

**OCTOBER**



**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Monday, October 18, 1999**  
**11:00 a.m. to 1:00 p.m.**  
**Senate Finance Committee Room M-451**

1. **Approval of Minutes - Meetings of September 13 and 14, 1999**
2. **Review of Legislative Rules:**
  - a. **West Virginia Board of Veterinarian Medicine**  
*Standards of Practice, 26CSR4*
  - b. **West Virginia Board of Examiners for Registered Professional Nurses**  
*Policies and Criteria for the Evaluation and Accreditation of Colleges, Departments or Schools of Nursing, 19CSR1*
  - c. **Division of Personnel**  
*Administrative Rule of the West Virginia Division of Personnel, 143CSR1*
  - d. **Division of Personnel**  
*West Virginia division of Personnel Workers' Compensation Temporary Total Disability Rule, 143CSR3*
  - e. **Division of Health**  
*Personal Care Homes, 64CSR14*
  - f. **Division of Health**  
*Food Establishments, 64CSR17*
  - g. **Division of Health**  
*Cancer Registry, 64CSR68*
  - h. **Division of Health**  
*Fire Department Rapid Response Services, 64CSR44*
  - i. **West Virginia Board of Respiratory Care**  
*Continuing Education Requirements, 30CSR3*
  - j. **West Virginia Board of Respiratory Care**  
*Disciplinary Action, 30CSR4*

k. **Division of Corrections**  
*Monitoring Inmate Mail, 90CSR7*

3. **Other Business**

Monday, October 18, 1999

11:00 a.. - 1:00 p.m.

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

Earl Ray Tomblin  
ex officio nonvoting member

Robert "Bob" Kiss  
ex officio nonvoting member

**Senate**

**House**

Ross, Chairman  
Anderson, Vice Chairman  
Snyder  
Unger  
Minear

Hunt, Chairman  
Linch, Vice Chairman  
Compton  
Jenkins Absent  
Faircloth  
Riggs Absent

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

Mr. Hunt told the Committee that the rule proposed by the *Division of Health-Food Establishments, 64CSR17*, had been removed from the agenda.

The minutes of the September 13 and 14, 1999, meetings were approved.

Debra Graham, Committee Counsel, explained the rule proposed by the *West Virginia Board of Veterinarian Medicine-Standards of Practice, 26CSR4*, and stated that the Board has agreed to technical modifications.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham stated that the rule proposed by the *West Virginia Board of Examiners for Registered Professional Nurses-Policies and Criteria for the Evaluation and Accreditation of Colleges, Departments or Schools of Nursing, 19CSR1*, had been laid over from the previous meeting. She and Laura Rhodes, Executive Secretary of the Board, responded to questions from the Committee. Carol Cofer, Director of Nursing at Bluefield State College, addressed the Committee.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Personnel-Administrative Rule of the West Virginia Division of Personnel, 143CSR1*, and stated that the Division has agreed to technical modifications. Tari Crouse, representing the Division, addressed the Committee and responded to questions.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the *Division of Personnel-West Virginia Division of Personnel Workers' Compensation Temporary Total Disability Rule, 143CSR3*, and stated that the Division has agreed to technical modifications. She and Ms. Crouse responded to questions from the Committee.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the *Division of Health-Cancer Registry, 64CSR68*, and stated that the Division has agreed to technical modifications.

Mr. Ross moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the *Division of Health-Fire Department Rapid Response Services, 64CSR44*, and stated that the Division has agreed to technical modifications.

Mr. Linch moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the *West Virginia Board of Respiratory Care-Continuing Education Requirements, 30CSR3*, responded to questions and stated that the Board has agreed to technical modifications.

Mr. Faircloth moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the *West Virginia Board of Respiratory Care-Disciplinary Action, 30CSR4*, and stated that the Board has agreed to technical modifications.

Mr. Faircloth moved that the proposed rule be approved as modified. The motion was adopted.

Rita Pauley, Associate Counsel, reviewed her abstract on the rule proposed by the *Division of Corrections-Monitoring Inmate Mail, 90CSR7*, and stated that the Division has agreed to technical modifications.

Ms. Compton moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the *Division of Health-Personal Care Homes, 64CSR14*, responded to questions and stated that the Division has agreed to technical modifications.

Ms. Compton moved that the proposed rule be approved as modified. The motion was adopted.

The meeting was adjourned.

OCTOBER INTERIM SCHEDULE

Legislative Interim Meetings

October 17, 18, and 19, 1999

Monday, October 18, 1999

11:00 - 1:00 p.m.

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

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

Senate

House

Ross, Chair   
Anderson, Vice Chair   
(vacancy)   
Snyder   
Unger   
Minear

Hunt, Chair   
Linch, Vice Chair   
Compton   
Jenkins   
Faircloth   
Riggs

I certify that the attendance as noted above  
is correct

  
\_\_\_\_\_  
Staff Person

Debra

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review Date 10-18-99  
Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Wanda Goodwin	Guthrie Ctr.	Bd. of Vet. Medicine	
Karen Stewart	106 D DRIVE Charleston	Board of Resp. Care	
CAROL COFER	219 ROCK ST BLUEFIELD, WV	BLUEFIELD STATE COLLEGE	X
Lavea S. Rhodes EXEC. SECR.	101 Pee Drive Chas, WV 25311	WV Bd of RN'S	
Alice R. Carter	"	"	
Cindy Haynes	"	"	
Beverly Keener	<del>1422</del> Washington St. E, Chas	WVDHHR- BPH	
Loretta E. Haddy	" " " " 25301	WVDHHR-BPH	
Jerry Rhodes, Deputy Director	1411 Virginia St East 25301	WV office of EMS	
Jim Skedd, Training Director	1411 Virginia St East 25301	WV office of EMS	

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: \_\_\_\_\_ Date \_\_\_\_\_

*Please print or write plainly.*

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
<i>Pamela L. Alderman</i>	<i>P.O. Box 2900 Mount Gay WV 25707</i>	<i>Southern WV Comm. &amp; Tech College - NSG</i>	<i>X</i>



# MEMORANDUM

Date: October 14, 1999

To: Loretta E. Haddy, Director  
Division of Surveillance and Disease Control

From: Beverly Keener, Director  
West Virginia Cancer Registry

BK

RE: Cost Per Cancer Abstract

Here is a breakdown of costs used in calculating a cost per abstract to present to the Legislative Rule Making Review Committee. The costs are based on current annual salaries and travel expenses for FY 1999.

Carol and Leslie abstracted a total of 2,899 cases with a 1997 date of diagnosis (most recent year completed) in hospitals not reporting their own cases.

Salaries for 2.5 FTE's (2 cancer data specialists & 0.5 office assistant)	\$53,820
Annual Increment	\$ 1,200
FICA	\$ 4,118
Employee Health Insurance	\$11,520
Workers Compensation	\$ 2,444
Retirement	\$ 5,113
Overtime (based on FY 1999)	\$ 6,390
Travel Expenses (based on FY 1999)	\$ 6,884
Vehicle Leasing (\$415/car x 2 vehicles)	\$ 9,960
<u>Gas &amp; Vehicle Maintenance</u>	<u>\$ 2,249</u>

**Total Direct Costs** **\$103,698**

Indirect Costs (\$53,820 x 14.7%) \$ 7,912

**Total Direct and Indirect Costs** **\$111,610**

- \* **Cost per abstract excluding indirect costs (\$103,698/2899abstracts)** **\$35.77**
- **Cost per abstract including indirect costs (\$111,610/2899 abstracts)** **\$38.50**



STATE OF WEST VIRGINIA  
**BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES**  
101 Dee Drive  
Charleston, WV 25311-1620

Title 19 Series 1

Changes Related to School of Nursing Faculty Qualifications

During the September Legislative Rule Making Committee Meeting, committee members requested background information related to the proposed rule change. In support of its position to amend the rule, the Board considered the following information:

1. As of July 1, 1998 there were approximately 22,294 registered professional nurses in West Virginia and the percentage of nurses with a graduate degree with a major in nursing was 4.08% or 910.
2. Statistics show that there is an anticipated nursing shortage nationally, as well as statewide; additionally, according to an article appearing in Legislative Network for Nurses, April 29, 1998, the overall anticipated shortage in nurses will significantly effect the numbers of nurses schools are able to recruit and hire as nurse educators;
3. Only 5 of 19 nursing programs in West Virginia are presently in complete compliance with the current rule;
4. The rule as amended still sets forth the requirement of a graduate degree with a major in nursing with parameters for other options being strict enough to ensure that students in West Virginia will continue to receive a quality education; and
5. Standards for the National League for Nursing provide that a faculty member in an associate degree program hold, as a minimum, a graduate degree with a major in nursing or give rationale for the acceptance of other than this minimum credential; a faculty member in a bachelor program as a minimum must have a master's degree in nursing or give rationale for acceptance of other than this minimum credential.

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2. **Review of Legislative Rules:**

- Approved as modified* a. **West Virginia Board of Veterinarian Medicine**  
*Approved as modified* b. **Standards of Practice, 26CSR4-**
- Approved as modified* c. **West Virginia Board of Examiners for Registered Professional Nurses -**  
*Approved as modified* d. **Policies and Criteria for the Evaluation and Accreditation of Colleges, Departments or Schools of Nursing, 19CSR1**
- Approved as modified* e. **Division of Personnel**  
*Approved as modified* f. **Administrative Rule of the West Virginia Division of Personnel, 143CSR1-**
- Approved as modified* g. **Division of Personnel**  
*Approved as modified* h. **West Virginia division of Personnel Workers' Compensation Temporary Total Disability Rule, 143CSR3-**
- e. **Division of Health**  
*Removed* f. **Personal Care Homes, 64CSR14**
- Removed* g. **Division of Health**  
*Approved as modified* h. **Food Establishments, 64CSR17**
- Approved as modified* i. **Division of Health**  
*Approved as modified* j. **Cancer Registry, 64CSR68-**
- Approved as modified* k. **Division of Health**  
*Approved as modified* l. **Fire Department Rapid Response Services, 64CSR44-**
- Approved as modified* m. **West Virginia Board of Respiratory Care**  
*Approved as modified* n. **Continuing Education Requirements, 30CSR3-**
- Approved as modified* o. **West Virginia Board of Respiratory Care**  
*Approved as modified* p. **Disciplinary Action, 30CSR4-**

k. **Division of Corrections**  
*Monitoring Inmate Mail, 90CSR7*

3. **Other Business**

Monday Oct. 18  
11:00 - 1:00 p.m.

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

Senate Finance Room

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

Senate

- ✓ Ross, Chair
- ✓ Anderson, Vice Chair
- ~~Dawson~~
- ✓ Snyder
- ✓ Unger
- ✓ Minear

House

- ✓ Hunt, Chair
- ✓ Linch, Vice Chair
- ✓ Compton
- Jenkins
- ✓ Faircloth
- Riggs

8

Minutes Sept 13 & 14 approved

Vets

Approved as mod

adopted

Reg. Prof. Nurses - Policies

I explained had been laid over

Laura Rhodes <sup>Exec Sec</sup> responded to questions

Carol Coker(?) Bluefield State College addressed C

Approve as mod.

Ross  
adopted

Div. of Personnel - Admin

I explained E responded to q's

Teri Krause - responded to q's

Approve as mod

Ross  
adopted

Div. of P - WC

I explained

Teri responded to a

Ross  
adapted

Approve as mod

Div. of Health - <sup>Cancer Registry</sup> Personal Care Homes

Ross  
adapted

Approve as mod

DOH - Fire

I explained

Linch  
adapted

Approve as mod

Resp Care - Cont Ed

I explained

Faircloth  
adapted

Approve as mod

Resp. Disc

I explained

Faircloth  
adapted

Approve as mod

Corrections - ~~Tamara~~ Ala.!

Rita explained

Approved as mod

DOH - Personal Care

I explained

Compton  
adapted

Approve as mod

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Tuesday, October 19, 1999**  
**9:00 a.m. to 11:00 a.m.**  
**Senate Finance Committee Room M-451**

**1. Review of Legislative Rules:**

- a. **Office of Air Quality**  
*To Prevent and Control the Discharge of Air Pollutants into the Open Air which Causes or Contributes to an Objectionable Odor or Odors, 45CSR4*
- b. **Office of Air Quality**  
*To Prevent and Control Air Pollution from Emission of Sulfur Oxides, 45CSR10*
- c. **Office of Air Quality**  
*Ambient Air Quality Standard for Nitrogen Dioxide, 45CSR12*
- d. **Office of Air Quality**  
*To Prevent and Control Pollution from Municipal Solid waste Landfills, 45CSR23*
- e. **Office of Air Quality**  
*To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45CSR25*
- f. **Office of Air Quality**  
*Acid Rain Provisions and Permits, 45CSR33*
- g. **Office of Air Quality**  
*Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 63, 45CSR34*
- h. **Alcohol Beverage Control Administration**  
*Retail Licensee Operations, 175CSR1*
- i. **Alcohol Beverage Control Administration**  
*Private Club Licensing, 175CSR2*
- j. **Alcohol Beverage Control Administration**

*Retail Sale of Wine in Grocery Stores, Wine Specialty Shops  
and Private Wine Restaurants, 175CSR4*

**2. Other Business**



Tuesday, October 19, 1999

9:00 a.m. - 11:00 a.m.

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

Earl Ray Tomblin  
ex officio nonvoting member

Robert "Bob" Kiss  
ex officio nonvoting member

**Senate**

**House**

Ross, Chairman  
Anderson, Vice Chairman  
Snyder  
Unger  
Minear

Hunt, Chairman  
Linch, Vice Chairman  
Compton  
Jenkins  
Faircloth  
Riggs

Absent

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

Joseph Altizer, Associate Counsel, explained the rule proposed by the *Office of Air Quality-To Prevent and Control the discharge of Air Pollutants into the Open Air which Causes or Contributes to an Objectionable Odor or Odors, 45CSR4*. He and Karen Watson, Counsel for the Office of Air Quality, responded to questions from the Committee.

Mr. Hunt moved that the proposed rule be approved as modified. The motion was rejected.

Mr. Snyder moved that the proposed rule be laid over until the Committee's next meeting. The motion was adopted.

Mr. Altizer reviewed his abstract on the rule proposed by the *Office of Air Quality-To Prevent and Control Air Pollution from Emission of Sulfur Oxides, 45CSR10*, responded to questions and stated that the Office of Air Quality has agreed to technical modifications.

Mr. Hunt moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Altizer explained his rule proposed by the *Office of Air Quality- Ambient Air Quality Standards for Nitrogen Dioxide, 45CSR12*.

Mr. Hunt moved that the proposed rule be approved. The motion was adopted.

Mr. Altizer reviewed his abstract on the rule proposed by the *Office of Air Quality-To Prevent and Control Pollution from Municipal Solid Waste Landfills, 45CSR23*, and stated that the Office of Air Quality has agreed to technical modifications.

Ms. Compton moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Altizer explained the rule proposed by the *Office of Air Quality-To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45CSR25*. He and Ms. Watson responded to questions from the Committee.

Mr. Hunt moved that the proposed rule be approved. The motion was adopted.

Mr. Altizer reviewed his abstract on the rule proposed by the *Office of Air Quality-Acid Rain Provisions and Permits, 45CSR33*.

Mr. Hunt moved that the proposed rule be approved. The motion was adopted.

Mr. Altizer explained the rule proposed by the *Office of Air Quality-Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 63, 45CSR34*.

Mr. Hunt moved that the proposed rule be approved. The motion was adopted.

Rita Pauley, Associate Counsel, reviewed her abstract on the rule proposed by the *Alcohol Beverage Control Administration-Retail Licensee Operations, 175CSR1*, and stated that the Administration has agreed to technical modifications.

Mr. Hunt moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Pauley explained the rule proposed by the *Alcohol Beverage Control Administration-Private Club Licensing, 175CSR2*, and stated that the Administration has agreed to technical modifications. Donald Stemple, Commissioner, responded to questions from the Committee.

Mr. Faircloth moved that the proposed rule be laid over. The motion was adopted.

Ms. Pauley reviewed her abstract on the rule proposed by the *Alcohol Beverage Control Administration-Retail Sale of Wine in Grocery Stores, Wine Specialty Shops and Private Wine Restaurants, 174CSR4*, responded to questions and stated that the Administration has agreed to technical modifications.

Ms. Compton moved that the proposed rule be laid over. The motion was adopted.

The meeting was adjourned.

OCTOBER INTERIM SCHEDULE

Legislative Interim Meetings

October 17, 18, and 19, 1999

Tuesday, October 19, 1999

9:00 - 11:00 a.m.

Legislative Rule-Making Review Committee

(Code §29A-3-10)

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

Senate

Ross, Chair  
Anderson, Vice Chair  
(vacancy)  
Snyder  
Unger  
Minear

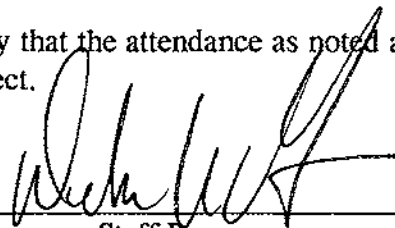
✓  
✓  
✓  
✓  
✓  
✓

House

Hunt, Chair  
Linch, Vice Chair  
Compton  
Jenkins  
Faircloth  
Riggs

✓  
✓  
✓  
✓  
✓  
✓

I certify that the attendance as noted above  
is correct.



Staff Person

Debra

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review Date 10-19-99  
Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Karen G. Watson	1615 Washington St. Chas, WV 25311	WV-OAC	
Rick Eades	1324 Virginia St E Chas 25301	WV - Highlands / CAG	

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
Tuesday, October 19, 1999  
9:00 a.m. to 11:00 a.m.  
Senate Finance Committee Room M-451

1. Review of Legislative Rules:

*Laid over* ✓ a. Office of Air Quality  
To Prevent and Control the Discharge of Air Pollutants into the Open Air which Causes or Contributes to an Objectionable Odor or Odors, 45CSR4

*Approved as modified* ✓ Office of Air Quality  
To Prevent and Control Air Pollution from Emission of Sulfur Oxides, 45CSR10 ✓

*Approved* ✓ Office of Air Quality  
Ambient Air Quality Standard for Nitrogen Dioxide, 45CSR12 ✓

*Approved as modified* ✓ Office of Air Quality  
To Prevent and Control Pollution from Municipal Solid waste Landfills, 45CSR23 ✓

*Approved* ✓ Office of Air Quality  
To Prevent and Control Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45CSR25 ✓

*Approved* ✓ Office of Air Quality  
Acid Rain Provisions and Permits, 45CSR33 ✓

*Approved* ✓ Office of Air Quality  
Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 63, 45CSR34 ✓

*Appr. as mod*  
*Laid over* ✓ Alcohol Beverage Control Administration  
Retail Licensee Operations, 175CSR1

*Laid over* ✓ Alcohol Beverage Control Administration  
Private Club Licensing, 175CSR2

*Laid over* ✓ Alcohol Beverage Control Administration

*Retail Sale of Wine in Grocery Stores, Wine Specialty Shops  
and Private Wine Restaurants, 175CSR4*

2. **Other Business**

Tuesday, October 19, 1999

9:00 - 11:00 a.m.

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

Senate Finance Room

Earl Ray Tomblin, ex  
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Senate

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House

- ✓ Hunt, Chair
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- ✓ Compton
- ✓ Jenkins
- ✓ Faircloth
- Riggs

OAQ - Obj Odors

Joe explained

Karen Watson responded to q's from the C

Approve as mod

Lay over

that  
rejected  
Snyder  
adopted

OAQ - Sulfur Dioxides

Joe explained & responded to q's

Approve as mod

Hunt  
adopted

OAQ - Nitrogen Dioxide

Joe explained

Approve

Hunt  
adopted

OAQ - municipal Solid Waste Landfills

Joe explained

Approve as mod

Compton  
adopted

DAQ - Hazardous Waste

Joe explained & responded to q's

Karen Watson responded to q's

Approve

Hunt

adapted

DAQ - Acid Rain

Joe explained

Approve

Hunt

adapted

DAQ - Emission Stds

Joe explained

Approved

Hunt

adapted

Alcohol Beverage - Retail Licenses

Rita explained

Alcohol Beverage - Private Club

Rita explained

Commissioner Stemple responded to q's

Faircloth

Lay over all ABCA rules

adapted

Alcohol Beverage - Sale of Wine

Rita explained and responded to q's