September 13, 2010

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

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

Earl Ray Tomblin ex officio nonvoting member

Richard Thompson ex officio nonvoting member

Absent

Senate House

Minard, Chairman Snyder, Vice Chair Prezioso

Prezioso Absent Unger

Boley Facemyer Brown, Chairman Poling, Vice Chair Fleischauer

Talbott Overington Sobonya

The meeting was called to order by Senator Minard, Vice Chair.

Senator Snyder moved that the minutes of the August 10, 2010, meetings be approved.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the WV Department of Agriculture, West Virginia Apiary Rule, 61CSR2, and stated that the Department has agreed to technical modifications.

Bob Tabb with the Department responded to questions from the Committee.

Delegate Brown 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 Board of Physical Therapy, General Provisions for Athletic Trainers, 16CSR5, stated that the Board has agreed to technical modifications and responded to questions from the Committee.

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

Mr. Roskovensky explained his abstract on the rule proposed by the Board of Physical Therapy, Fees for Athletic Trainers, 16CSR6, and stated that the Board has agreed to technical modifications.

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

Mr. Roskovensky reviewed his abstract on the rule proposed by the WV Board of Osteopathy, Fees for Services Rendered by the Board of Osteopathy, 24CSR5, and stated that the Board has agreed to technical modifications.

Dorren Burrell, with the Attorney General's Office, responded to questions from the Committee.

Delegate Brown moved that the proposed rule lay over. The motion was adopted.

Miss Graham explained her abstract on the rule proposed by the West Virginia Division of Labor, Elevator Safety Act, 42CSR21, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

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

Miss Graham reviewed her abstract on the rule proposed by the West Virginia Division of Labor, Supervision of Elevator Mechanics and Apprentices, 42CSR21A, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

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

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

Miss Graham explained her abstract on the rule proposed by the West Virginia Division of Labor, Crane Operator Certification Act, 42CSR24, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

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

Miss Graham reviewed her abstract on the rule proposed by the West Virginia Division of Labor, Crane Operator Certification Act - Practical Examination, 42CSR25, and stated that the Division has agreed to technical modifications.

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

State Board of Sanitarians, Interim Fee Schedule, 20CSR3, and State Board of Sanitarians, Rules Governing the Practice, 20CSR4, were laid over.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the Insurance Commission, Credit Life Insurance, Credit Accident and Sickness Insurance, and Credit Unemployment Insurance, 114CSR6, and stated that the Agency has agreed to technical modifications.

Timothy Murphy with the Insurance Commission responded to questions from the Committee.

Delegate 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 Insurance Commission, Suitability in Annuity Transactions, 114CSR11B.

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

Mr. Skinner explained his abstract on the rule proposed by the Insurance Commission, Long-Term Care Insurance, 114CSR32, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Mr. Murphy responded to questions from the Committee.

Delegate 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 Insurance Commission, Actuarial Opinion and Memorandum Rule, 114CSR41.

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

Mr. Skinner explained his abstract on the rule proposed by the Insurance Commission, Credit Personal Property Insurance, 114CSR61.

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

Jay Lazell, Associate Counsel, reviewed his abstract on the rule proposed by the **Division of Water Resources - DEP, Requirements Governing Groundwater Standards, 47CSR12**, and stated that the Agency has agreed to technical modifications.

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

Mr. Lazell explained his abstract on the rule proposed by the Division of Water Resources - DEP, Requirements Governing Groundwater Standards, 47CSR12, and stated that the Agency has agreed to technical modifications.

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

Mr. Lazell reviewed his abstract on the rule proposed by the Division of Water Resources - DEP, Monitoring Well Design Standards, 47CSR60, and stated that the Agency has agreed to technical modifications.

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

Mr. Lazell explained his abstract on the rule proposed by the Division of Waste Management - DEP, Hazardous Waste Management Rule, 33CSR20, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Kristin Boggs with DEP responded to questions from the Committee.

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

Senator Snyder moved to adjourn the meeting. The motion was adopted.

SEPTEMBER INTERIM ATTENDANCE Legislative Interim Meetings September 13, 14 and 15, 2010

Monday, September 13, 2010

5:00 pm - 7:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex officio nonvoting member	-	Thompson, ex officio nonvoting member	
Senate Minard, Chair Snyder, Vice Chair Prezioso Unger Boley Facemyer		House Brown, Chair Poling, D., Vice Chair Fleischauer Talbott Overington Sobonya	
		I certify that the attendance as no	

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, September 13, 2010 5:00 p.m. to 7:00 p.m.

Senate Judiciary Committee Room

- 1. Approval of Minutes Meetings of August 10, 2010
- 2. Review of Legislative Rules:
 - a. **WV Department of Agriculture**West Virginia Apiary Rule
 61CSR2
 - Approve as Modified
 - b. Board of Physical Therapy General Provisions for Athletic Trainers 16CSR5
 - Approve as Modified
 - c. Board of Physical Therapy
 Fees for Athletic Trainers
 16CSR6
 - Approve as Modified
 - d. WV Board of Osteopathy Fees for Services Rendered by the Board of Osteopathy 24CSR5
 - Approve as Modified
 - e. **West Virginia Division of Labor**Elevator Safety Act
 42CSR21
 - Approve as Modified
 - f. West Virginia Division of Labor
 Supervision of Elevator Mechanics and Apprentices
 42CSR21A
 - Approve as Modified
 - g. **West Virginia Division of Labor**Crane Operator Certification Act
 42CSR24
 - Approve as Modified

- h. West Virginia Division of Labor
 Crane Operator Certification Act Practical Examination
 42CSR25
 - Approve as Modified
- i. State Board of Sanitarians Interim Fee Schedule 20CSR3
 - Approve
- j. State Board of Sanitarians
 Rules Governing the Practice
 20CSR4
 - Approve
- k. Insurance Commission
 Credit Life Insurance, Credit Accident and Sickness
 Insurance, and Credit Unemployment Insurance
 114CSR6
 - Approve as Modified
- 1. Insurance Commission
 Suitability in Annuity Transactions
 114CSR11B
 - Approve
- m. Insurance Commission
 Long-Term Care Insurance
 114CSR32
 - Approve as Modified
- n. Insurance Commission
 Actuarial Opinion and Memorandum Rule
 114CSR41
 - Approve
- o. Insurance Commission
 Credit Personal Property Insurance
 114CSR61
 - Approve

- p. Water Resources DEP Requirements Governing Groundwater Standards 47CSR12
 - Approve as Modified
- q. Water Resources DEP

 Monitoring Well Design Standards
 47CSR60
 - Approve as Modified
- r. Waste Management DEP

 Hazardous Waste Management Rule
 33CSR20
 - · Approve as Modified
- 3. Other Business

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LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Monday, September 13, 2010

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

Senate Judiciary Committee Room

- 1. Approval of Minutes Meetings of August 10, 2010
- 2. Review of Legislative Rules:
 - a. **WV Department of Agriculture**West Virginia Apiary Rule
 61CSR2
 - b. Board of Physical Therapy General Provisions for Athletic Trainers 16CSR5
 - C. Board of Physical Therapy Fees for Athletic Trainers 16CSR6
 - d. **WV Board of Osteopathy**Fees for Services Rendered by the Board of Osteopathy
 24CSR5
 - e. West Virginia Division of Labor Elevator Safety Act 42CSR21
 - f. West Virginia Division of Labor
 Supervision of Elevator Mechanics and Apprentices
 42CSR21A
 - g. West Virginia Division of Labor
 Crane Operator Certification Act
 42CSR24
 - h. West Virginia Division of Labor
 Crane Operator Certification Act Practical Examination
 42CSR25
 - i. State Board of Sanitarians Interim Fee Schedule 20CSR3

j. State Board of Sanitarians Rules Governing the Practice 20CSR4

k. Insurance Commission

Credit Life Insurance, Credit Accident and Sickness Insurance, and Credit Unemployment Insurance 114CSR6

1. Insurance Commission

Suitability in Annuity Transactions 114CSR11B

m. Insurance Commission

Long-Term Care Insurance 114CSR32

n. Insurance Commission

Actuarial Opinion and Memorandum Rule 114CSR41

o. Insurance Commission

Credit Personal Property Insurance 114CSR61

p. Water Resources - DEP

Requirements Governing Groundwater Standards 47CSR12

q. Water Resources - DEP

Monitoring Well Design Standards 47CSR60

r. Waste Management - DEP

Hazardous Waste Management Rule 33CSR20

3. Other Business

SEPTEMBER INTERIM ATTENDANCE Legislative Interim Meetings September 13, 14 & 15, 2010

5:00 p.m 7:00 p.m.	Legislative Rule-Making Review Committee
Earl Ray Tomblin, ex officio nonvoting member	Richard Thompson, ex officio nonvoting member
<u>Senate</u>	<u>House</u>
Minard, Chair Snyder, Vice Chair Prezioso Unger Boley Facemyer	Fleischauer
· Minard Called	I meeting to order
* · Facemyer moved	proved Agency oubmit budget if fees involve 10/05R2 Notion Passe 20 20 20 20 20 20 20 20 20 20 20 20 20
Debra explaines	
Brown moved a	rs modified
Bob Tabb w,	s modified / Dept responded to ?;
Approved as m	odified "

- Physical Therapy 160885 Charlie explained & responded to ?'s Brown moved as modified Approved as modified
- Physical Therapy HeBRLA
 Charlie explained
 Brown moved as modified
 Approved as modified
- VOSteopathy 2408R5
 Charlie explained
 Dorner Burrell w/ AG's offra responded to?'s
 Brown moved to layover
 Approved to Layover
- · Labor 42CSR21

 Debra explained Eresponded to?s

 Brown moved as modified

 Approved as modified
- Labor 42CSR21A

 Debra explained Eresponded to?

 Commissioner David Mullins for Div. Q labor responded to?

 Brown moved as modified

 Approved as modified

- Debra explained : responded to ?'s Souper mound rule as modified Approved as modified
- Vlabor 4208R25 Debra explained Brown moved rule as modified Approved as modified
- · / Sanitarians 2008R3 and 2008R4 Laid Over
- Brions explained
 Tim Murphy w/ Commission responded to ?'s
 Brown moved rule as modified
 Approved as modified
- · Donnance 11408R11B Brian explained Brown mould rule Approved

· Insurance 1408R32 Bran explained & responded to ? a Brown moved rule as modified Tim Murphywllomm responded to 72 Approved as modified · Insurance 1140SR41 Brian explained Brown moved rule Approved · Vonsurance 1140SRLel Brown moved rule Approved ·/ Water 4705R12 Jay explained Brown moued rule as modified Approved as modified · Water 47CBRLED Day explained Brown mould rule as modified Kadia Begga Approved as modified nesponaled to ?E ·/ Waste 3308R20 Jay explained ? responded to ? & Brown moved rule as modified

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE Monday, September 13, 2010 5:00 p.m. to 7:00 p.m. Senate Judiciary Committee Room

- 1. Approval of Minutes Meetings of August 10, 2010
- 2. Review of Legislative Rules:
 - a WV Department of Agriculture
 West Virginia Apiary Rule
 61CSR2
 - Approve as Modified
 - b Board of Physical Therapy
 General Provisions for Athletic Trainers
 16CSR5
 - Approve as Modified
 - C Board of Physical Therapy
 Fees for Athletic Trainers
 16CSR6

Approve as Modified

WV Board of Osteopathy

Fees for Services Rendered by the Board of Osteopathy 24CSR5

- Approve as Modified
- eV West Virginia Division of Labor Elevator Safety Act 42CSR21
 - Approve as Modified
- West Virginia Division of Labor Supervision of Elevator Mechanics and Apprentices 42CSR21A
 - Approve as Modified
- West Virginia Division of Labor Crane Operator Certification Act 42CSR24
 - Approve as Modified

h. West Virginia Division of Labor

Crane Operator Certification Act - Practical Examination 42CSR25

• Approve as Modified

State Board of Sanitarians

Interim Fee Schedule 20CSR3

Approve

State Board of Sanitarians Rules Governing the Practice 20CSR4

• Approve

Insurance Commission

Credit Life Insurance, Credit Accident and Sickness Insurance, and Credit Unemployment Insurance 114CSR6

• Approve as Modified

√ Insurance Commission

Suitability in Annuity Transactions 114CSR11B

Approve

. Insurance Commission

Long-Term Care Insurance 114CSR32

Approve as Modified

Insurance Commission

Actuarial Opinion and Memorandum Rule 114CSR41

Approve

Insurance Commission

Credit Personal Property Insurance 114CSR61

Approve

Jos Don

- P. Water Resources DEP
 Requirements Governing Groundwater Standards
 47CSR12
 - Approve as Modified
- Q ✓ Water Resources DEP
 Monitoring Well Design Standards
 47CSR60
 - Approve as Modified
- r. Waste Management DEP
 Hazardous Waste Management Rule
 33CSR20
 - · Approve as modified
- 3. Other Business

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE Monday, September 13, 2010 5:00 p.m. to 7:00 p.m. Senate Judiciary Committee Room

- 1. Approval of Minutes - Meetings of August 10, 2010
- Review of Legislative Rules: 2.

Approved is.

WV Department of Agriculture West Virginia Apiary Rule 61CSR2

Approve as Modified

Board of Physical Therapy General Provisions for Athletic Trainers 16CSR5

Approve as Modified

Approved & Board of Physical Therapy
Fees for Athletic Train
16CSR6 Fees for Athletic Trainers

Approve as Modified

Want Rree Director

WV Board of Osteopathy

Fees for Services Rendered by the Board of Osteopathy 24CSR5

Approve as Modified

Approved e. West Virginia Division of Labor as modified Elevator Safety Act

Approve as Modified

Approved to West Virginia Division of Labor
Supervision of Elevator Mechanics and Apprentices
42CSR21A

Approve as Modified

Approved w. West Virginia Division of Labor
Crane Operator Certification Act
42CSR24

Approve as Modified

Approved Crane Operator Certification Act - Practical Examination 42CSR25

Approve as Modified

State Board of Sanitarians

Interim Fee Schedule 20CSR3

Approve

laid over it.

State Board of Sanitarians

Rules Governing the Practice 20CSR4

Approve

Approved k. Insurance Commission
Credit Life Insurance, Credit Accident
Insurance, and Credit Unemployment Insurance and Sickness

Approve as Modified

Insurance Commission

Suitability in Annuity Transactions 114CSR11B

Approve

Approved th. Insurance Commission

Long-Term Care Insurance

11400000

Approve as Modified

Insurance Commission

Actuarial Opinion and Memorandum Rule 114CSR41

Approve

Insurance Commission

Credit Personal Property Insurance 114CSR61

Approve

Water Resources - DEP
Requirements Governing Groundwater Standards
47CSR12

Approve as Modified

Water Resources - DEP Monitoring Well Design Standards 47CSR60

Approve as Modified

As modified Waste Management - DEP

Hazardous Waste Management Rule

33CSR20

Approve as modified

3. Other Business



WEST VIRGINIA LEGISLATURE

Committee: <u>LEGISLATIVE RULE-MAKING REVIEW COMMITTEE</u>

Date: Sept. 13, 2010

Please print or write plainly.				
NAME NAME	ADDRESS	REPRESENTING	RULE NUMBER	Please mark with an (X) if you desire to make a statement.
David Thomps	350 Copil 5) Rm313 Charlests. NV	Board of Senilor,	20 (5K3 3 20C5K4	
Lesleigh Spicuse, PT, OPT WXBand Chair of PT	101 Dee Drive Marlestan, W25311	Physical Therapy		
Patricia wubopt Helstein secretary	101 Dee Drive Charleston, UL 25311	Board Est Physial therapy	llee≤n5 16cskb	
	,			

WEST VIRGINIA BOARD OF OSTEOPATHY 24CSR5 YEAR ENDED JUNE 30, 2008

	Receipts	\$	189,251.13
	•		
	Expenses		
1	Personal Service		52,010.87
2	PerDiem		3,543.75
4	Annual Increment		950.00
10	Personnel Division		495.00
11	Social Security		3,939.14
12	PEIA		13,784.88
14	Workers Comp		588.00
16	Retirement (10.5%)		5,234.57
20	Office Supplies		3,761.72
22	Rent		3,450.00
24	Telephone		2,549.75
25	Contractual & Prof		118,707.84
26	Travel		4,919.36
27	Computer Services		1,498.90
31	Association Dues		3,175.00
32	Ins		5,055.55
42	Hospitality		1,484.61
52	Training & Development		99.00
53	Postage		2,809.64
54	Computer Supplies & Equip		49.99
56	Attorney Legal Services		4,216.50
89	Bank Costs		396.45
110	PEIA Ins Reserve Transfer		489.00
	Total Expenses		233,209.52
	Net Loss	<u>\$</u>	(43,958.39)

WEST VIRGINIA BOARD OF OSTEOPATHY

YEAR ENDED JUNE 30, 2009

	Receipts	\$	192,795.25
	-		
1	Expenses Personal Service		E 4 043 30
	_		54,012.20
	PerDiem		3,187.50
	Annual Increment		1,260.00
	Personnel Division		520.00
	Social Security		4,082.46
	PEIA		13,784.88
	Workers Comp		374.00
	Retirement (10.5%)		5,510.36
20	Office Supplies		2,303.13
22	Rent		3,975.00
24	Telephone		2,526.47
25	Contractual & Prof		153,343.63
26	Travel		2,858.68
27	Computer Services		1,450.48
31	Association Dues		3,000.00
32	Ins		2,776.00
35	Advertising		3,418.15
42	Hospitality		1,047.50
52	Training & Development		2,021.12
53	Postage		3,960.53
54	Computer Supplies & Equip		99.98
56	Attorney Legal Services	2	4,870.60
61	Office Equip Repairs		175.00
	Bank Costs		787.16
96	Other Interest		0.41
110	PEIA Ins Reserve Transfer		529.00
	Total Expenses		271,874.24
	·		

Net Loss

(79,078.99)

WEST VIRGINIA BOARD OF OSTEOPATHY

YEAR ENDED JUNE 30, 2010

	Net Loss	<u>\$</u>	(83,970.26)
	Total Expenses	\$	339,182.94
170	Computer Equipment	·	0.00
160	WV OPEB Contribution		3,631.94
110	Public Employee Insurance Reserve Transfer		947.00
096	Other Interest and Penalties		10.62
089	Bank Costs		1,118.85
070	Office & Communication Equipment		0.00
061	Office & Communication Equipment Repairs		0.00
058	Miscellaneous Equipment Purchases		10,724.54
056	Attorney Legal Service Payments		3,808.50
054	Computer Supplies & Equipment		1,611.10
053	Postal and Freight		3,477.89
052	Training & Development		95.00
051	Miscellaneous		66.00
042	Hospitality		1,893.18
035	Advertising and Promotional		333.95
033	Food Products		27.00
032	Fire, Auto & Other Insurance		2,800.00
031	Association Dues		3,000.00
030	Rental (Machine & Misc.)		0.00
027	Computer Services (ISC)		3,859.37
026	Travel		7,668.17
025	Contractual & Professional		139,454.13
024	Telephone		2,133.89
022	Rent		18,158.75
021	Printing & Binding		714.50
020	Office Expenses		3,602.67
016	Retirement		10,173.94
014	Worker's Compensation		372.00
012	Public Employees Insurance		14,439.12
011	Social Security		6,962.12
010	Personnel Division		519.98
004	Annual Increment		1,670.00
002	Personal Services (Per Diem)		3,431.48
001	Personal Services		92,477.25
Expen	<u>ses</u>		
<u> </u>	<u></u>		
Receip	nts	\$	255,212.68

16CSRle - Handout

WV PT/PTA & ATHLETIC TRAINERS FEES

WV PT/PTA FEES		
PT & PTA License Application	\$25.00	
PT License	\$220.00	
PTA License	\$140.00	
PT Biennial Renewal	\$120.00	
PTA Biennial Renewal	\$80.00	
PT & PTA License Verification	\$25.00	
PT & PTA Duplicate Wall Certificate	\$15.00	
PT & PTA Name Change (Outside of	\$5.00	
Renewal Season)		

WV ATHLETIC TRAINERS FEES	
AT Certification Application	\$25.00
AT Certification	\$100.00
AT Biennial Renewal	\$75.00
AT Certification Verification	\$25.00
AT Duplicate Wall Certificate	\$15.00
AT Name Change (Outside of Renewal	\$5.00
Season)	

ATHLETIC TRAINERS FEES FOR NEIGHBORING STATES

KY ATHLETIC TRAINERS		
CERTIFICATION FEES		
Initial Issuance of Certificate	\$100.00	
3 Year Renewal	\$50.00	
Activation of an Inactive Cert.	\$50.00	
Duplicate Wallet Card	\$1.00	
Duplicate Wall Certificate	\$10.00	
Certification Verification	\$10.00	

PA ATHLETIC TRAINERS CERTIFICATION FEES	
Application for certification	\$20.00
Biennial Renewal	\$37.00
Certification of Examination Scores	\$25.00
License Verification	\$15.00

MI ATHLETIC TRAINERS LICENSURE FEES	
Application	\$75.00
1st Year License	\$200.00
3 Year Renewal	\$600.00
Criminal Background Check	\$62.75

VA ATHLETIC TRAINERS LICENSURE FEES	
Licensure Fee	\$130.00
Biennial Renewal	\$135.00
License Verification	\$10.00

OH ATHLETIC TRAINERS LICENSURE	
FEES	
Application	\$100.00
Biennial Renewal	\$80.00
Reinstatement Application	\$110.00
License Verification	\$15.00
Duplicate Wall Certificate	\$10.00