

## Legislative Rule-Making Review Committee

Sunday, September 18, 2016

## Senate Judiciary Committee Room

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

### Senate

Maynard, Chair Present

Boley Present

Karnes Present

Miller

Snyder

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 1:00 p.m. on Sunday, September 18, 2016. The meeting was called to order by the Chair, Delegate Sobonya. A silent roll call was taken by the Clerk as reflected above. Staff present included: James Bailey, Senate Counsel; John Reed, House Counsel; Charlie Roskovensky, House Counsel; Arlie Hubbard, House Counsel; Jared Wyrick, Senate Clerk; Beth Lovell, Senate Clerk; James Fuerhoff, House Clerk; and Kim Jeffrey, House Clerk.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Board of Architects, Registration of Architect, 2 CSR 1**, and responded to questions from committee members.

Richard T. Forren, West Virginia Board of Architects, responded to questions from the committee.

Delegate Hanshaw proposed modified language for section 9.3.2 to read as follows:

“9.3.2. If any representation is made by a registered architect to a prospective or existing client or employer with respect to his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit, such representations must be accurate. If any representation is made by a registered architect employing and/or directing other registered or non-registered individuals when representing their firm to a prospective client, any such representations concerning the title, position, qualification, and experiences of these individuals shall be accurate. This includes accurately representing the scope of these individuals’ responsibilities in connection with work on projects by these individuals while employed at previous and current employers.”

The agency agreed to accept the proposed language as a modification.

Senator Karnes moved to revert the language in 8.4.5.a to the current language.

Robert T. Forren, WV Board of Architects responded to questions regarding the language, and agreed to accept as a modification.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

John Reed, House Counsel, explained his abstract on the rule proposed by the **Insurance Commission, Adoption of Valuation Manual Registration of Architect, 114 CSR 98**, and responded to questions from committee members.

Andrew Pauley, General Counsel, Office of the Insurance Commissioner, responded to questions from the committee.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Board of Social Work Examiners, Continuing Education for Social Workers and Providers, 25 CSR 5**, and responded to questions from the committee members.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Medicine, Dispensing of Legend Drugs by Practitioners, 11 CSR 5**. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Optometry, Continuing Education, 14 CSR 10**. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Osteopathic Medicine, Licensing Procedures for Osteopathic Physicians, 24 CSR 1**, and responded to questions from the committee members. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

Delegate Fleishauer requested staff to gather information regarding which agencies still needed to comply with House Bill 4318 from the 2014 Regular Session.

Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Osteopathic Medicine, Licensing Procedures for Osteopathic Physician Assistants, 24 CSR 2**. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **State Board of Sanitarians, The Practice of Public Health Sanitation, 20 CSR 4**, and responded to questions from the committee members. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Lloyd White, Chairman, Board of Sanitarians, responded to questions from the committee.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Veterinary Medicine, Standards of Practice, 26 CSR 4**, and responded to questions from the committee members. Mr. Roskovensky stated that the Board agreed to all technical modifications.

Dr. John Wilson, Chairman, Board of Veterinary Medicine, responded to questions from the committee.

Delegate Sobonya proposed to alter the language of section 8.1, the change the word “may” to “shall”.

The agency agreed to the modification.

Senator Maynard moved to approve the rule as modified. The motion was adopted.

Upon motion by Senator Maynard, the meeting was adjourned.