

Legislative Rule-Making Review Committee

Senate Judiciary Committee Room

Minutes for Tuesday, August 27, 2024

5:00 p.m. to 7:00 p.m.

Senate

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

House

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

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 5:00 p.m. on Tuesday, August 27, 2024. 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: 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 November 1, 2023. The motion was adopted.

Phillip Childs, Joint Committee Counsel, explained his abstracts on the following proposed rules:

1. Department of Administration, *General Administration of Records Management and Preservation*, [148 CSR 12](#).
2. Department of Administration, *Retention and Disposal Scheduling*, [148 CSR 13](#).
3. Department of Administration, *Management of Records Maintained by the Records Center*, [148 CSR 14](#).
4. Department of Administration, *Financial Service Reporting*, [148 CSR 24](#).
5. Board of Architects, *Fees for Registration of Architects*, [2 CSR 03](#).

6. State Auditor, *Local Government Purchasing Card Program*, [155 CSR 06](#).
7. WV Conservation Agency, *State Conservation Committee Grant Program*, [63 CSR 03](#).
8. Health Care Authority, *Critical Access Hospitals*, [65 CSR 09](#).
9. Department of Highways, *Use of State Road Rights of Way and Adjacent Areas*, [157 CSR 06](#).
10. Department of Highways, *Transportation of Hazardous Wastes Upon the Roads and Highways*, [157 CSR 07](#).
11. Department of Highways, *Small Wireless Facilities on Division of Highways Rights-of-Way*, [157 CSR 13](#).
12. Insurance Commission, *Medicare Supplement Insurance*, [114 CSR 24](#).
13. Board of Medicine, *Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants*, [11 CSR 13](#).
14. 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](#).
15. Division of Motor Vehicles, *Safety and Treatment Program*, [91 CSR 15](#).
16. Division of Motor Vehicles, *State Vehicle Title, Registration, and Relicensing Project of 2018*, [91 CSR 24](#).
17. Division of Natural Resources, *Boating Rule*, [58 CSR 25](#).
18. Division of Natural Resources, *Special Boating*, [58 CSR 26](#).
19. Division of Natural Resources, *Catching and Selling Baitfish*, [58 CSR 62](#).
20. Board of Occupational Therapy, *Request for Waiver of Initial Licensing Fees for Certain Individuals*, [13 CSR 07](#).
21. Board of Osteopathic Medicine, *Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants*, [24 CSR 08](#).
22. Board of Pharmacy, *Application for Waiver of Initial Licensing Fees for Certain Individuals*, [15 CSR 18](#).

23. Division of Natural Resources, *Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources*, [58 CSR 34](#).
24. Division of Natural Resources, *Special Fishing Rule*, [58 CSR 61](#).
25. Real Estate Commission, *Application for Waiver of Initial Licensing Fees for Certain Individuals*, [174 CSR 06](#).
26. Real Estate Commission, *Consideration of Prior Criminal Convictions in Initial Licensure Eligibility Determination*, [174 CSR 07](#).
27. State Tax Department, *Consumers Sales and Service Tax and Use Tax - Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se Exemption*, [110 CSR 15C](#).
28. State Tax Department, *Exchange of Information Pursuant to Written Agreement*, [110 CSR 50C](#).

On motion of Delegate Smith, the above rules were approved as filed.

29. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Architects, *Registration of Architects***, [2 CSR 01](#).

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

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

30. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the, **Natural Resources, *Public Use of Campgrounds in West Virginia State Parks and State Forests and Campsites in State Rail Trails under the Division of Natural Resources***, [58 CSR 32](#).

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

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

31. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Occupational Therapy, *Consideration of Prior***

Criminal Convictions in Initial Licensure Determinations, [13 CSR 08](#).

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

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

32. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Examiners of Psychologists, *Consideration of Prior Criminal Convictions in Initial Licensure Determinations and Application for Waiver of Initial Licensing Fees for Certain Individuals, [17 CSR 07](#).***

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

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

33. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Respiratory Care, *Consideration of Prior Criminal Convictions in Initial Licensure Determinations, [30 CSR 10](#).***

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

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

34. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **State Tax Department, *Payment of Taxes by Electronic Funds Transfer, [110 CSR 10F](#).***

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

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

35. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Department of Administration, *Exemptions from Management Services Provided by the Fleet Management Division, [148 CSR 23](#).***

On motion of Delegate Smith, the above rules were approved as filed.

36. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Occupational Therapy, Fees for Services Rendered by the Board, [13 CSR 03](#)**.

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

37. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Occupational Therapy, Competency Standards for Advanced Practice by Occupational Therapists and Occupational Therapy Assistants, [13 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.

38. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Occupational Therapy, Telehealth Practice; Requirements; Definitions, [13 CSR 09](#)**.

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

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

39. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Respiratory Care, Telehealth Practice; Requirements; Definitions, [30 CSR 11](#)**.

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

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

Chairman Woodrum announced that the next Legislative Rule-Making Review Committee meeting will be held on October 1st.

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