

Legislative Rule-Making Review Committee

Senate Judiciary Committee Room

Minutes for Wednesday, August 9, 2023

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

Senate

Woodrum, Chair	Present
Caputo	Present
Jeffries	Present
Queen	Present
Roberts	Present
Weld	Present
Blair, Nonvoting	

House

Smith, Chair	Present
Fehrenbacher	Present
Hornby	Present
Jeffries	Present
Kelly	Present
Rowe	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Wednesday, August 9, 2023. The meeting was called to order by the Chair, Senator Woodrum. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: D.J. Morgan, House Counsel; Phillip Childs, Joint Committee Counsel; Adair Burgess, Director of Legislative Rule-Making Review Committee; and Felisha Sutherland, Committee Clerk.

Chairman Woodrum recognized Delegate Smith for the purpose of a motion to approve the minutes from January 25, 2023. The motion was adopted.

1. D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the Board of Respiratory Care, *Student Temporary Permit – Amended*, [30 CSR 09](#), and responded to questions from the Committee.

With leave of the Committee, Tracy Matthews, President of the Board of Respiratory Care, responded to questions from the Committee.

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

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

2. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Department of Administration, *State Owned Vehicles*, [148 CSR 03](#), and responded to questions from the Committee.

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

3. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Department of Agriculture, *Agritourism*, [61 CSR 37](#).

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

4. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Department of Health and Human Resources, *Cooperative Agreement Approval and Compliance*, [65 CSR 06](#).

With leave of the Committee, April Robertson, General Counsel for the Department of Health and Human Resources, responded to questions from the Committee.

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

5. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Office of the Insurance Commissioner, *AIDS Regulation*, [114 CSR 27](#).

With leave of the Committee, Victor Mullins, Assistant General Counsel to the Office of the Insurance Commissioner, responded to questions from the Committee.

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

6. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Medicine, *Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows*, [11 CSR 12](#).

With leave of the Committee, Mark Spangler, Executive Director of the Board of Medicine, responded to questions from the Committee.

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

7. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Miners' Health, Safety and Training, *Operating Diesel Equipment in Underground Mines in WV*, [56 CSR 23](#).

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

8. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Division of Natural Resources, *Cabwaylingo State Forest Trail System Two Year*, [58 CSR 36](#).

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

9. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Pharmacy, *The Substitution of Biological Pharmaceuticals*, [15 CSR 17](#).

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

10. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the State Tax Department, *Aircraft Operated Under a Fractional Ownership Program*, [110 CSR 15K](#).

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

11. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Department of Health and Human Resources, *Assisted Living Residences*, [64 CSR 14](#).

With leave of the Committee, Emily Jarvis, Assisted Living Program Manager, Department of Health and Human Resources, responded to questions from the Committee.

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

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

12. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Department of Health and Human Resources, *Newborn Screening System*, [64 CSR 91](#), and responded to questions from the

Committee.

With leave of the Committee, James Jeffries, Director of the Office of Maternal, Child, and Family Health, Department of Health and Human Resources, responded to questions from the Committee.

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

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

13. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Department of Health and Human Resources, *Chronic Pain Management Clinic*, [69 CSR 08](#), and responded to questions from the Committee.

With leave of the Committee, Jessica Whitmore, General Counsel to the Office of the Inspector General, responded to questions from the Committee.

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

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

14. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Department of Health and Human Resources, *Medication-Assisted Treatment -- Office Based Medication -- Assisted Treatment*, [69 CSR 12](#).

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

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

15. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the State Tax Department, *Citizen Tax Credit for Property Taxes Paid*, [110 CSR 21B](#), and responded to questions from the Committee.

With leave of the Committee, Steve Stockton, Counsel for the State Tax Department, responded to questions from the Committee.

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

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

16. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the State Tax Department, *Administration of Tax on Purchases of Wine and Liquor*, [110 CSR 49](#), and responded to questions from the Committee.

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

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

17. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Accountancy, *Board Rules and Rules of Professional Conduct*, [1 CSR 01](#).

With leave of the Committee, Jason Staats, CPA, Board of Accountancy Board Member, responded to questions from the Committee.

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

18. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by Board of Barbers and Cosmetologists, *Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Nail Technicians, Aestheticians, and Hair Stylists*, [3 CSR 01](#), and responded to questions from the Committee.

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

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

19. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Barbers and Cosmetologists, *Application for Waiver of Initial Licensing Fees for Certain Individuals*, [3 CSR 15](#), and responded to questions from the Committee.

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

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

20. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Barbers and Cosmetologists, *Cosmetology Apprenticeship*, [31 CSR 16](#), and responded to questions from the Committee.

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

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

21. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Licensed Dietitians, *Licensure and Renewal Requirements*, [31 CSR 01](#), and responded to questions from the Committee.

With leave of the Committee, Mary Kathryn Gould, Treasurer for the Board of Licensed Dietitians, responded to questions from the Committee.

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

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

22. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Licensed Dietitians, *Continuing Professional Education Requirements*, [31 CSR 05](#).

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

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

23. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Board of Licensed Dietitians, *Telehealth Practice; Requirements; Definitions*, [31 CSR 07](#), and responded to questions from the Committee.

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

24. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the Nursing Home Administrators Licensing Board, *Nursing Home Administrators*, [21 CSR 01](#), and responded to questions from the Committee.

With leave of the Committee, Veronica Cummings, Executive Director for the Nursing Home Administrators Licensing Board, responded to questions from the Committee.

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

Chairman Woodrum recognized Delegate Roberts who requested the Committee take under consideration the following recommendation:

That if an agency does not show up to be available for questioning at the meeting in which their rule is being voted on, that the rule shall be moved to the next agenda or until the agency attends the meeting, in which their rule is being voted on.

Chairman Woodrum recognized Delegate Rowe who requested the Committee take under consideration the following recommendation:

That all agencies must sign in prior to the meeting. If an agency representative isn't in attendance, a phone call should be made to remind them of their required attendance. If an agency representative still does not show up to be available for questioning at the meeting in which their rule is being voted on, that the rule shall be moved to the next agenda or until the agency attends the meeting, in which their rule is being voted on.

Chairman Woodrum notified the Committee that the next Legislative Rule-Making Review Committee meetings will be held on September 13th and 14th.

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