

Legislative Rule-Making Review Committee

Minutes for Monday, November 16, 2020

House Chamber

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

Senate

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

House

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

The Legislative Rule-Making Review Committee met in the House Chamber at 9:00 a.m. on Monday, November 16, 2020. The meeting was called to order by the Chair, Senator Sypolt. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Carl Fletcher, Senate Counsel; Charlie Roskovensky, House Counsel; Kip Reese, House Counsel; Liz Schindzielorz, House Counsel; Cindy Dellinger, Senate Counsel; Jaclyn Schiffour, House Counsel; James Fuerhoff, Director of Legislative Rule-Making Review Committee.

The first order of business was approval of the minutes from the September 23, 2020 meeting. Chairman Sypolt recognized Delegate Foster for the purpose of a motion to approve the minutes. The motion was adopted.

1. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Board of Professional Surveyors, Examination and Licensing of Professional Surveyors in West Virginia, 23 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. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Board of Landscape Architects, Registration of Landscape Architects, 9 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.

3. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Board of Landscape Architects, Application for Waiver of Initial Licensing Fees for Certain Individuals, 9 CSR 04.**

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

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

4. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Division of Motor Vehicles, Special Purpose Vehicles, 91 CSR 25**, 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.

5. Liz Schindzielorz, Associate Counsel, explained her abstract on the rule proposed by the **State Auditor, Standards for Requisitions for Payment Issued by State Officers on the Auditor, 155 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.

6. Liz Schindzielorz, Associate Counsel, explained her abstract on the rule proposed by the **Board of Hearing Aid Dealers, Rule Governing the West Virginia Board of Hearing Aid Dealers, 8 CSR 01**, and responded to questions from the Committee.

Kendra Zamora, Agency Administrator, Board of Hearing Aid Dealers, addressed the Committee and responded to questions.

By unanimous consent, the rule was laid to the foot of the agenda.

7. Charlie Roskovensky, Associate Counsel, explained 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.

Kristin Capeheart, 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.

8. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Uniform Controlled Substances Act, 15 CSR 02.**

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

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

9. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Board of Pharmacy Rules for Continuing Education for Licensure of Pharmacists, 15 CSR 03.**

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, explained his abstract on the rule proposed by the **Board of Pharmacy, Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers, 15 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.

11. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Controlled Substances Monitoring Program, 15 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.

12. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Board of Pharmacy Rules for Immunizations Administered by Pharmacists and Pharmacy Interns, 15 CSR 12,** 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.

13. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Medicine, Registration to Practice During Declared State of Emergency, 11 CSR 14.**

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

14. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Board of Occupational Therapy, Telehealth Practice; Requirements, Definitions, 13 CSR 09.**

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

15. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Insurance Commissioner, Health Benefit Plan Network Access and Adequacy, 114 CSR 100.**

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

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

16. Kip Reese, Associate Counsel, explained his abstract on the rule proposed by the **State Emergency Response Commission, Emergency Planning and Community Right to Know, 55 CSR 01**, and responded to questions from the Committee.

Stacy Nowicki, General Counsel, Department of Military Affairs and Public Safety, addressed the Committee and responded to questions.

Rusty Joins, Vice Chair, State Emergency Response Commission, addressed the Committee and responded to questions.

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

17. Kip Reese, Associate Counsel, explained his abstract on the rule proposed by the **State Emergency Response Commission, Emergency Planning Grant Program, 55 CSR 02**.

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

18. Kip Reese, Associate Counsel, explained his abstract on the rule proposed by the **Fire Marshal, Standards for the Certification and Continuing Education of Municipal. County, and other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners, 103 CSR 06**, and responded to questions from the Committee.

Ken Tyree, State Fire Marshal, addressed the Committee and responded to questions.

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

19. Kip Reese, Associate Counsel, explained his abstract on the rule proposed by the **Fire Commission, Standards for the Certification and Continuing Education of Municipal. County, and other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners, 87 CSR 07**.

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

20. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Board of Respiratory Care, Criteria for Licensure, 30 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.

21. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Board of Osteopathic Medicine, Licensing Procedures for Osteopathic Physicians, 24 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.

22. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Board of Osteopathic Medicine, Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness, 24 CSR 09**, and responded to questions from the Committee.

Chase Holcomb, General Counsel, Board of Osteopathic Medicine, 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.

23. Jaclyn Schiffour, Associate Counsel, explained her abstract on the rule proposed by the **Board of Funeral Service Examiners, Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishments Requirements, 6 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.

24. Jaclyn Schiffour, Associate Counsel, explained her abstract on the rule proposed by the **Board of Funeral Service Examiners, Crematory Requirements, 6 CSR 02.**

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

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

25. Jaclyn Schiffour, Associate Counsel, explained her abstract on the rule proposed by the **Board of Funeral Service Examiners, Fee Schedule, 6 CSR 07**, and responded to questions from the Committee.

Grady Bowyer, Executive Director, Board of Funeral Service 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.

26. Previously laid to the foot of the agenda, the Committee returned to consideration of the rule proposed by the **Board of Hearing Aid Dealers, Rule Governing the West Virginia Board of Hearing Aid Dealers, 8 CSR 01.** Counsel explained her abstract, the agency agreed to modifications, and responded to questions from the Committee.

Kendra Zamora, Agency Administrator, Board of Hearing Aid Dealers, 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.

With no further business to come before the Committee, Delegate Foster moved to adjourn. The motion was adopted. The Committee adjourned at 12:07 P.M.