

Legislative Rule-Making Review Committee

Minutes for Sunday, November 17, 2019

Senate Judiciary Committee Room

1:00 p.m. to 9:00 p.m.

Senate

Maynard, Chair	Present
Baldwin	
Jeffries	Present
Rucker	Present
Sypolt	Present
Weld	
Carmichael, Nonvoting	

House

Foster, G., Chair	Present
Butler	Present
Fleischauer	Present
Martin, P.	Present
Rowe	Present
Steele	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 1:00 p.m. on Sunday, November 17, 2019. The meeting was called to order by the Chair, Senator Maynard. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Jeff Johnson, Senate Counsel; Charlie Roskovensky, House Counsel; Mark McOwen, House Counsel; Carl Fletcher, Senate Counsel; Cindy Dellinger, House Counsel; Robert Akers, House Counsel; Sarah Canterbury, Senate Counsel; James Fuerhoff, Director of Legislative Rule-Making Review Committee; and Felisha Sutherland, Committee Clerk.

The first order of business was approval of the minutes from the October 24, 2019, and October 25, 2019, meetings. Chairman Maynard recognized Delegate Foster for the purpose of a motion to approve the minutes. The motion was adopted.

1. Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Board of Architects, Registration of Architects, 2 CSR 01.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

2. Jeff Johnson, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Architects, Fees for Registration of Architects, 2 CSR 03**, and responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

3. Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Board of Landscape Architects, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 9 CSR 05.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

4. Jeff Johnson, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Optometry, Rules of the West Virginia Board of Optometry, 14 CSR 01.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

5. Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Development Office, Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program, 145 CSR 15,** and responded to questions from the Committee.

With leave of the Committee, Jack Rife, General Counsel for the Development Office, responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

6. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Pharmacy, Licensure and Practice of Pharmacy, 15 CSR 01,** and responded to questions from the Committee.

With leave of the Committee, Krista Capehart, Director of Professional Regulatory Affairs, responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

7. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Licensure and Practice of Pharmacist Care, 15 CSR 16.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

8. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Department of Health and Human Resources, Fees for Permits, 64 CSR 30,** and responded to questions from the Committee.

With leave of the Committee, Britt Ludwig, General Counsel for the Bureau of Public Health, responded to questions from the Committee.

With leave of the Committee, Thomas Susman representing the Behavioral Healthcare Providers Association, responded to questions from the Committee.

On motion of Delegate Foster, the rule was laid over.

9. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Collection and Exchange of Data Related to Overdoses, 69 CSR 14.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

10. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Health Care Authority, Critical Access Hospitals, 65 CSR 09.**

On motion of Delegate P. Martin, the agency agreed to modifications were adopted.

On motion of Delegate P. Martin, the rule was approved as modified.

11. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Division of Human Services, Qualifications for a Provisional License to Practice as a Social Worker Within the Department of Health and Human Resources, 78 CSR 24.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

12. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Division of Human Services, Pilot Program for Drug Screening of Applicants for Cash Assistance, 78 CSR 26.**

On motion of Delegate Foster, the rule was approved as filed.

13. Mark McOwen, Associate Counsel, explained his abstract on the rule proposed by the **Board of Chiropractic Examiners, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 4 CSR 08.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

14. Mark McOwen, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Dentistry, Rules for the West Virginia Board of Dental Examiners, 5 CSR 01,** and responded to questions from the Committee.

With leave of the Committee, Susan Combs, Executive Director of the Board of Dentistry, responded to questions from the Committee.

On motion of Delegate Foster, the rule was approved as filed.

15. Mark McOwen, Associate Counsel, explained his abstract on the rule proposed by the **Board of Dentistry, Dental Advertising, 5 CSR 08**.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

16. Mark McOwen, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Registered Professional Nurses, Requirements for Registration and Licensure and Conduct Consulting Professional Misconduct, 19 CSR 03**, and responded to questions from the Committee.

With leave of the Committee, Dr. Sue Painter, Executive Director for the Board of Registered Professional Nurses, responded to questions from the Committee.

On motion of Delegate Foster, the rule was approved as filed.

17. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Board of Professional Engineers, Examination, Licensure, and Practice of Professional Engineers, 7 CSR 01**.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

18. Carl Fletcher, Associate Counsel, reviewed his abstract on the rule proposed by the **Real Estate Appraiser Licensing and Certification Board, Requirements for Licensure and Certification, 190 CSR 02**, and responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

19. Carl Fletcher, Associate Counsel, explained her abstract on the rule proposed by the **Real Estate Commission, Consideration of Prior Criminal Convictions in Initial Licensure Eligibility Determination, 174 CSR 07**, and responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

20. Cindy Dellinger, Associate Counsel, reviewed her abstract on the rule proposed by the **Board of Physical Therapy, General Provisions for Physical Therapist and Physical Therapist Assistant, 16 CSR 01**, and responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

21. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Board of Physical Therapy, Fees for Physical Therapist and Physical Therapist Assistant, 16 CSR 04**, and responded to questions from the Committee.

With leave of the Committee, Nonnie Ramsey, Executive Director of the Board of Physical Therapy, responded to questions from the Committee.

With leave of the Committee, John Brautigam, Chairman of the Board of Physical Therapy, responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

22. Cindy Dellinger, Associate Counsel, reviewed her abstract on the rule proposed by the **Board of Physical Therapy, General Provisions for Athletic Trainers, 16 CSR 05**, and responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

23. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Board of Physical Therapy, Fees for Athletic Trainers, 16 CSR 06**, and responded to questions from the Committee.

With leave of the Committee, Nonnie Ramsey, Executive Director of the Board of Physical Therapy, responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

24. Cindy Dellinger, Associate Counsel, reviewed her abstract on the rule proposed by the **Board of Physical Therapy, Application for Waiver of Initial Licensing Fees for Certain Individuals, 16 CSR 09**.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

25. Robert Akers, Associate Counsel, explained his abstract on the rule proposed by the **Board of Forestry, Sediment Control During Commercial Timber-Harvesting Operations-Licensing, 22 CSR 02**, and responded to questions from the Committee.

With leave of the Committee, Jeremy McGill, Assistant State Forester, responded to questions from the Committee.

On motion of Delegate Foster, the rule was approved as filed.

26. Robert Akers, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Forestry, Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification, 22 CSR 03**, and responded to questions from the Committee.

With leave of the Committee, Jeremy McGill, Assistant State Forester, responded to questions from the Committee.

On motion of Delegate Foster, the rule was approved as filed.

27. Robert Akers, Associate Counsel, explained his abstract on the rule proposed by the **Office of Miners' Health, Safety, and Training, Substance Abuse Screening, Standards, and Procedures, 56 CSR 19**, and responded to questions from the Committee.

With leave of the Committee, Eugene White, Director of the Office of Miners' Health, Safety, and Training, responded to questions from the Committee.

With leave of the Committee, Barry Koerber, Assistant Attorney General representing the Office of Miners' Health, Safety, and Training, responded to questions from the Committee.

With leave of the Committee, Donald Kersey, General Counsel for the Secretary of State, responded to questions from the Committee.

On motion of Delegate Foster, the rule was approved as filed.

28. Robert Akers, Associate Counsel, reviewed his abstract on the rule proposed by the **Office of Miners' Health, Safety, and Training, Rules Governing the Certification, Recertification, and Training of EMT-Miners and the Certification of EMT-M Instructors, 56 CSR 22**.

On motion of Delegate Foster, the rule was approved as filed.

29. Robert Akers, Associate Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Secretary's Office, Voluntary Remediation and Redevelopment Rule, 60 CSR 03**, and responded to questions from the Committee.

With leave of the Committee, Jason Wandling, General Counsel with the Department of Environmental Protection, responded to questions from the Committee.

On motion of Delegate Foster, the rule was approved as filed.

30. Sarah Canterbury, Associate Counsel, reviewed his abstract on the rule proposed by the **Election Commission, Corporate and Membership Organization Political Activity, 146 CSR 01**.

On motion of Delegate P. Martin, the agency agreed to modifications were adopted.

On motion of Delegate P. Martin, the rule was approved as modified.

31. Sarah Canterbury, Associate Counsel, explained his abstract on the rule proposed by the **Election Commission, Regulation of Campaign Finance, 146 CSR 03**, and responded to questions from the Committee.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

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

With no further business to come before the Committee, Delegate Foster moved to adjourn. The motion was adopted.