

MAY



TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, May 21, 2002
1 p.m. to 2 p.m.
Senate Finance Committee Room, M-451

1. **Approval of Minutes - January 6 and 7, 2002**
2. **Review of Legislative Rules:**
 - a. **Division of Health**
Surrogates for Incapacitated Persons in Health Care Facilities Operated by the Department of Health and Human Resources, 64CSR86
 - b. **West Virginia Board of Dental Examiners**
Rule for the West Virginia Board of Dental Examiners, 5CSR1
 - c. **West Virginia Board of Dental Examiners**
Formation and Approval of Dental Corporations, 5CSR6
 - d. **Board of Miner Training, Education and Certification**
Rules and Regulations Governing the Standards for Certification of Coal Mine Electricians, 48CSR7
 - e. **Insurance Commission**
Medical Malpractice Insurance Consent to Rate and Guide "A" Rate Agreements, 114CSR59
3. **Other Business**

Tuesday, May 21, 2002

1 p.m. to 2 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
Minard Absent
Snyder Absent
Boley
Minear

Mahan, Chairman
Wills, Vice Chairman
Cann
Kominar
Faircloth
Riggs

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

The minutes of the January 6 and 7, 2002, meeting were approved.

Debra Graham, Committee Counsel, reviewed her abstract on the rule proposed by the *Division of Health-Surrogates for Incapacitated Persons in Health Care Facilities Operated by the Department of Health and Human Resources, 64CSR86*, and stated that the Division has agreed to technical modifications. Steve Small, Senior Assistant Attorney General representing the Bureau for Behavioral Health and Health Facilities, responded to questions from the Committee. Mr. Small stated that the rule has no fiscal impact.

Ms. Boley 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 Dental Examiners-Rule for the West Virginia Board of Dental Examiners, 5CSR1*, and stated that the Board has agreed to technical modifications.

Richard Stevens, Executive Director of the West Virginia Dental Association, addressed the Committee and responded to questions. James Anderson, Executive Secretary of the Board, responded to Mr.

Steven's comments and responded to questions. Dr. George Conard, member of the Board, and Dr. Bernard Grubler, President of the Board, addressed the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the *West Virginia Board of Dental Examiners-Formation and Approval of Dental Corporations, 5CSR6*, stated that the Board has agreed to technical modifications and responded to questions.

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

Joseph Altizer, Associate Counsel, explained the rule proposed by the *Board of Miner Training, Education and Certification-Rules and Regulations Governing the Standards for Certification of Coal Mine Electricians, 48CSR7*, stated that the Board has agreed to technical modifications and distributed copies of the Board's proposed modifications. Doug Conaway, Director of the Board, responded to questions from the Committee.

Ms. Mahan moved that the Committee approve the Board's proposed modifications. The motion was adopted.

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

Ms. Graham reviewed the abstract on the rule proposed by the *Insurance Commissioner-Medical Malpractice Insurance Consent to Rate and Guide "A" Rate Agreements, 114CSR59*. She and Jane Cline, the Insurance Commissioner, responded to questions from the Committee.

Ms. Mahan moved that the proposed rule be approved. The motion was adopted.

The meeting was adjourned.

MAY INTERIM ATTENDANCE
Legislative Interim Meetings
May 19, 20 and 21, 2002

Tuesday, May 21, 2002

1:00 - 2:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

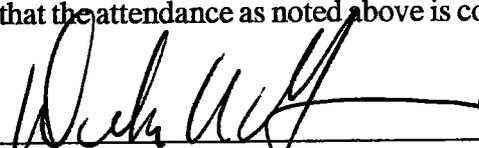
Senate

Ross, Chair ✓
Anderson, Vice Chair ✓
Minard _____
Snyder _____
Boley ✓
Minear ✓

House

Mahan, Chair ✓
Wills, Vice Chair ✓
Cann ✓
Kominar ✓
Faircloth ✓
Riggs ✓

I certify that the attendance as noted above is correct.



Staff Person

Rule-Making Review Committee
Terri Anderson

48CSR7

~~4.3. Electrician (Low and medium voltage). A person may become certified as a low, medium, and high voltage electrician when such person has at least twelve (12) months experience in performing electrical work as an apprentice electrician, has worked with low, medium, and high voltage, (at least 20% of the required electrical experience during the twelve (12) month training program shall be directly related to high voltage) and has satisfactorily passed a certification examination.~~

~~(NOTE: The low, medium, and high voltage certified electrician is permitted to perform all types of electrical work at any mining operation).~~

4.3. If an apprentice electrician is unable to obtain the experience that is directly related to high voltage due to the lack of high voltage equipment that is available, the apprentice may at the discretion of the Director complete a high voltage training program prescribed by the Board of Miner Training Education and Certification and approved by the Director of the WV Office of Miners Health Safety and Training.

~~4.4. Low and Medium Voltage Certification to Low, Medium, and High Voltage Electrician Certification. A person certified as a low and medium voltage electrician shall have four (4) months of experience, at least ten (10) percent of which must be in performing high voltage work, and shall satisfactorily pass that portion of the "dangers of high voltage" portion of the electrician certification examination with a score of at least eighty (80%) percent. period of time the low and medium voltage electrician is working on high voltage, he shall work under the direct supervision of a certified low, medium, and high voltage electrician. The high voltage electrical work performed by the low and medium voltage electrician shall be examined by a certified low, medium and high voltage electrician before the circuits or equipment are energized and returned to service. The high voltage electrical work performed by a certified low and medium voltage electrician shall be directly supervised by a certified low, medium and high voltage electrician who shall inspect the high voltage electrical work prior to energizing and returning the high voltage circuits or equipment to service.~~

The high voltage electrical experience of the low and medium voltage electrician shall be logged by the operator in a record book specifically for that purpose during the four (4) month training period.

4.4 Degree in Electrical Engineering. A person who has a Bachelor's Degree or Associate Degree in electrical engineering from an accredited college or university, and has at least six (6) months of experience in performing electrical work under the supervision of a certified electrician may be permitted to become certified as an electrician (low, medium, and high voltage, or low and medium voltage) when such the person has satisfactorily passed a the electrician certification examined for such category examination.

underline & number

4.5 Electrical Training Programs Already in Effect. All persons training to become certified electricians prior to the effective date of these rules and regulations, shall be allowed to continue training and become certified as an electrician after the completion of one years experience in performing electrical work under the supervision of a certified electrician and after successful passage (at least eighty (80%) percent score) of the certification examination.

Any person starting training to become a certified electrician on or after the effective date of these rules and regulations, shall comply with the applicable provisions of these rules and regulations.

4.7. Prior Certification. All valid electrical certifications issued by the Department of Mines or the Department of Energy prior to the effective date ~~of these regulations~~ shall remain valid.

this rule

Tuesday, May 21, 2002

1:00 - 2:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert S. Kiss, ex
officio nonvoting member

Senate

Ross, Chair	✓
Anderson, Vice Chair	✓
Minard	_____
Snyder	_____
Boley	✓
Minear	✓

House

Mahan, Chair	✓
Wills, Vice Chair	✓
Cann	✓
Kominar	✓
Faircloth	✓
Riggs	✓

DOH - Surrogates

Boley
adopted

Approve as modified

Asst Atty Gen responded to q's from
the C. No financial impact
negotiating w/ not for profit for guardianship - not surrogate
may add later.

Dental Examiners SCSR

I explained

Richard Stevens addressed the C - "eval" rather than
"check"; 7th notice; ^{before termination} admin of infiltration & block anesthesia;
patient history; and 25 yrs for retires license.

Tim Anderson, Exec. Secretary - responded to
Richard's comments

George Conrad, Bd Member accept all but
anesthesia

Bd Member addressed the C
& responded to Richard's proposed mods.

Mahan
adopted

lay over

Dental Examiners Corps

F explained

Mahan

Approve as mod.

Bd of Miner Training

Joe explained

Furdath

Approve rule as mod

~~Mahan~~

~~Approve mod requested by agency~~

Doug Conway responded to q's

Ins Commission

F explained

Jane Cline ^{r Ins C} responded to q's

Mahan

Approve rule

adopted

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review Date 5/21/02
Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
<i>John B. Cantor</i>	<i>Rep. District 14</i>	<i>BB</i>	
<i>George Leonard</i>	<i>Becky</i>	"	✓
<i>Bernard J. Hubler</i>	"	"	✓
RICHARD STEVENS	2003 QUARRIER ST. CHAS 25311	WV DENTAL ASS'N	✓