSRT1**, and responded to questions from the Committee. Ms. Webb stated the Board has agreed to the rule as modified.

Leslie Rosier-Tabor, Executive Director, WV Professional Engineers Board, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

* Jeff Johnson, Counsel, explained his abstract on the rule proposed by the **Health and Human Resources, Bureau for Public Health, AIDS-Related Medical Testing and Confidentiality, 64CSR64**, and responded questions from the Committee.

On motion of Delegate Sobonya, the proposed rule was approved.

* Jeff Johnson, Counsel, explained his abstract on the rule proposed by the **Health and Human Resources, Bureau for Public Health, Certification of Opioid Overdose Prevention and Treatment Training Programs 64CSR104**, and responded to questions from the Committee. Mr. Johnson stated the Bureau has agreed to the modification.

Brian Skinner, Public Health Regulations Director, Bureau for Public Health, addressed the Committee and responded to questions.

Melissa Kinnaird, Deputy Director, Center for Threat Preparedness, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

* Jeff Johnson, Counsel, explained his abstract on the rule proposed by the **Bureau for Public Health infectious Medical Waste, 64CSR56**, and responded to questions from the Committee. Mr. Johnson stated that the Bureau has agreed to the modifications.

Brad Cochran, Director Public Health Sanitation Division, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

* Jeff Johnson, Counsel, explained his abstract on the rule proposed by the **Bureau for Public Health, Tuberculosis Testing, Control, Treatment and Commitment, 64CSR76**, and responded to questions from the Committee.

Loretta E. Haddy, PH.D., Director, Offices of Epidemiology and Prevention Services, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved.

* Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Office of Inspector General West Virginia Clearance For Access: Registry and Employment Screening 69CSR10**, and responded to questions from the Committee.

Megan Shears, Director, WV Cares at WV DHHR, addressed the Committee and responded to questions.

Delegate Frich moved the previous question. Pursuant to a call for division by Delegate Frich, the motion was adopted.

On motion of Delegate Hanshaw, the proposed rule was moved to the October meeting.

* Jeff Johnson, Counsel, explained his abstract on the rule proposed by **the Property Valuation Training and Procedures Commission: Tax Map Sales, 189CSR5**, and responded to questions from the Committee. Mr. Johnson stated that the Commission approved the modifications.

Jeff Amburgey, Director, Property Tax Division, addressed the Committee and responded to questions.

On motion of Delegate Moffatt, the proposed rule was moved to October meeting.

* Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Tax Department, Payment of Taxes by Electronic Funds Transfer, 110CSR10F**. Ms. Graham stated that the Department agreed to the modifications.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

(Note: This modification was not reflected on the agenda.)

* Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **Tax Department, Exchange of Information Agreement Between the Commissioner of the Tax Division of the Department of Revenue and the Secretary of the Department of Environmental Protection the Director of the Division of Forestry of the Department of Commerce and the Commissioners of the Public Service Commission, 110CSR50H**.

Harry O. Yates, Jr, Cancel, WV Tax Department, responded to questions from the committee.

On motion of Delegate Sobonya, the proposed rule was approved.

There being no further business to come before the committee, Delegate Sobonya moved to adjourn. The motion was adopted.