

JUNE



TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

SUNDAY, JUNE 29, 1986

5:00 - 6:00 P. M.

COMMITTEE MEETING ROOM, E-226

1. Approval of Minutes
2. REVIEW OF LEGISLATIVE RULES:
 - a. WV Board of Embalmers and Funeral Directors - Regulations governing the Board of Embalmers and Funeral Directors.
 - b. Board of Health - Rules and regulations relating to hospital licensure.
 - c. Water Resources Board - Series I, Water Quality Standards
 - d. Dept. of Natural Resources - Hazardous Waste Management, Chapter 20, Article 5E, Series 15
3. Other business.

Possible modification of statute relating to promulgation of emergency rules.

Sunday, June 29, 1986

Legislative Rule-Making Review Committee
(Code §29A-3-10)

5:00 - 6:00 p.m.

Dan Tonkovich,
ex officio nonvoting member

Joseph P. Albright,
ex officio nonvoting member

Senate

House

Williams, R., Chairman
Boettner
Rogers
Tomblin
Harman
Shaw

Casey, Chairman
Knight
Schifano
Wiedebusch
Shaffer
Springston

The meeting was called to order by Mr. Casey, Co-Chairman.

The minutes of the January 27, 1986, March 6, 1986 and March 7, 1986, meetings were approved.

Debra Graham, Associate Counsel, reviewed the abstract on the rule proposed by the Board of Embalmers and Funeral Home Directors, relating to regulations governing the Board of Embalmers and Funeral Directors.

Mr. Shaffer moved that the proposed rule be approved.

Ms. Graham told the Committee that prior to the meeting a question arose as to whether or not the proposed rule filed with the Committee was in fact the correct version.

Upon motion of Mr. Wiedebusch, properly seconded and adopted, Mr. Shaffer's motion was laid over until the next meeting so that the staff could determine if the proposed rule filed with the Committee is the correct version.

Ms. Graham reviewed the abstract on the rule proposed by

the Board of Health entitled "Hospital Licensure". She pointed out to the Committee two controversial areas of the rule of which she felt the Committee should be aware. She said that West Virginia University Hospital (WVUH) and Cabell County General Hospital (CCGH) were exempt from certain provisions of the proposed rule and that it would be up to the Committee to determine whether or not the exemptions should stand. She also said that the proposed rule, as written, would apply to the Appalachian Regional Health Care, Inc., (ARH), an out-of-state corporation with one governing board which has a minority of its hospital beds located in West Virginia. ARH does not feel that its governing board should be subject to the rule.

Kay Howard, Director of Regulatory Services, Department of Health, and Charles Garlow, Assistant Attorney General, answered questions from the Committee regarding the exemptions for WVUH and CCGH.

David Enlow, the attorney for ARH, spoke on behalf of his client and answered questions from the Committee.

John J. Jarrell, Director of Health Facilities Evaluation Divisions of the Health Department, responded to a question from Mr. Knight and told members of the Committee that, based upon a review of licenses filed so far this year, it appears that most of the hospitals are complying with the law.

Upon motion of Mr. Knight, properly seconded and adopted, the Committee requested that the proposed rule be withdrawn because the statute, standing alone, is sufficient and

is being complied with and that the proposed rule is not necessary.

Mike Mowery, Committee Counsel, discussed action which the Environmental Protection Agency (EPA) has taken with regard to the rule proposed by the Water Resources Board relating to Series I, Water Quality Standards. He told the Committee that the EPA has problems with three variances which are allowed in the proposed rule and that the Board has forty-five days in which to respond to the EPA's concerns. John C. Ailes, Chairman, WV Water Resources Board, and Robert Parsons, Assistant Attorney General, gave the Committee further information on EPA's action and answered questions from the Committee.

Mr. Knight asked unanimous consent that the proposed rule lay over until the next meeting. Mr. Shaffer and Mr. Harman objected.

Mr. Casey informed the Committee that the Board had filed three other proposed rules, in different series, with the Committee.

Upon motion of Mr. Knight, properly seconded and adopted, the proposed rule was laid over until the next meeting at which time it is to be the first order of business along with the other three series filed by the Board.

Mr. Casey explained to the Committee why the rule relating to the Department of Natural Resources entitled "Hazardous Waste Management, Chapter 20, Article 5E, Series 15", which had been approved by the Legislature during the last

Session, was on the Committee agenda. He stated that the Committee had approved the rule with the understanding that the Department would resubmit the rule to the Committee for review since the Committee staff had been unable to review the proposed rule prior to approval by the Committee and the Legislature.

Mr. Mowery advised the Committee of concerns expressed by Delegate Walter Rollins that under the changes in the State Administrative Procedures Act, passed by the Legislature on March 6, 1986, there is no review of emergency rules promulgated by the Secretary of State's office, due to the fact that the Secretary of State's office is the agency designated to oversee emergency rule-making. The staff was instructed to draft legislation which would provide that the Attorney General would oversee emergency rules filed by the Secretary of State.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: June 29, 1986

TIME: 5:00 - 6:00 p.m.

NAME	Present	Absent	Yeas	Nays
Albright, Joseph P.				
Casey, James M.	✓			
Knight, Thomas A.	✓			
Schifano, Larry E.	✓			
Wiedebusch, Larry	✓			
Shaffer, Charles R.	✓			
Springston, Benjamin	✓			
Tonkovich, President				
Williams, Ralph D.	✓			
Boettner, John "Si"	✓			
Rogers, J. Robert	✓			
Tomblin, Earl Ray	✓			
Harman, C. N.	✓			
Shaw, Michael	✓			
TOTAL				

RE: Interim Meeting

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Legislative Rule-Making Review Committee DATE: 6-29-86 5:00 p.m.

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
B/DAVID T. ENLOW ✓	300 FIRST Federal Plaza Charleston, W. Va. 25307	Appalachian Regional Institute Inc.	Yes
Robert J. O'Neil	1200 KB&T Center Char.	Same	
C/TERRA ALLES SA —	Water Resources Bd	→	YES
C/BOB PARSONS —	" " "	→	MAYBE
Kay Howard ✓	Charleston	Health Dept	—
Judy Smith	"	"	—
Larry Arnold	"	"	—
Robert D. Worden	Charleston	WV Manufacturers Ass'n	
John A.		St. West...	