

**Legislative Rule-Making Review Committee**  
**Minutes for Wednesday, September 25, 2019**

**Senate Judiciary Committee Room**  
**9:00 a.m. to 9:00 p.m.**

**Senate**

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

**House**

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

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Wednesday, September 25, 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: Mark McOwen, House Counsel; Sarah Canterbury, Senate Counsel; Brian Casto, House Counsel; Robert Akers, House Counsel; Charlie Roskovensky, House Counsel; Cindy Dellinger, House Counsel; Arlie Hubbard, House Counsel; and Carl Fletcher, Senate Counsel; James Fuerhoff, Director of Legislative Rule-Making Review Committee; and Felisha Sutherland, Committee Clerk.

James Fuerhoff, Director, Legislative Rule-Making Review Committee, distributed the updated rules and procedures for agency filing of rules with the Legislative Rule-Making Review Committee and responded to questions from the Committee. Delegate Foster moved to adopt the updated rules and procedures. The motion was adopted.

Chairman Maynard recognized Delegate Foster for the purpose of a motion to approve the minutes from November 27, 2018 meeting. The motion was adopted.

1. Mark McOwen, Associate Counsel, explained his abstract on the rule proposed by the **Board of Chiropractic Examiners, Application for Waiver of Initial Licensing Fees for Certain Individuals, 4 CSR 7** 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.

2. Mark McOwen, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Occupational Therapy, Application for Waiver of Initial Licensing Fees for Certain Individuals, 13 CSR 7.**

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

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

3. Mark McOwen, Associate Counsel, explained his abstract on the rule proposed by the **Board of Occupational Therapy, Fees for Services Rendered by the Board, 13 CSR 3.**

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

4. Mark McOwen, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Registered Professional Nurses, Application for Waiver of Initial Licensing Fees for Certain Individuals, 19 CSR 15** and responded to questions from the Committee.

With leave of the Committee, Sue Painter, Executive Director, Board of Registered Professional Nurses, addressed the Committee and responded to questions.

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

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

5. Brian Casto, Associate Counsel, reviewed his abstract on the rule proposed by the **Division of Air Quality, Ambient Air Quality Standards, 45 CSR 8.**

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

6. Brian Casto, Associate Counsel, explained his abstract on the rule proposed by the **Division of Air Quality, Standards of Performance for New Stationary Sources, 45 CSR 16.**

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

7. Brian Casto, Associate Counsel, reviewed his abstract on the rule proposed by the **Division of Air Quality, Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45 CSR 25.**

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

On motion of Delegate Foster, the previous motion was amended. The agency agreed to modifications were adopted.

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

8. Brian Casto, Associate Counsel, explained his abstract on the rule proposed by the **Division of Air Quality, Emission Standards for Hazardous Air Pollutants, 45 CSR 34.**

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

9. Brian Casto, Associate Counsel, reviewed his abstract on the rule proposed by the **Division of Air Quality, Control of Ozone Season Nitrogen Oxides Emissions, 45 CSR 40**, and responded to questions from the Committee.

With leave of the Committee, Jason Wandling, General Counsel, Director of Office of Legal Services, Department of Environmental Protection, addressed the Committee and responded to questions.

With leave of the Committee, Laura Jennings, Permit Engineer, Division of Air Quality, addressed the Committee and responded to questions.

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

10. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Medicine, Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, 11 CSR 1B**.

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

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

11. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Medicine, Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants, 11 CSR 13**.

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, explained his abstract on the rule proposed by the **Board of Pharmacy, Record Keeping and Automated Data Processing Systems, 15 CSR 4**.

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

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

13. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Pharmacy, Registration of Pharmacy Technicians, 15 CSR 7**, and responded to questions from the Committee.

With leave of the Committee, Dr. Krista Capehart, Director of Professional and Regulatory Affairs, Board of Pharmacy, addressed the Committee and responded to questions.

With leave of the Committee, Ryan Hatfield, General Counsel, Board of Pharmacy, addressed the Committee and responded to questions.

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

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

14. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Immunizations Administered by Pharmacists and Pharmacy Interns, 15 CSR 12**, and responded to questions from the Committee.

With leave of the Committee, Dr. Krista Capehart, Director of Professional and Regulatory Affairs, Board of Pharmacy, addressed the Committee and responded to questions.

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

15. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Pharmacy, Centralized Prescription Processing, 15 CSR 14**, and responded to questions from the Committee.

With leave of the Committee, Dr. Krista Capehart, Director of Professional and Regulatory Affairs, Board of Pharmacy, addressed the Committee and responded to questions.

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

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

16. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Regulations Governing Pharmacy Permits, 15 CSR 15**, 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.

17. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Pharmacy, Application for Waiver of Initial Licensing Fees for Certain Individuals, 15 CSR 18**, 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.

18. Charlie Roskovensky, Associate Counsel, reviewed 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**, and responded to questions from the Committee.

With leave of the Committee, April Robertson, General Counsel, Office of the Secretary, Department of Health and Human Resources, addressed the Committee and responded to questions.

With leave of the Committee, Cindy Dellinger, House Counsel, addressed the Committee and responded to questions.

With leave of the Committee, Rachel Thaxton, Assistant Director of the Office of Drug Control Policy, Office of the Secretary, Department of Health and Human Resources, addressed the Committee and responded to questions.

With leave of the Committee, Bill Crouch, Cabinet Secretary, Department of Health and Human Resources, addressed the Committee and responded to questions.

On motion of Senator Maynard, the Committee recessed for 45 minutes.

The meeting was called to order by the Chair, Senator Maynard. A silent roll call was taken by the Clerk to establish a quorum. Attendance remained the same, as reflected on page one of the minutes.

With unanimous consent, the **Department of Health and Human Resources, Collection and Exchange of Data Related to Overdoses, 69 CSR 14**, rule was laid over until the November meeting.

19. Sarah Canterbury, Associate Counsel, explained her abstract on the rule proposed by the **Board of Registered Hearing Aid Dealers, Application for Waiver of Initial Licensing Fees for Certain Individuals, 8 CSR 4**.

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, explained her abstract on the rule proposed by the **Board of Acupuncture, Fees of the Board of Acupuncture, 32 CSR 4**, 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, reviewed her abstract on the rule proposed by the **Board of Acupuncture, Auricular Detoxification Therapy Certification, 32 CSR 14**, and responded to questions from the Committee.

With leave of the Committee, Linda Lyter, Executive Director, Board of Acupuncture, addressed the Committee and responded to questions.

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, explained her abstract on the rule proposed by the **Board of Acupuncture, Application for Waiver of Initial Licensing Fees for Certain Individuals, 32 CSR 15**, 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, reviewed her abstract on the rule proposed by the **Board of Respiratory Care, Establishment of Fees, 30 CSR 2**.

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, explained her abstract on the rule proposed by the **Board of Respiratory Care, Student Temporary Permits, 30 CSR 9.**

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

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

25. Arlie Hubbard, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Examiners in Counseling, Application for Waiver of Initial Licensing Fees for Certain Individuals, 27 CSR 13.**

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

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

26. Arlie Hubbard, Associate Counsel, explained his abstract on the rule proposed by the **Board of Licensed Dietitians, Licensure and Renewal Requirements, 31 CSR 1,** 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.

27. Arlie Hubbard, Associate Counsel, reviewed his abstract on the rule proposed by the **Board of Licensed Dietitians, Application for Waiver of Initial Licensing Fees for Certain Individuals, 31 CSR 6,** 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.

28. Arlie Hubbard, Associate Counsel, explained his abstract on the rule proposed by the **Board of Funeral Service Examiners, Application for Waiver of Initial Licensing Fees for Certain Individuals, 6 CSR 5.**

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

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

29. Arlie Hubbard, Associate Counsel, reviewed his abstract on the rule proposed by the **Massage Therapy Licensure Board, Application for Waiver of Initial Licensing Fees for Certain Individuals, 194 CSR 5.**

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

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

30. Arlie Hubbard, Associate Counsel, explained his abstract on the rule proposed by the **Board of Social Work Examiners, Fee Schedule, 25 CSR 3**, and responded to questions from the Committee.

With leave of the Committee, Vickie James, Executive Director, Board of Social Workers Examiners, addressed the Committee and responded to questions.

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

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

31. Carl Fletcher, Associate Counsel, reviewed his abstract on the rule proposed by the **Department of Agriculture, Auctioneers, 61 CSR 11B**, and responded to questions from the Committee.

With leave of the Committee, Jennifer Greenlief, Deputy Commissioner, Department of Agriculture, addressed the Committee and responded to questions.

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

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

32. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Department of Agriculture, Poultry Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication, 61 CSR 13A**.

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

33. Carl Fletcher, Associate Counsel, reviewed his abstract on the rule proposed by the **Department of Agriculture, Employment Reference and Inquiries and Background Checks, 61 CSR 20**, 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.

34. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Department of Agriculture, Captive Cervid Farming, 61 CSR 34**.

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

35. Carl Fletcher, Associate Counsel, reviewed his abstract on the rule proposed by the **Real Estate Commission, Application for Waiver of Initial Licensing Fees for Certain Individuals, 174 CSR 6**.

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

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

36. Robert Akers, Associate 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, Director of Communications, Department of Agriculture, addressed the Committee and responded to questions.

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

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

37. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Medical Cannabis Program - General Provisions, 64 CSR 109**, and responded to questions from the Committee.

With leave of the Committee, April Robertson, General Counsel, Office of the Secretary, Department of Health and Human Resources, addressed the Committee and responded to questions.

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

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

38. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Department of Health and Human Resources, Medical Cannabis Program - Growers/Processors, 64 CSR 110**, and responded to questions from the Committee.

With leave of the Committee, James Frame, Director, Office of Medical Cannabis, Department of Health and Human Resources, addressed the Committee and responded to questions.

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

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

39. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Medical Cannabis Program – Laboratories, 64 CSR 111**, 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.

40. Charlie Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **Department of Health and Human Resources, Medical Cannabis Program – Dispensaries, 64 CSR 112**, and responded to questions from the Committee.

With leave of the Committee, James Frame, Director, Office of Medical Cannabis, Department of Health and Human Resources, addressed the Committee and responded to questions.



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

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

41. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Medical Cannabis Program - Safe Harbor Letter, 64 CSR 113**, and responded to questions from the Committee.

With leave of the Committee, James Frame, Director, Office of Medical Cannabis, Department of Health and Human Resources, addressed the Committee and responded to questions.

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

With no further business to come before the Committee, Delegate Foster moved to adjourn. The motion was adopted. The Committee adjourned at approximately 6:03 P.M.