

Legislative Rule-Making Review Committee

Minutes for Monday, November 12, 2018

Senate Judiciary Committee Room

9:00 a.m. to 5:00 p.m.

Senate		House	
Maynard, Chair		Sobonya, Chair	Present
Weld	Present	Frich	Present
Baldwin		Butler	Present
Jeffries	Present	Fleischauer	Present
Rucker	Present	Foster, G.	
Sypolt	Present	Rowe	Present
Carmichael, Nonvoting		Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Monday, November 12, 2018. 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: Arlie Hubbard, House Counsel; Charlie Roskovensky, House Counsel; Sarah Canterbury, Senate Counsel; Jeff Johnson, Senate Counsel; Carl Fletcher, Senate Counsel; Robert Akers, House Counsel; Jared Wyrick, Director; James Fuerhoff, House Clerk.

The first order of business was approval of the minutes from the September 19, 2018 meeting. Senator Weld moved to approve the minutes. The motion was adopted.

Delegate Sobonya removed **Payment of Taxes by Electronic Funds Transfer, 110 CSR 10F** from the agenda.

1. Carl Fletcher, Senate Counsel, explained his abstract on the rule proposed by the **Division of Highways, Employment Procedures, 157 CSR 12**.

Senator Weld moved to approve the rule as filed. The motion was adopted.

2. Carl Fletcher, Senate Counsel, explained his abstract on the rule proposed by the **Fire Commission, State Building Code, 87 CSR 4**, and responded to questions from committee members.

With leave of the committee, Ken Tyree, Fire Commissioner, addressed the committee and responded to questions.

Senator Weld moved to approve the rule as filed. The motion was adopted.

3. Carl Fletcher, Senate Counsel, explained his abstract on the rule proposed by the **West Virginia Board of Examiners for Registered Professional Nurses, Standards for Scope of Professional Nursing Practice, 19 CSR 10.**

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

4. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **West Virginia Board of Examiners for Registered Professional Nurses, Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct, 19 CSR 3,** and responded to questions from the committee.

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

5. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **West Virginia Board of Examiners for Registered Professional Nurses, Advanced Practice Registered Nurse, 19 CSR 7,** and responded to questions from committee members.

Senator Weld moved to approve the rule as filed. The motion was adopted.

6. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **West Virginia Board of Examiners for Registered Professional Nurses, Fees for Service Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing, 19 CSR 12.**

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

7. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **West Virginia Board of Examiners for Registered Professional Nurses, Dialysis Technicians, 19 CSR 13.**

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

8. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Rules for the Substitution of Biological Pharmaceuticals, 15 CSR 17,** and responded to questions from the committee.

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

9. Charlie Roskovensky, House Counsel, explained his abstract on the rule proposed by the **Health Care Authority, Cooperative Agreement Approval and Compliance, 65 CSR 6.**

Senator Weld moved to approve the rule as filed. The motion was adopted.

10. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Board of Public Health, Assisted Living Residences, 64 CSR 14**, and responded to questions from the committee.

With leave of the committee, Megan Roskovensky, WV Healthcare Association, addressed the committee and responded to questions.

With leave of the committee, Jolynn Marra, DHHR Office of Inspector General, addressed the committee and responded to questions.

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

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

With leave of the committee, Jolynn Marra, DHHR Office of Inspector General, addressed the committee and responded to questions.

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

12. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Board of Public Health, Newborn Screening System, 64 CSR 91**, and responded to questions from the committee.

With leave of the committee, Brian Skinner, General Counsel, Bureau of Public Health, addressed the committee and responded to questions.

Delegate Frich moved to lay the rule over. The motion was adopted.

13. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Board of Public Health, Chronic Pain Management Clinic Licensure, 69 CSR 8.**

Senator Weld moved to approve the rule as filed. The motion was adopted.

14. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Board of Public Health, Collection and Exchange of Data Related to Overdoses, 69 CSR 14**, and responded to questions from the committee.

With leave of the committee, April Robertson, Assistant General Counsel, DHHR, addressed the committee and responded to questions.

Senator Weld moved to approve the rule as filed. The motion was adopted.

15. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Department of Agriculture, Farmers Markets, 61 CSR 38**, and responded to questions from the committee.

With leave of the committee, Crescent Gallagher, Department of Agriculture, addressed the committee and responded to questions.

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

16. Robert Akers, House Counsel, explained his abstract on the rule proposed by the **Department of Agriculture, Farm to Food Bank Tax Credit, 61 CSR 36**.

With leave of the committee, Crescent Gallagher, Department of Agriculture, addressed the committee and responded to questions.

Senator Weld moved to approve the rule as filed. The motion was adopted.

17. Robert Akers, House Counsel, explained his abstract on the rule proposed by the **Department of Agriculture, Agritourism, 61 CSR 37**, and responded to questions from the committee.

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

18. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Department of Administration, Purchasing Division, 148 CSR 1**.

Senator Weld moved to approve the rule as filed. The motion was adopted.

19. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Department of Administration, State Owned Vehicles, 148 CSR 3**.

With leave of the committee, Kenny Yoakum, Director, WV Fleet Management, addressed the committee and responded to questions.

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

20. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Department of Administration, Leasing Space and Acquisition of Real Property on Behalf of State Spending Units, 148 CSR 19**, and responded to questions from the committee.

Jennelle Jones, Deputy General Counsel, Department of Administration, addressed the committee and responded to questions.

Delegate Frich moved to lay the rule to the foot of the calendar. The motion was adopted.

21. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Board of Social Work Examiners, Qualifications for the Profession of Social Work, 25 CSR 1**.

Senator Weld moved to approve the rule as filed. The motion was adopted.

22. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Board of Social Work Examiners, Code of Ethics, 25 CSR 7**.

Senator Weld moved to approve the rule as filed. The motion was adopted.

23. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **Tax Department, Aircraft Operated under a Fractional Ownership Program, 110 CSR 15K**.

Senator Weld moved to approve the rule as filed. The motion was adopted.

24. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **Tax Department, Aircraft Operated under a Fractional Ownership Program, 110 CSR 21B**, and responded to questions from the committee.

Senator Weld moved to approve the rule as filed. The motion was adopted.

25. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **Tax Department, Aircraft Operated under a Fractional Ownership Program, 110 CSR 49**, and responded to questions of counsel.

Senator Weld moved to approve the rule as filed. The motion was adopted.

Delegate Rowe moved to reconsider the rule proposed by the **Board of Social Work Examiners, Qualifications for the Profession of Social Work, 25 CSR 1**. The motion was adopted.

Vickie James, Executive Director, Board of Social Work, addressed the committee and responded to questions.

Delegate Rowe moved to adopt the agency agreed to modifications. The motion was adopted.

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

The committee then proceeded to continue on the rule proposed by the **Department of Administration, Leasing Space and Acquisition of Real Property on Behalf of State Spending Units, 148 CSR 19.**

Arlie Hubbard, House Counsel, addressed the committee and described the agency agreed to modifications.

Senator Weld moved to adopt the agency agreed to modifications. The motion was adopted.

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

With no further business to come before the committee, Senator Weld moved to adjourn.

Delegate Sobonya put the question before the committee and the motion was adopted. The committee adjourned at 1:20 P.M.