

JULY



TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, July 13, 1998
7 p.m. to 9 p.m.
Senate Finance Committee Room M-451

1. **Approval of Minutes** - Meeting of May 18, 1998
2. **Review of Legislative Rules:**
 - a. **Consolidated Public Retirement Board**
Service Credit, 162CSR6
 - b. **Board of Osteopathy**
Formation and Approval of Professional Limited Liability Companies, 24CSR4
 - c. **Board of Osteopathy**
Fees for Services Rendered by the Board of Osteopathy, 24CSR5
 - d. **Massage Therapy Licensure Board**
Massage Therapy Licensure, 194CSR1
 - e. **West Virginia Board of Chiropractic Examiners**
Regulation of West Virginia Board of Chiropractic Examiners, 4CSR1
 - f. **West Virginia Board of Chiropractic Examiners**
Formation and Approval of Professional Limited Liability Companies, 4CSR4
 - g. **West Virginia Department of Agriculture**
Animal Disease Control, 61CSR1
 - h. **Division of Rehabilitation Services**
Technology-Related Assistance Revolving Loan Fund for Individuals with Disabilities, 193CSR1
 - i. **Division of Natural Resources**
General Trapping Regulations, 58CSR53
 - j. **West Virginia State Treasurer's Office**
Rule for Enforcement of the Uniform Unclaimed Property Act, 112CSR5
3. **Other Business .**

Monday, July 13, 1998

7:00 - 9:00 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
Boley
Bowman
Buckalew
Macnaughtan (Absent)

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

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

The minutes of the May 18, 1998 meeting were approved.

Debra Graham, Committee Counsel, explained the rule proposed by the *Division of Natural Resources-General Trapping Regulations (58CSR53)*, and stated that the Division has agreed to technical modifications. She and Gordon Robertson, Deputy Chief, Wildlife Resources, 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 *Board of Osteopathy-Formation and Approval of Professional Limited Liability Companies (24CSR4)*, and stated that the Board has agreed to technical modifications. She and Cheryl Schreiber, the Board's Executive Secretary, responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the *Board of Osteopathy-Fees for Services Rendered by the Board of Osteopathy (24CSR5)*, and stated that the Board has agreed to technical modifications. She and Ms. Schreiber, answered questions from the Committee.

Ms. Boley moved that the rule lie over until the Committee's next meeting. The motion was adopted.

Joseph Altizer, Associate Counsel, reviewed his abstract on the rule proposed by the *Massage Therapy Licensure Board-Massage Therapy Licensure (194CSRI)*, and stated that the Board has agreed to modifications. He also distributed copies of proposed modifications being requested by the Board. He and Anna Pekar, Chairman of the Board, responded to questions from the Committee.

Mr. Anderson moved that the proposed rule be modified to allow only licensed massage therapists to serve on the Board. After discussion, Mr. Anderson asked unanimous request to withdraw his motion. There being no objection. The motion was withdrawn.

Mr. Ross 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 Chiropractic Examiners-Regulation of West Virginia Board of Chiropractic Examiners (4CSRI)*, and stated that the Board has agreed to technical modifications. Ms. Graham answered questions from the Committee. Connie Skaggs, Executive Secretary, and Dr. Joseph McCarter, Chairman of the Board, responded to questions from the Committee.

Ms. Boley moved that the proposed rule lie 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 Chiropractic Examiners-Formation and Approval of Professional Limited Liability Companies (4CSR4)*, and stated that the Board has agreed to technical modifications. She and Ms. Skaggs responded to questions from the Committee.

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

Ms. Graham explained the rule proposed by the *West Virginia Department of Agriculture-Animal Disease Control (61CSRI)*, and stated that the Department has agreed to technical modifications.

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 Rehabilitation Services-Technology-Related Assistance Revolving Loan Fund for Individuals with Disabilities (193CSRI)*, 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 *West Virginia State Treasurer's Office-Rule for Enforcement of the Uniform Unclaimed Property Act (112CSR5)*, and stated that the Treasurer has agreed to technical modifications.

Mr. Anderson moved that the proposed rule lie over until the Committee's next meeting. The motion was adopted.

The Chairman reminded the Committee that Ms. Graham had explained the proposed rule by *The Consolidated Public Retirement Board-Service Credit (162CSR6)*, at the last Committee meeting.

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

Mr. Ross asked that Steve Haid, lobbyist for the telemarketing industry, be allowed to address the Committee. Mr. Haid expressed his concerns over an emergency rule filed by the *Department of Tax and Revenue - 110CSR301* that has been filed with the Secretary of State. Mr. Haid asked for a 30-day waiting period to review the emergency rule.

Mr. Ross moved that Counsel be directed to send a letter to the Tax Commissioner requesting that he withdraw the emergency rule temporarily to allow interested parties to review the emergency rule and to send a letter to the Secretary of State asking him to reject the emergency rule if it is not withdrawn by the Tax Commissioner.

Ms. Graham told the Committee that they would not meet during the September interims in Morgantown, but that, depending upon the number of rules abstracted, the Committee may meet for a full day in August or September. She also distributed a copy of the Index of rules to be considered by the Committee prior to the 1999 Legislative Session.

Ms. Boley moved that the Committee reconsider its action whereby it approved, as modified, the rule proposed by the *Division of Rehabilitation Services-Technology-Related Assistance Revolving Loan Fund for Individuals with Disabilities (193CSR1)*. The motion was adopted.

Ms. Boley moved that the proposed rule be amended on Page 4, Section 2.4.(c) by decreasing the maximum interest rate which the Division of Rehabilitation Services may charge from 21% per year to 12% per year. The motion was adopted.

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

The meeting was adjourned.

JULY INTERIM SCHEDULE
Legislative Interim Meetings
July 12, 13 and 14, 1998

Monday, July 13, 1998

7:00 - 9:00 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

Ross, Chair	<u>✓</u>
Anderson, Vice Chair	<u>✓</u>
Bowman	<u>✓</u>
Macnaughtan	<u> </u>
Boley	<u>✓</u>
Buckalew	<u>✓</u>

House

Hunt, Chair	<u>✓</u>
Linch, Vice Chair	<u>✓</u>
Compton	<u> </u>
Jenkins	<u> </u>
Faircloth	<u> </u>
Riggs	<u> </u>

I certify that the attendance as noted above
is correct.

Jeresa Anderson
Staff Person

Debra

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review Committee Date 7-13-98
Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
DIANA STOUT	15	TREASURER'S OFFICE	
ANNA PERAR	Burdourso, W. Va.	WV MAINT. Lic. Bd.	
JANICE HOLLAND		WV Div. Rehab S.H.S.	
BRENDA KING		" "	
PENNEY HELL		" "	

WEST VIRGINIA MASSAGE THERAPY LICENSURE BOARD
P. O. BOX 8038
SOUTH CHARLESTON, WV 25303

Ken D'Amato, D. O.
Elkins

Wendy Higgins
Rock Cave

Anna Pekar, Chairperson *ap*
Barboursville

Linda Sodaro, Sec./Treas.
South Charleston

Sharon Steorts
Sutton

July 13, 1998

Memo to: Joseph A. Altizer, Counsel, LRMRC

Re: Massage Therapy Licensure Rules, 194CSR1

Here are the rules that we would like to submit for consideration by the committee in clarifying some situations that has arisen during this initial licensing period:

- 1.6 A "resort spa" is defined as "a place where people go for a vacation which has a mineral springs, that people frequent for its mineral waters".
- 4.2 (d) documentation of completion of twenty five (25) continuing education units (CEU'S) that adhere to the NCTMB guidelines within the two year licensing period.
- 4.10. All applicants are subject to an audit by the Board at it's discretion.

We also would like to submit a new estimate in the "Fiscal Impact" paragraph of your "Analysis of Proposed Legislative Rule" sent to us:

Fiscal Impact \$18,105 the first year, \$24,850 the second year and \$16,500 per each subsequent year.

We seek advise about a problem that has also arisen during this initial licensing process concerning students who are exempt. We have discovered massage therapy students who are actively practicing massage therapy(receiving monies for these services) while in school. We feel a clarification should be written in the rules regarding this, but do not know how to address this and ask for your suggestions in regards to this situation.

We look forward to discussing these things submitted to you in this fax during the scheduled conference call at 9 a.m. tomorrow (July 13). In case you don't have the correct phone numbers they are: Linda Sodaro at 744-8959, Wendy Higgins at 924-5851 and Anna Pekar at 736-0621.

Thank you for your help and advise in these matters.

7:00 - 9:00 p.m.

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

Senate Finance Room

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✓ Ross, Chair
✓ Anderson, Vice Chair
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✓ Boley
✓ Buckalew

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

Clean-up
abstracts

Minutes 5/8/98 approved

DNR - Gen. Trapping

Gordon Robertson responded to questions

Approve as mod

Ross
adopted

Osteopathy - Formation

Cheryl Schreiber, ex ec d.r. responded to questions

Approve as mod

Bowman
adopted

Osteopathy - Fees

Schreiber responded to questions.

Lay over until next meeting

Boley
adopted

Message Therapy

Joe explained & responded to questions.

Approve as mod

Anna Pecary, responded to questions

Anderson
Modification on Bd membership.

Ross
adopted

withdrawn

Chiropractic Examiner, Reg of Practice

Boley
Connie Skaggs, Exec Sec responded to questions
Dr. Mattato, Chairman of Bd
Give corrected copy to C - Lay over

Chiropractic Examiner - Formation

Ross
adopted

Approve as mod

Agriculture - Animal Disease

Ross

Approve as mod

Rehabilitation - Techn Related Asst

Ross

Approve as mod

Treasurer - Enforcement

Anderson

Lay over

CPRB

Ross

Approve as mod

Other business

Ross
Steve Haid addressed the C - asked C to
ask Tax & Revenue to withdraw ER temporarily.
Motion withdraw or reject

Mc - meeting - index

Boley reconsider Rehab

4 Cap of 12% amendment
adopted

Ross
adopted

move rule w/mod & amend