

NOVEMBER 26

Monday, November 26, 2007

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

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

Earl Ray Tomblin
ex officio nonvoting member

Richard Thompson
ex officio nonvoting member

Senate

House

Minard, Chairman
Fanning, Vice Chair Absent
Prezioso
Unger
Boley
Facemyer

Brown, Chairman
Miley, Vice Chair
Burdiss
Talbot
Overington
Sobonya

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

The minutes of the October 8 and 9, 2007, meetings were approved.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the, **Consolidated Public Retirement Board, West Virginia State Police, 162CSR9**, stated that the Board has agreed to technical modifications and responded to questions from the Committee.

Elaine Harris with the WV Trooper's Association responded to questions from the Committee.

Anne Lambright, Executive Director for the Board, responded to questions from the Committee.

Ms. Facemyer moved that the proposed rule be approved.

Mr. Unger moved to modify Subsection 13.1. of the proposed rule by providing that the Board may not require a disability retirant who has reached the age of fifty years to undergo a medical examination more than once every five years.

The motion on the proposed rule as modified was adopted.

Connie Bowling, Associate Counsel, reviewed her abstract on the rule proposed by the, **WV Insurance Commission, Licensing and Conduct of Insurance Producers, Agencies and Solicitors, 114CSR2**, and stated that the Commission has agreed to technical modifications.

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

Ms. Bowling explained her abstract on the rule proposed by the, **WV Insurance Commission, Fingerprinting Requirements For Applications For Insurance Producer License, 114CSR2A**, and stated that the Commission has agreed to technical modifications.

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

Ms. Bowling reviewed her abstract on the rule proposed by the, **WV Insurance Commission, Replacement of Life Insurance Policies and Annuity Contracts, 114CSR8**, and stated that the Commission has agreed to technical modifications.

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

Ms. Bowling explained her abstract on the rule proposed by the, **WV Insurance Commission, Advertisement of Life Insurance and Annuities, 114CSR11**, stated that the Commission has agreed to technical modifications and responded to question from the Committee.

Jane Cline, Insurance Commissioner, responded to questions from the Committee.

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

Ms. Bowling reviewed her abstract on the rule proposed by the, **WV Insurance Commission, Life Insurance Disclosures, 114CSR11A**, and stated that the Commission has agreed to technical modifications.

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

Ms. Bowling explained her abstract on the rule proposed by the, **WV Insurance Commission, Suitability In Annuity Transactions, 114CSR11B**, and stated that the Commission has agreed to technical modifications.

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

Ms. Bowling reviewed her abstract on the rule proposed by the, **WV Insurance Commission, Life Insurance Illustrations, 114CSR11C**, stated that the Commission has agreed to technical modifications and responded to question from the Committee.

Ms. Cline responded to questions from the Committee.

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

Ms. Bowling explained her abstract on the rule proposed by the, **WV Insurance Commission, Examiners and Examinations, 114CSR15**, and responded to questions from the Committee.

Ms. Cline responded to questions from the Committee.

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

Ms. Bowling reviewed her abstract on the rule proposed by the, **WV Insurance Commission, Guaranteed Loss Ratios As Applied To Individual Sickness and Accident Insurance Policies, 114CSR31**, and stated that the Commission has agreed to technical modifications.

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

Ms. Bowling explained her abstract on the rule proposed by the, **WV Insurance Commission, Mental Health Parity, 114CSR64**, and stated that the Commission has agreed to technical modifications.

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

Ms. Bowling reviewed her abstract on the rule proposed by the, **WV Insurance Commission, Recognition of Preferred Mortality Tables For Use In Determining Minimum Reserve Liabilities, 114CSR69A**, and stated that the Commission has agreed to technical modifications.

Ms. Cline responded to questions from the Committee.

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

Ms. Bowling explained her abstract on the rule proposed by the, **WV Insurance Commission, Military Sales Practices, 114CSR82**, stated that the Commission has agreed to technical modifications and responded to question from the Committee.

Ms. Cline responded to questions from the Committee.

Tim Murphy, Counsel with the Commission, responded to questions from the Committee.

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

Brian Skinner, Associate Counsel, reviewed his abstract on the rule proposed by the, **WV State Elections Commission, Corporate Political Activity, 146CSR1**, stated that the Commission has agreed to technical modifications and responded to question from the Committee.

Chuck Flannery with the Secretary of State's Office responded to questions from the Committee.

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

Mr. Skinner explained his abstract on the rule proposed by the, **WV State Elections Commission, Regulation of Campaign Finance, 146CSR3**, and stated that the Commission has agreed to technical modifications.

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

Mr. Skinner reviewed his abstract on the rule proposed by the, **WV State Elections Commission, Election Expenditures, 146CSR4**, stated that the Commission has agreed to technical modifications and responded to questions from the Committee.

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

Mr. Skinner explained his abstract on the rule proposed by the, **WV Ethics Commission, Solicitation and Receipt of Gifts and Charitable Contributions by Public Employees and Officials, 158CSR7**, stated that the Commission has agreed to technical modifications.

Ms. Brown moved to adjourn. The motion was adopted.

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
November 26, 27 and 28, 2007

Monday, November 26, 2007

11:00 am - 1:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Thompson, ex
officio nonvoting member

Senate

Minard, Chair

Fanning, Vice Chair

Prezioso

Unger

Boley

Facemyer

✓

✓
✓
✓
✓

House

Brown, Chair

Miley, Vice Chair

Burdiss

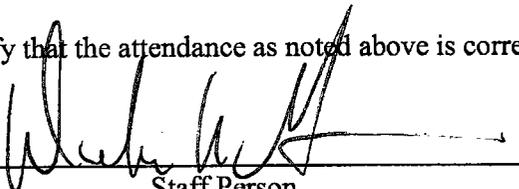
Talbott

Overington

Sobonya

✓
✓
✓
✓
✓
✓

I certify that the attendance as noted above is correct.



Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819 ASAP, due to payroll deadline.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, November 26, 2007
11:00 a.m. to 1:00 p.m.
Senate Judiciary Committee Room

1. **Approval of Minutes** - Meeting of October 8 & 9, 2007.
2. **Review of Legislative Rules:**
 - a. **Consolidated Public Retirement Board, WV**
West Virginia State Police, 162CSR9
 - Laid Over
 - Approve
 - b. **Insurance Commission**
Licensing and Conduct of Insurance Producers, Agencies and Solicitors, 114CSR2
 - Approve
 - c. **Insurance Commission**
Fingerprinting Requirements For Applications For Insurance Producer License, 114CSR2A
 - Approve as Modified
 - d. **Insurance Commission**
Replacement of Life Insurance Policies and Annuity Contracts, 114CSR8
 - Approve as Modified
 - e. **Insurance Commission**
Advertisement of Life Insurance and Annuities, 114CSR11
 - Approve as Modified
 - f. **Insurance Commission**
Life Insurance Disclosures, 114CSR11A
 - Approve as Modified

- g. **Insurance Commission**
Suitability In Annuity Transactions, 114CSR11B
- Approve as Modified
- h. **Insurance Commission**
Life Insurance Illustrations, 114CSR11C
- Approve as Modified
- i. **Insurance Commission**
Examiners and Examinations, 114CSR15
- Approve
- j. **Insurance Commission**
Guaranteed Loss Ratios As Applied To Individual Sickness and Accident Insurance Policies, 114CSR31
- Approve as Modified
- k. **Insurance Commission**
Mental Health Parity, 114CSR64
- Approve
- l. **Insurance Commission**
Recognition of Preferred Mortality Tables For Use In Determining Minimum Reserve Liabilities, 114CSR69A
- Approve as Modified
- m. **Insurance Commission**
Military Sales Practices, 114CSR82
- Approve as Modified
- n. **Elections Commission, WV State**
Corporate Political Activity, 146CSR1
- Approve as Modified
- o. **Elections Commission, WV State**
Regulation of Campaign Finance, 146CSR3
- Approve as Modified

- p. **Elections Commission, WV State**
Election Expenditures, 146CSR4
 - Approve as Modified

- q. **Ethics Commission, WV**
Solicitation and Receipt of Gifts and Charitable Contributions by Public Employees and Officials, 158CSR7
 - Approve as Modified

- r. **Fire Marshal's Office, State**
Supervision of Fire Protection Work, 103CSR3
 - Approve as Modified

- s. **Motor Vehicles, Division of**
Examination and Issuance of Driver's License, 91CSR4
 - Approve as Modified

- t. **Motor Vehicles, Division of**
Disclosure of Information from the Files of the Division of Motor Vehicles, 91CSR8
 - Approve

3. **Other Business**

NOVEMBER INTERIM ATTENDANCE

**Legislative Interim Meetings
November 26, 27, & 28, 2007**

Monday, November 26, 2007

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

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert "Bob" Kiss, ex
officio nonvoting member

Senate

Minard, Chair
Fanning, Vice Chair
Prezioso
Unger
Boley
Facemyer

✓

✓
✓
✓
✓

House

Brown, Chair
Miley, Vice Chair
Burdiss
Talbot
Overington
Sobonya

✓
✓
✓
✓
✓
✓

- Minard called meeting to order

- Approved minutes from Oct. 8 & 9, 2007

- CPRB 162 CSR9

Debra explained & responded to ?

Elaine Harris of WV Trooper Assoc., responded to ?

Anne Lambright, Ex Dir of CPRB, responded to ?

Facemyer moved rule

Unger moves to ^{modify} amend from 60 to 55

and investigated only once from [REDACTED]

5 year instead of 3 (13.1 page ?)

after age 50

motion adopted

motion adopted (rule as modified)

- Insurance 114CSR2
Connie explained
Facemyer moved rule
motion adopted

- Insurance 114CSR2A
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR8
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR11
Connie explained & responded to ?'s
Jane Cline, Ins. Comm, responded to ?'s
Brown moved as modified
motion adopted

- Insurance 114CSR 11A
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR1B
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR 11C
Connie explained; responded to Za
Jane Cline, Ins. Com. responded to Za
Brown moved as modified
motion adopted

- Insurance 114CSR15
Connie explained; responded to Za
Jane Cline, Ins. Com., responded to Za
Brown moved rule
motion adopted

- Insurance 114CSR31
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR64
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR2
Connie explained
Facemyer moved rule
motion adopted

- Insurance 114CSR2A
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR8
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR11
Connie explained & responded to ?A
Jane Cline, Ins. Comm, responded to ?A
Brown moved as modified
motion adopted

- Insurance 114CSR-11A
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR11B
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR 11C
Connie explained & responded to 7's
Jane Cline, Ins. Com. responded to 7's
Brown moved as modified
MOTION adopted

- Insurance 114CSR15
Connie explained & responded to 7's
Jane Cline, Ins. Com., responded to 7's
Brown moved Rule
motion adopted

- Insurance 114CSR31
Connie explained
Brown moved as modified
motion adopted

- Insurance 114CSR64
Connie explained
Brown moved as modified
motion adopted

Brown moved as modified
motion adopted

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, November 26, 2007
11:00 a.m. to 1:00 p.m.
Senate Judiciary Committee Room

1. Approval of Minutes - Meeting of October 8 & 9, 2007.
2. Review of Legislative Rules:

Approve as modified ✓ a. Consolidated Public Retirement Board, WV
West Virginia State Police, 162CSR9

- Laid Over
- Approve

Approve ✓ b. Insurance Commission
Licensing and Conduct of Insurance Producers, Agencies and Solicitors, 114CSR2

- Approve

Approve as modified ✓ c. Insurance Commission
Fingerprinting Requirements For Applications For Insurance Producer License, 114CSR2A

- Approve as Modified

Approve as modified ✓ d. Insurance Commission
Replacement of Life Insurance Policies and Annuity Contracts, 114CSR8

- Approve as Modified

Approve as modified ✓ e. Insurance Commission
Advertisement of Life Insurance and Annuities, 114CSR11

- Approve as Modified

Approve as modified ✓ f. Insurance Commission
Life Insurance Disclosures, 114CSR11A

- Approve as Modified

Approve *is.*
as modified

Insurance Commission
Suitability In Annuity Transactions, 114CSR11B

- Approve as Modified

Approve *is.*
as modified

Insurance Commission
Life Insurance Illustrations, 114CSR11C

- Approve as Modified

Approve *is.*

Insurance Commission
Examiners and Examinations, 114CSR15

- Approve

Approve *is.*
as modified

Insurance Commission
Guaranteed Loss Ratios As Applied To Individual Sickness and
Accident Insurance Policies, 114CSR31

- Approve as Modified

Approve *is.*

Insurance Commission
Mental Health Parity, 114CSR64

- Approve

Approve *is.*
as modified

Insurance Commission
Recognition of Preferred Mortality Tables For Use In
Determining Minimum Reserve Liabilities, 114CSR69A

- Approve as Modified

Approve *is.*
as modified

Insurance Commission
Military Sales Practices, 114CSR82

- Approve as Modified

Approve *is.*
as modified

Elections Commission, WV State
Corporate Political Activity, 146CSR1

- Approve as Modified

Approve *is.*
as modified

Elections Commission, WV State
Regulation of Campaign Finance, 146CSR3

- Approve as Modified

*Approved
as modified*

Elections Commission, WV State
Election Expenditures, 146CSR4

- Approve as Modified

q. **Ethics Commission, WV**
Solicitation and Receipt of Gifts and Charitable Contributions by Public Employees and Officials, 158CSR7

- Approve as Modified

r. **Fire Marshal's Office, State**
Supervision of Fire Protection Work, 103CSR3

- Approve as Modified

s. **Motor Vehicles, Division of**
Examination and Issuance of Driver's License, 91CSR4

- Approve as Modified

t. **Motor Vehicles, Division of**
Disclosure of Information from the Files of the Division of Motor Vehicles, 91CSR8

- Approve

3. **Other Business**

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: 11/26/07

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
Elaine Harris 55	Huntington Square - Suite 1212 900 Lee St., Charleston, WV 25301	CWA/WV Troopers Association	X Q
Rick Monahan	1815 Summit St, Charleston	WV TROOPERS ASSOC. ATTORNEY (MASTER LAW FIRM)	X Q
John Dascot	1510 Ravin Ju Rd Charleston	WV FOP / WVSSA ATTORNEY	X Q
Chester Wojcik	769 LOWER Donnelly Rd Clarks, WV	STATE FOP / WVTA	X Q
JAKE WEGMAN	Atty Gen office	FIRE COMMISSION	R

NOVEMBER 27

Tuesday, November 27, 2007

4:00 p.m. to 6:00 p.m.

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

Earl Ray Tomblin
ex officio nonvoting member

Richard Thompson
ex officio nonvoting member

Senate

House

Minard, Chairman
Fanning, Vice Chair Absent
Prezioso
Unger
Boley
Facemyer

Brown, Chairman
Miley, Vice Chair
Burdiss
Talbot
Overington
Sobonya

The meeting was called to order by Mrs. Brown, Co-Chairman.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the, **Department of Health and Human Resources, Food Establishments, 64CSR17**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the, **Department of Health and Human Resources, Water Well Regulations, 64CSR19**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Bill Toomey with the Bureau for Public Health responded to questions from the Committee.

Scott Rodeheaver, Subject Matter Expert, responded to questions from the Committee.

Mr. Burdiss moved that the proposed rule be laid over until the December Interim Meetings. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the **Department of Health and Human Resources, Water Well Design Standards, 64CSR46**, and stated that the Department has agreed to technical modifications.

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

Ms. Graham reviewed her abstract on the rule proposed by the, **Department of Health and Human Resources, Licensure of Hospice Care Programs, 64CSR54**, and stated that the Department has agreed to technical modifications.

Mr. Minard moved that the modifications by the Department be approved. The motion was adopted.

Margaret Cozwell, Executive Director/President of the WV Hospice Counsel, addressed the Committee.

Anita Barnhouse, Program Director for the Hospice Program, responded to questions from the Committee.

John Law with the Department responded to questions from the Committee.

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

Ms. Graham explained her abstract on the rule proposed by the **Department of Health and Human Resources, Regulation of Opioid Treatment Programs, 64CSR90**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Mr. Minard moved that the proposed rule be approved as modified.

Mr. Prezioso moved that the modifications by the Department be approved.

Rose Lowther Berman, PMII, with OFLAC explained the Department's modifications.

Mr. Prezioso's motion was adopted.

Ms. Sobonya moved to amend Paragraph 40.8.a.2 by changing "thirty days" to "sixty days"; Paragraph 40.8.b.2 by changing "sixty days" to "one hundred-twenty days"; striking out all of Paragraph 40.8.c.2 and 40.8.c.3, and Subdivision 40.8.d by changing the word "forth" to "third".

Ms. Graham advised the Committee that the days are specified in the code and adopting the amendment would conflict with the statute.

Raymona Kinnaberg, Vice President with Bill J. Crouch & Associates, Inc., Health Care Consulting Services, addressed the Committee and responded to questions.

Tonya Dillon-Page, Clinic Director with Charleston Treatment Center addressed the Committee and responded to questions.

The motion on Ms. Sobonya's amendment failed.

Mr. Minard's motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **Department of Health and Human Resources, Newborn Screening System, 64CSR91**, and stated that the Department has agreed to technical modifications.

Mr. Minard moved that the proposed rule be approved.

Ann Spaner, Attorney with the Bureau for Public Health, responded to questions from the Committee.

The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the **Department of Health and Human Resources, Clandestine Drug Laboratory Remediation, 64CSR92**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Ms. Spaner responded to questions from the Committee.

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

Brian Skinner, Associate Counsel, reviewed his abstract on the rule proposed by the, **WV Department of Administration, Controlling the Public Land Corporation's Sale, Lease, Exchange or Transfer of Lands and Minerals, 148CSR20**, and stated that the Department has agreed to technical modifications.

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

Charles Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the, **WV Board of Examiners for Speech-Language Pathology and Audiology, Licensure of Speech-Pathology and Audiology, 29CSR1**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

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

Mr. Roskovensky, explained his abstract on the rule proposed by the, **WV Board of Funeral Service Examiners, Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements, 6CSR1**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Mr. Minard moved that the proposed rule be approved as modified.

Constance Sloan, Executive Director of the Board, responded to questions from the Committee.

Mr. Talbott moved to modify the proposed rule by removing the new language in 9.2.3.

The motion was adopted.

Mr. Roskovensky, reviewed his abstract on the rule proposed by the, **WV Board of Hearing Aid Dealers, Rule Governing the West Virginia Board of Hearing Aid Dealers, 8CSR1**, stated that the Department has agreed to technical modifications and responded to questions from the Committee

Mr. Minard moved that the proposed rule be approved as modified.

Jake Wegman, Counsel for the Board, responded to questions from the Committee.

The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the, **WV Board of Medicine, Continuing Education for Physicians and Podiatrists, 11CSR6**, and stated that the Board has agreed to technical modifications.

Robert Knittle with the Board responded to questions from the Committee.

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

Mr. Roskovensky reviewed his abstract on the rule proposed by the, **WV Board of Medicine, Certification, Disciplinary and Complaint Procedures, Continuing Education, Radiologist Assistants, 11CSR9**, and stated that the Board has agreed to technical modifications.

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

The meeting was adjourned.

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
November 26, 27 and 28, 2007

Tuesday, November 27, 2007

4:00 pm - 6:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Thompson, ex
officio nonvoting member

Senate

Minard, Chair
Fanning, Vice Chair
Prezioso
Unger
Boley
Facemyer

✓

✓

✓

✓

✓

House

Brown, Chair
Miley, Vice Chair
Burdiss
Talbot
Overington
Sobonya

✓

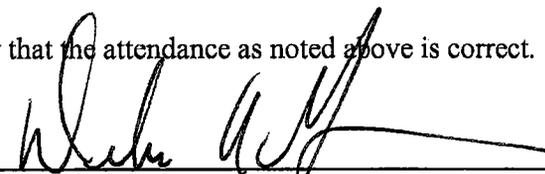
✓

✓

✓

✓

I certify that the attendance as noted above is correct.



Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819 ASAP, due to payroll deadline.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, November 27, 2007
4:00 p.m. to 6:00 p.m.
Senate Judiciary Committee Room

1. **Review of Legislative Rules:**

- a. **Health and Human Resources, Department of
*Food Establishments, 64CSR17***
 - Approve as Modified
- b. **Health and Human Resources, Department of
*Water Well Regulations, 64CSR19***
 - Approve as Modified
- c. **Health and Human Resources, Department of
*Water Well Design Standards, 64CSR46***
 - Approve as Modified
- d. **Health and Human Resources, Department of
*Licensure of Hospice Care Programs, 64CSR54***
 - Approve as Modified
- e. **Health and Human Resources, Department of
*Regulation of Opioid Treatment Programs, 64CSR90***
 - Approve as Modified
- f. **Health and Human Resources, Department of
*Newborn Screening System, 64CSR91***
 - Approve as Modified
- g. **Health and Human Resources, Department of
*Clandestine Drug Laboratory Remediation, 64CSR92***
 - Approve as Modified
- h. **Administration, Department of
*Controlling the Public Land Corporation's Sale, Lease,
Exchange or Transfer of Lands and Minerals, 148CSR20***
 - Approve as Modified

- i. **Speech-Language Pathology and Audiology, WV Board of Examiners for**
Licensure of Speech-Pathology and Audiology, 29CSR1
 - Approve as Modified
- j. **Funeral Service Examiners, WV Board**
Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements, 6CSR1
 - Approve as Modified
- k. **Hearing Aid Dealers, WV Board of**
Rule Governing the West Virginia Board of Hearing Aid Dealers, 8CSR1
 - Approve as Modified
- l. **Medicine, WV Board of**
Continuing Education for Physicians and Podiatrists, 11CSR6
 - Approve
- m. **Medicine, WV Board of**
Certification, Disciplinary and Complaint Procedures, Continuing Education, Radiologist Assistants, 11CSR9
 - Approve as Modified

2. **Other Business**

NOVEMBER INTERIM ATTENDANCE

Legislative Interim Meetings

November 26, 27, & 28, 2007

Tuesday, November 27, 2007

4:00 p.m. - 6:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert "Bob" Kiss, ex
officio nonvoting member

Senate

House

Minard, Chair

✓

Fanning, Vice Chair

✓

Prezioso

✓

Unger

✓

Boley

✓

Facemyer

✓

Brown, Chair

✓

Miley, Vice Chair

✓

Burdiss

✓

Talbott

✓

Overington

✓

Sobonya

✓

Brown called meeting to order

- DHHR 64CSR17

Debra explained & responded to ?'s
Minard moved as modified
motion adopted

- DHHR 64CSR19

Debra explained & responded to ?'s
Bill Toomey w/ Bureau for Public Health responded to ?
Scott Rodheaver, Subject matter expert, responded to ?
Burdiss moved to lay over until December
motion adopted

- DHHR 64CSR46
Debra explained
Minaed moved as modified
motion adopted

- DHHR 64CSR54
Debra explained
Minaed moved rule as modified by ^{Agency} Counsel
Margaret Cozwell, Ex Dir. President of
Hospice Council, addressed Committee
Anita Barnhouse, Program Dir for ^{Hospice} program responded to ?'s
John Law responded to ?'s
Motion adopted

- DHHR 64CSR90
Debra explained & responded to ?'s
Minaed moved as modified by Agency Counsel
Sen. Premjoso moved to include Agency modification
Rose ^{writer} Berman, PMII, OFLAC, explained modifications
Sabonya moved to amend

1st pos. 60 days

2nd pos. 120 days

3rd pos. suspended

Advised the days are code & would conflict statute

Minaed spoke against amendment

Raymona Kinnaberg, ~~XXXXXXXXXX~~ Vice President w/ Health
Care Consulting Services addressed the Committee and responded
to questions

Tonga Dillon - Page, Clinic Dir. w/ Charleston Treatment Center addressed the Committee?
responded to questions

Motion denied (Amendment)
motion adopted (Approve as modified)

- DHR 64CSR 91

Debra explained

Minaud moved rule as modified

Ann Spaner, Attorney w/ Bureau for Public Health
responded to questions.

Motion adopted

- DHR 64CSR 92

Debra explained & responded to ?'s

Ann
Spaner
?/s

Minaud moved rule as modified
Motion adopted

- Admin 148CSR 20

Brian explained

Minaud moved as modified

Motion adopted

- Speech 29 CSR1
Charlie explained & responded to ?'s
Minard moved as modified
motion adopted

- Funeral 6 CSR1
Charlie explained & responded to ?'s
Minard moved as modified
Constance Sloan^{EX DIR} w/ Bd. responded to ?'s
Talbot moved to amend
* by unregistered logo & registered trademark
exempt

Agency agreed
Motion adopted

- Hearing Aid Dealers 8 CSR1
Charlie explained & responded to ?'s
Minard moved as modified
Jake Wegman Attorney w/ Hearing Aid Dealers responded to ?'s
Motion adopted

- Medicine 11 CSR6
Charlie explained & responded to ?'s
Robert Knittle responded to ?'s
Minard moved the rule
Motion adopted

- Medicine 11CSR9
Charlie explained
Minard moved as modified
motion adopted

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, November 27, 2007
4:00 p.m. to 6:00 p.m.
Senate Judiciary Committee Room

1. Review of Legislative Rules:

*Approved
as modified*

Health and Human Resources, Department of
Food Establishments, 64CSR17

- Approve as Modified

*Laid
over*

Health and Human Resources, Department of
Water Well Regulations, 64CSR19

- Approve as Modified

*Approved
as modified*

Health and Human Resources, Department of
Water Well Design Standards, 64CSR46

- Approve as Modified

*Approved
as modified*

Health and Human Resources, Department of
Licensure of Hospice Care Programs, 64CSR54

- Approve as Modified

*Approved
as modified*

Health and Human Resources, Department of
Regulation of Opioid Treatment Programs, 64CSR90

- Approve as Modified

*Approved
as modified*

Health and Human Resources, Department of
Newborn Screening System, 64CSR91

- Approve as Modified

*Approved
as modified*

Health and Human Resources, Department of
Clandestine Drug Laboratory Remediation, 64CSR92

- Approve as Modified

*Approved
as modified*

Administration, Department of
Controlling the Public Land Corporation's Sale, Lease,
Exchange or Transfer of Lands and Minerals, 148CSR20

- Approve as Modified

Approve
as modified

✓
Speech-Language Pathology and Audiology, WV Board of Examiners for
Licensure of Speech-Pathology and Audiology, 29CSR1

- Approve as Modified

Approve
as modified

✓
Funeral Service Examiners, WV Board
Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements, 6CSR1

- Approve as Modified

Approve
as modified

k. ✓
Hearing Aid Dealers, WV Board of
Rule Governing the West Virginia Board of Hearing Aid Dealers, 8CSR1

- Approve as Modified

Approve

✓
Medicine, WV Board of
Continuing Education for Physicians and Podiatrists, 11CSR6

- Approve

Approve
as modified

m. ✓
Medicine, WV Board of
Certification, Disciplinary and Complaint Procedures, Continuing Education, Radiologist Assistants, 11CSR9

- Approve as Modified

2. Other Business

64CFR54 AM Sobonya #1 11-27

Delegate Sobonya moves to amend the proposed rule (as filed July 27, 2007) on page 9, section 5.6.a., by striking all of 5.6.a. and inserting in lieu thereof the following:

5.6.a. Physician services which shall meet the medical needs of the patients for the palliation and management of the terminal illness. The medical director and hospice physicians shall be licensed according to the West Virginia Board of Medicine or the West Virginia Board of Osteopathy and are subject to the rules of the Board. The patient's attending physician must have an active medical license from West Virginia or another state. Nurse practitioners, when serving as the patient's attending physician, shall be licensed according to the West Virginia Board of Examiners for Registered Professional Nurses and are subject to the rules of the Board;"

Adopted

Rejected

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: Nov. 27, 2007

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
Margaret Cogswell	122 Waterly Court Martinsburg WV 26108	Hospice Council of WV	X 64CSR54
Vicki Mathers	1 Edmiston Way Buckhannon, WV	WV Board of Speech-Audiology	
Jandy Fisher	#12 Arlington Ct Charleston, WV	Friends of Bluewater	

Item
D

NOVEMBER 28

Wednesday, November 28, 2007

3:00 p.m. to 5:00 p.m.

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

Earl Ray Tomblin
ex officio nonvoting member

Richard Thompson
ex officio nonvoting member

Senate

House

Minard, Chairman
Fanning, Vice Chair Absent
Prezioso Absent
Unger Absent
Boley
Facemyer

Brown, Chairman
Miley, Vice Chair
Burdiss
Talbot
Overington
Sobonya

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

Mr. Minard removed items e., f., g. and h. from the Committee's agenda.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the, **WV Division of Labor, Steam Boiler Inspection, 42CSR3**, and stated that the Division has agreed to technical modifications.

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

Ms. Graham explained her abstract on the rule proposed by the, **WV Division of Labor, Verifying the Legal Employment Status of Workers, 42CSR31**, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

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

Ms. Graham explained her abstract on the rule proposed by the, **WV Division of Labor, Supervision of Plumbing Work, 42CSR32**, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

David Mullins, Commissioner of the Division of Labor, responded to questions from the Committee.

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

Ms. Boley requested to be recorded as voting NO.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Board of Veterinary Medicine, Registration of Veterinary Technicians, 26CSR3**, and stated that the Board has agreed to technical modifications.

Ms. Brown 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, **Solid Waste Management Board, Performance Measures and Review Standards for Solid Waste Authorities Operating Commercial Solid Waste Facilities, 54CSR6**, stated that the Board has agreed to technical modifications and responded to questions from the Committee.

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

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the, **Miners' Health Safety and Training, Criteria and Standards for Alternative Training Programs for Apprentice Coal Mine Electricians, 48CSR8**, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

C.A. Phillips with the Agency responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the, **Lottery Commission, Racetrack Table Games Rule, 179CSR8**, stated that the Commission has agreed to technical modifications and responded to questions from the Committee.

John Musgrave, Director with the Commission responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified.

Mr. Overington moved that the proposed rule be laid over until the next Committee meeting. The motion failed.

Ms. Sobonya moved to amend the proposed rule by striking out §179-8-9 on page 17.

Ms. Sobonya demanded the yeas and nays.

The yeas and nays were taken and there were - yeas 6, nays 3, and absent and not voting 3, with the yeas and absent and not voting being as follows:

NAYS: Brown, Miley, Burdiss, Talbott, Minard and Facemyer.

ABSENT AND NOT VOTING: FANNING, Prezioso and Unger

Mr. Overington moved to amend Section 9 of the proposed rule to require the Commission to get Legislative approval prior to waiving, restricting or altering any requirement or procedure set forth in the rule.

Mr. Minard ruled that the motion was out of order in that it had the same effect as Ms. Sobonya's amendment that was previously defeated.

Ms. Boley, Ms. Sobonya and Mr. Overington requested to be recorded as voting NO.

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

The meeting was adjourned.

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
November 26, 27 and 28, 2007

Wednesday, November 28, 2007

3:00 pm - 5:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Thompson, ex
officio nonvoting member

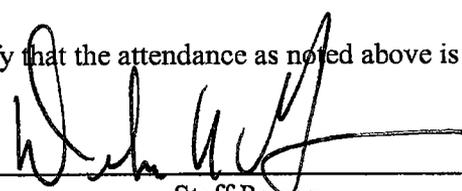
Senate

Minard, Chair
Fanning, Vice Chair _____
Prezioso _____
Unger _____
Boley
Facemyer

House

Brown, Chair
Miley, Vice Chair
Burdiss
Talbot
Overington
Sobonya

I certify that the attendance as noted above is correct.



Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819 ASAP, due to payroll deadline.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Wednesday, November 28, 2007
3:00 p.m. to 5:00 p.m.
Senate Judiciary Committee Room

1. Review of Legislative Rules:

- a. **Labor, Division of**
Steam Boiler Inspection, 42CSR3
 - *Approve as Modified*
- b. **Labor, Division of**
Verifying the Legal Employment Status of Workers, 42CSR31
 - *Approve as Modified*
- c. **Labor, Division of**
Supervision of Plumbing Work, 42CSR32
 - *Approve as Modified*
- d. **Veterinary Medicine, Board of**
Registration of Veterinary Technicians, 26CSR3
 - *Approve as Modified*
- e. **Waste Management, Office of**
Department of Environmental Protection
Hazardous Waste Management System, 33CSR20
 - *Approve*
- f. **Water Resources, Office of**
Department of Environmental Protection
Requirements Governing Water Quality Standards, 47CSR2
 - *Approve*
- g. **Water Resources, Office of**
Department of Environmental Protection
National Pollutant Discharge Elimination System (NPDES) Program, 47CSR10
 - *Approve*

- h. **Secretary's Office**
Department of Environmental Protection
Antidegradation Implementation Procedures, 60CSR5
 - Approve

- i. **Solid Waste Management Board**
Performance Measures and Review Standards for Solid Waste Authorities Operating Commercial Solid Waste Facilities, 54CSR6
 - Approve as Modified

- j. **Miners' Health Safety and Training**
Criteria and Standards for Alternative Training Programs for Apprentice Coal Mine Electricians, 48CSR8
 - Approve

- k. **Lottery Commission**
Racetrack Table Games Rule, 179CSR8
 - Approve as Modified

2. **Other Business**

NOVEMBER INTERIM ATTENDANCE

Legislative Interim Meetings

November 26, 27, & 28, 2007

Wednesday, November 28, 2007

3:00 p.m. - 5:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Robert "Bob" Kiss, ex
officio nonvoting member

Senate

House

Minard, Chair ✓
Fanning, Vice Chair _____
Prezioso _____
Unger _____
Boley ✓
Facemyer ✓

Brown, Chair ✓
Miley, Vice Chair ✓
Burdiss ✓
Talbot ✓
Overington ✓
Sobonya ✓

- Minard called meeting to order
- Removed e., f., g., & h. from the agenda
- Labor 42CSR3
Debra explained
Brown moved as modified
Motion adopted
- Labor 42CSR31
Debra explained & responded to ?'s
Brown moved as modified
Motion adopted

- Labor 42CSR32

Debra explained & responded to ?'s
Commissioner ^{Dani} Mullens responded to ?'s
Brown moved as modified
motion adopted
↑ Boley NO

- Vet. Med. 26CSR3

Debra explained
Brown moved as modified
motion adopted

- Solid Waste 54CSR6

~~██████████~~ Rita explained & responded to ?'s
Brown moved as modified
motion adopted

- Miners' Health... 48CSR8

Brian explained & responded to ?'s
C.A. Phillips w/ Agency responded to ?'s
Brown moved as modified
motion adopted

- Lottery 19CSR8

Debra explained & responded to ?'s
John ^{MUSCATURE} ~~██████████~~ ^{Director} w/ Lottery responded to ?'s
Overington moved to lay over
Motion denied (lay over)

Brown
moved
as modified

page 17
Sabonya moved to strike out 179-8-9
Open discussion
Sabonya closed and requested Roll call

6 days
3 years
motion fails

~~motion failed~~
~~motion failed~~ - Boley, Sabonya, Overington
voted NO

motion adopted

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: 11/28/07

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
LARRY ORR CHAIRMAN	104 HILLCREST AVE ELKVIEW, WV 25071	WV COUNCIL TROUT UNLIMITED	X
HOMER SWEENEY President	2231 MCKINLEY AVE ST. ALANS WV 25177	KVC TV TROUT UNLIMITED	
Ken Komoroski Attorney/Lobbyist	535 Smithfield St Pgh PA 15222	Mountain State Carbon, Koppers	
DON BARVIN	PO Box 666 Buckhannon, WV 26201	West Virginia Environmental Council	X
Dick Wright	WV Forestry Assn. Ripley, WV	WV Forestry Assn.	
Nicole Logan	5114 TAMAROCK Dr. CROSS LAKES, WV 25313	Citizen	

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: 11/28/07

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
Jamie Kinsey	1 Red Rock Rd Buckhannon	WV Farm Bureau	X
Dawn Syrett	PO Box 5 Kingwood, WV	Self & Constituents	X

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: _____

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
<i>Sandy Fisher</i>	<i>#12 Arlington Ct Charleston, WV 25301</i>	<i>Friends of Blackwater</i>	
IRA LATIMER	<i>67 Abney Circle Chas., WV 25314</i>	TU	
DAN JORDAN	<i>1808 LOUDON HEIGHTS Chas, WV 25314</i>		

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: November 28, 2007 TIME: 4:40

NAME Present Absent Yeas Nays

HOUSE

Kiss, Robert, Speaker				
Brown, Bonnie, Co-Chair	✓			✓
Miley, Tim, Vice Chair	✓			✓
Burdiss, Mike	✓			✓
Talbott, Joe	✓			✓
Overington, John	✓		✓	
Sobonya, Kelli	✓		✓	

SENATE

Tomblin, Earl Ray, President				
Minard, Joseph, Co-Chair	✓			✓
Fanning, John, Vice-Chair				
Prezioso, Roman				
Unger, John				
Boley, Donna	✓		✓	
Facemyer, Karen	✓			✓
TOTAL	<u>9</u>		<u>3</u>	<u>6</u>

RE: 179 CSR 8 Lottery Commission
Amendment to delete 179-8-9