

Legislative Rule-Making Review Committee

Monday, January 9, 2017

Senate

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

Senate Judiciary Committee Room

1:00 p.m. to 4:00 p.m.

House

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

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 1:00 p.m. on Monday, January 9, 2017. The meeting was called to order by the Chair, Senator Maynard. A silent roll call was taken by the Clerk as reflected above. Staff present included: Jared Wyrick, Joint Director of the Committee; James Bailey, Senate Counsel; Jeff Johnson, Senate Counsel; Arlie Hubbard, House Counsel; Jennifer Greenlief, Senate Counsel; James Fuerhoff, House Clerk.

The first order of business was approval of the minutes from the December 6th meeting. Delegate Sobonya moved the minutes be approved. The motion was adopted.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Board of Examiners of Speech-Language Pathology and Audiology, Licensure of Speech-Language Pathology and Audiology, 29 CSR 1.**

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Secretary of State, Voter Registration at the Division of Motor Vehicles, 153 CSR 3**, and responded to questions from the committee.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Board of Examiners in Counseling, Licensed Professional Counselor Fees, 27 CSR 2.**

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Board of Examiners in Counseling, Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements, 27 CSR 3.**

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Board of Examiners in Counseling, Marriage and Family Therapist Fees , 27 CSR 9.**

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

James Bailey, Senate Counsel, explained his abstract on the rule proposed by the **Board of Examiners in Counseling, Marriage and Family Therapist License Renewal and Continuing Professional Education Requirements, 27 CSR 10.**

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Jennifer Greenlief, Senate Counsel, explained her abstract on the rule proposed by the **Secretary of State, Voter Registration List Maintenance by the Secretary of State, 153 CSR 5,** and responded to questions from the committee.

Tim Leach, Assistant Counsel, Secretary of State, addressed the committee and responded to questions.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Medication Assisted Treatment Opioid Treatment Programs, 69 CSR 11,** and responded to questions from the committee.

Jolynn Marra, Director, Office of Health Facility Licensure and Certification, DHHR, addressed the committee and responded to questions.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was adopted.

Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Medication Assisted Treatment Office Based Medication Assisted Treatment, 69 CSR 12**, and responded to questions from the committee.

Jolynn Marra, Director, Office of Health Facility Licensure and Certification, DHHR, addressed the committee and responded to questions.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya 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 Barbers and Cosmetologists, Qualifications, Training, Examination and Certification of Instructors in Barbering and Cosmetology, 3 CSR 2**, and responded to questions from the committee.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya 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 Barbers and Cosmetologists, Licensing Schools of Barbering, Cosmetology, Nail Technology and Aesthetics, 3 CSR 3**, and responded to questions from the committee.

Delegate Sobonya moved to approve the rule. The motion was adopted.

Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Board of Barbers and Cosmetologists, Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail Technology and Aesthetics, 3 CSR 4**, and responded to questions from the committee.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya 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 Barbers and Cosmetologists, Operation of Barber, Beauty, Nail and Aesthetic Shops/Salons, and Schools of Barbering and Beauty Culture, 3 CSR 5**, and responded to questions from the committee.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya 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 Barbers and Cosmetologists, Schedule of Fees, 3 CSR 6**, and responded to questions from the committee.

Charlie Persinger, Acting Director, WV Board of Barbers and Cosmetologists, addressed the committee and responded to questions.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya 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 Barbers and Cosmetologists, Continuing Education, 3 CSR 11**, and responded to questions from the committee.

Charlie Persinger, Acting Director, WV Board of Barbers and Cosmetologists, addressed the committee and responded to questions.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Senator Sypolt moved to amend the rule on page 3, section 4.4 to read as follows, "To satisfy continuing education, barbers must complete 3 hours of continuing education until they have reached 10 years of experience. At that time, there will no longer be any continuing education." Senator Sypolt asked unanimous consent to withdraw his amendment.

Delegate Fleischauer moved to amend the rule by striking all of sections 1.1 and 4.4.

Delegate Fleischauer requested unanimous consent to restate her amendment. Without objection, the amendment to sections 1.1 and 4.4 was reformed to read, "Licensees who have been licensed for twenty (20) years or more are exempt from the continuing education requirements but must take a three (3) hour sanitation class ever other year." The amendment was adopted.

Delegate Sobonya moved to approve the rule as modified and amended. The motion was adopted.

Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Board of Barbers and Cosmetologists, Barber Apprentice, 3 CSR 13**.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya 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 Barbers and Cosmetologists, Waxing Specialist, 3 CSR 14**, and responded to questions from the committee.

Delegate Sobonya moved that the committee adopt the agency agreed-to modifications to the rule. The motion was adopted.

Delegate Sobonya moved to approve the rule as modified. The motion was rejected and the recommendation of the committee is for the rule to be rejected.

Co-Chair Maynard directed staff to draft legislation relating to authorization for the 2016-2017 proposed rules and directed staff to prepare and submit the Committee's final report to each respective House.

Upon motion of Delegate Sobonya, the meeting was adjourned.