

NOVEMBER 17

Tuesday, November 17, 2009

10:00 a.m. to 12:00 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

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

House

Brown, Chairman
Poling, Vice Chair
Miley
Talbot
Overington
Sobonya

The meeting was called to order by Delegate Brown, Chair.

Charles Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **WV Board of Examiners in Counseling, Licensed Professional Counselor Fees, 27CSR2**, and stated that the Board has agreed to technical modifications.

Handout distributed.

Senator Snyder 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 Examiners in Counseling, Marriage and Family Therapists Licensing Rule, 27CSR8**, 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. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the **WV Board of Examiners in Counseling, Marriage and Family Therapist Fee Rule, 27CSR9**, 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. The motion was adopted.

Debra Graham, Chief Counsel, reviewed her abstract on the rule proposed by the **Bureau for Public Health, Grade "A" Pasteurized Milk, 64CSR34**, and stated that the Bureau has agreed to technical modifications.

Ann Spaner Goldberg with the Bureau 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 **Bureau for Public Health, Fees for Service, 64CSR51**, stated that the Bureau has agreed to technical modifications and responded to questions from the Committee.

Mrs. Goldberg 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 **Bureau for Public Health, Distribution of State Funds to Local Boards of Health, 64CSR67**, and stated that the Bureau has agreed to technical modifications.

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 **Department of Health and Human Resources, Office of Health Facility Licensure & Certification, Nurse Aide Abuse Registry, 69CSR6**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Judd Worth addressed the Committee.

Debbie Keever addressed the Committee and responded to questions.

Jesse Samples, Director of the WV Health Care Association, addressed the Committee and responded to questions.

Senator Minard moved that the proposed rule be placed on the foot of the agenda. The motion was adopted.

Delegate Brown moved that the rule proposed by the **Division of Motor Vehicles, Denial Suspension, Restriction or NonRenewal of Driving Privileges, 91CSR5**, be laid over. The motion was adopted.

Miss Graham reviewed her abstract on the rule proposed by the **Division of Motor Vehicles, Collection on the Tax on the Sale of a Vehicle, 91CSR9.**

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

Mr. Roskovensky explained his abstract on the rule proposed by the **Board of Occupational Therapy, Administrative Rules of the Board of Occupational Therapy and Licensure of Occupational Therapists and Occupational Therapy Assistants, 13CSR1,** and stated that the Board has agreed to technical modifications.

Distributed handout.

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

Martin Douglas, Secretary/Treasurer of Board, responded to questions from the Committee.

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

Mr. Roskovensky reviewed his abstract on the rule proposed by the **Board of Occupational Therapy, Fees for Services Rendered by the Board, 13CSR3,** 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 explained his abstract on the rule proposed by the **Board of Occupational Therapy, Continuing Education and Competence, 13CSR4,** 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 Occupational Therapy, Competency Standards for Advanced Practice by Occupational Therapists and Occupational Therapy Assistants, 13CSR5,** 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 explained his abstract on the rule proposed by the **Board of Occupational Therapy, Ethical Standards of Practice, 13CSR6,** 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.

The rule proposed by the Department of Health and Human Resources, Office of Health Facility Licensure & Certification, Nurse Aide Abuse Registry, 69CSR6, was continued...

Alice Warner Shumlas, General Counsel, addressed the Committee and responded to questions.

Senator Snyder moved to remove language in 2.4 and 2.4.a. Agency agreed to modification.

Delegate Overington moved to delete new language in subsection 2.13. Agency agreed to modification.

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

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

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
November 17, 18 and 19, 2009

Tuesday, November 17, 2009

10:00 am - 12:00 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
Boley
Facemyer

✓
✓

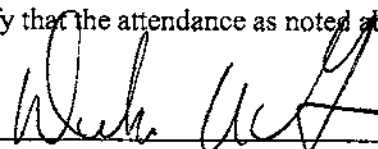
✓

House

Brown, Chair
Poling, D., Vice Chair
Miley
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.

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
October 17, 18, & 19, 2009

Tuesday, November 17, 2009

10:00 a.m. - 12:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
 officio nonvoting member

Richard Thompson, ex
 officio nonvoting member

Senate

House

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

Brown, Chair ✓
 Poling, Vice Chair ✓
 Miley ✓
 Talbott ✓
 Overington ✓
 Sobonya ✓

Counseling 27 CSR 2

Snyder

Charlie explained info rec'd on budget
 Approve as mod.

Counseling 27 CSR 8

Brown

Charlie explained & responded to questions
 Approve as modified

Counseling 27 CSR 9

Charlie explained & responded to questions

Health 64 CSR 34

Ann Goldberg responded

Occupational Therapy 13CSR1

Charlie explained

Snyder Martin Douglas, Sec/Treasurer responded to questions

Approve as mod

Occupational Therapy 13CSR3

Charlie explained

Brown Approve as mod

Occupational Therapy 13CSR4

Charlie explained & responded to q's

Brown Approve as mod.

OT 13CSR5

Charlie explained

Brown Approve as mod

OT 13CSR6

Charlie explained

Brown Approve as mod.

Health - Nurse Abuse

Alice Sumlas - Gen Counsel

Snyder Overington Remove new lang & remove 2.4.2 modification accepted
2.13 Remove new language - modification
Approve as modified

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, November 17, 2009
10:00 a.m. to 12:00 p.m.
Senate Judiciary Committee Room

1. **Approval of Minutes - Meetings of October 13 & 14, 2009**
2. **Review of Legislative Rules:**

Approved as modified

**Counseling, WV Board of Examiners in
Licensed Professional Counselor Fees
27CSR2**

- **Approve as Modified**

Approved as modified

**Counseling, WV Board of Examiners in
Marriage and Family Therapists Licensing Rule
27CSR8**

- **Approve as Modified**

Approved as modified

**Counseling, WV Board of Examiners in
Marriage and Family Therapist Fee Rule
27CSR9**

- **Approve as Modified**

Approved as modified

**Bureau for Public Health
Health and Human Resources
Grade "A" Pasteurized Milk
64CSR34**

- **Approve as Modified**

Approved as modified

**Bureau for Public Health
Health and Human Resources
Fees for Service
64CSR51**

- **Approve as Modified**

Approved as modified

**Bureau for Public Health
Health and Human Resources
Distribution of State Funds to Local Boards of Health
64CSR67**

- **Approve as Modified**

Laid to
foot of
agenda

Department of Health and Human Resources
Office of Health Facility Licensure & Certification
Nurse Aide Abuse Registry
69CSR6

- Approve as Modified

h. State Lottery Commission
Limited Gaming Facility Rule
179CSR4

- Approve as Modified

Lay
over

i. Division of Motor Vehicles
Denial Suspension, Restriction or NonRenewal of Driving
Privileges
91CSR5

- Approve

Approved

Division of Motor Vehicles
Collection on the Tax on the Sale of a Vehicle
91CSR9

- Approve

Approved
as modified

Board of Occupational Therapy
Administrative Rules of the Board of Occupational Therapy
and Licensure of Occupational Therapists and Occupational
Therapy Assistants
13CSR1

- Approve as Modified

Approved
as modified

Board of Occupational Therapy
Fees for Services Rendered by the Board
13CSR3

- Approve as Modified

Approved
as modified

Board of Occupational Therapy
Continuing Education and Competence
13CSR4

- Approve as Modified

Approved
as modified

Board of Occupational Therapy
Competency Standards for Advanced Practice by Occupational
Therapists and Occupational Therapy Assistants
13CSR5

- Approve as Modified

Approved
as modified

Board of Occupational Therapy
Ethical Standards of Practice
13CSR6

- Approve as Modified

p. **West Virginia Board of Osteopathy**
Licensing Procedures for Osteopathic Physicians
24CSR4

- Approve as Modified

q. **State Tax Department**
*Consumers Sales and Service Tax and Use Tax - Drugs,
Durable Medical Goods, Mobility Enhancing Equipment and
Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se
Exemption*
110CSR15C

- Approve as Modified

r. **State Tax Department**
Residential Solar Energy Tax Credit
110CSR21D

- Approve as Modified

3. **Other Business**

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: 11/17/09

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	RULE NUMBER	Please mark with an (X) if you desire to make a statement.
Jud Worth	P.O. Box 339 Martinsburg, WV 24954	Pocahontas Center	69-6	X
Debra Keeler	Rt. 1 Box 1230 Repley, WV 25271	Marmet Center	69-4	X
Jesse Samples	110 Association Dr Charleston WV 25311	WV Health Care Assoc.	69-6	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	RULE NUMBER	Please mark with an (X) if you desire to make a statement
DON GARVIN	WVEC 2206 Washington St. E Charleston	West Virginia Environmental Council	110 CSR 21D Solar Energy Tax Credit	✓

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
October 17, 18, & 19, 2009

Tuesday, November 17, 2009

10:00 a.m. - 12:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
 officio nonvoting member

Richard Thompson, ex
 officio nonvoting member

Senate

House

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

Brown, Chair ✓
 Poling, Vice Chair ✓
 Miley ✓
 Talbott ✓
 Overington ✓
 Sobonya ✓

Minard called meeting to order

hand out

- *Counseling 27CSR 2*

Charlie explained

Snyder moved rule as modified

Approved

- *Counseling 27CSR 8*

Charlie explained & responded to ?'s

Brown moved rule as modified

Approved

- *Counseling 27CSR 9*

Charlie explained & responded to ?'s

Brown moved to approve as modified

Approved

- Health 64CSR34
Debra explained
Ann Goldberg responded to ?'s from the Committee
Brown moved rule as modified
Approved

- Health 64CSR51
Debra explained & responded to ?'s
Ann Goldberg responded to ?'s
Brown moved rule as modified
Approved

- Health 64CSR67
Debra explained
Brown moved rule as modified
Approved

- Health 69CSR6
Debra explained & responded to ?'s
? Judd Worth addressed the Committee
? Debbie Kever addressed the Committee &
responded to ?'s
Jesse ~~Samplis~~ Samplis, Director, WI Health
Care Association addressed the C' &
responded to ?'s
Minard moved to foot of agenda
Approved

- DMV 91CSR5

Brown moved to lay over until tomorrow
Approved

- DMV 91CSR9

Debra explained
Brown moved rule
Approved

- Occupational Therapy 13CSR1

Charlie explained
handout

Brown moved as modified
Martin Douglas, OT & Secretary/Treasurer of Bd.
Responded to ?'s from the C.

Snyder moved rule as modified
Approved

- Occupational Therapy 13CSR3

Charlie explained

Brown moved rule as modified
Approved

then
13CSR6

- Health 690826 → Continued
Alice Warner Shumlas, General Counsel,
addressed the Committee & responded to 7's
Snyder moved to remove language
2.4 & 2.4.a ...

Minard asked Agency to agree to modification
Alice agreed

Overington moved to delete new language in
2.13

Sobonya supports motion

Alice agreed

Approved

- Snyder moved to adjourn. Adopted

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Tuesday, November 17, 2009
10:00 a.m. to 12:00 p.m.
Senate Judiciary Committee Room

1. **Approval of Minutes - Meetings of October 13 & 14, 2009**
2. **Review of Legislative Rules:**
 - a. **Counseling, WV Board of Examiners in
Licensed Professional Counselor Fees
27CSR2**
 - Approve as Modified
 - b. **Counseling, WV Board of Examiners in
Marriage and Family Therapists Licensing Rule
27CSR8**
 - Approve as Modified
 - c. **Counseling, WV Board of Examiners in
Marriage and Family Therapist Fee Rule
27CSR9**
 - Approve as Modified
 - d. **Bureau for Public Health
Health and Human Resources
Grade "A" Pasteurized Milk
64CSR34**
 - Approve as Modified
 - e. **Bureau for Public Health
Health and Human Resources
Fees for Service
64CSR51**
 - Approve as Modified
 - f. **Bureau for Public Health
Health and Human Resources
Distribution of State Funds to Local Boards of Health
64CSR67**
 - Approve as Modified

Foot
g.

Department of Health and Human Resources
Office of Health Facility Licensure & Certification
Nurse Aide Abuse Registry
69CSR6

- Approve as Modified

Foot
h.

State Lottery Commission
Limited Gaming Facility Rule
179CSR4

- Approve as Modified

LO

i. **Division of Motor Vehicles**
Denial Suspension, Restriction or NonRenewal of Driving Privileges
91CSR5

- Approve

j.

Division of Motor Vehicles
Collection on the Tax on the Sale of a Vehicle
91CSR9

- Approve

k.

Board of Occupational Therapy
Administrative Rules of the Board of Occupational Therapy and Licensure of Occupational Therapists and Occupational Therapy Assistants
13CSR1

- Approve as Modified

l.

Board of Occupational Therapy
Fees for Services Rendered by the Board
13CSR3

- Approve as Modified

m.

Board of Occupational Therapy
Continuing Education and Competence
13CSR4

- Approve as Modified

n.

Board of Occupational Therapy
Competency Standards for Advanced Practice by Occupational Therapists and Occupational Therapy Assistants
13CSR5

- Approve as Modified

o. **Board of Occupational Therapy**
Ethical Standards of Practice
13CSR6

- Approve as Modified

p. **West Virginia Board of Osteopathy**
Licensing Procedures for Osteopathic Physicians
24CSR4

- Approve as Modified

q. **State Tax Department**
*Consumers Sales and Service Tax and Use Tax - Drugs,
Durable Medical Goods, Mobility Enhancing Equipment and
Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se
Exemption*
110CSR15C

- Approve as Modified

r. **State Tax Department**
Residential Solar Energy Tax Credit
110CSR21D

- Approve as Modified

3. **Other Business**

Tomorrow

West Virginia Board of Examiners in Counseling
 815 Quarrier Street, Suite 212
 Charleston, West Virginia 25301
 (800) 520-3852
counselingboard@msn.com
www.wvbec.org

<u>Year</u>	<u>Net YTD Revenue</u>	<u>YTD Disbursement</u>	<u>Difference</u>
2007	\$140152.84	\$ 99617.66	+40,535.18*
2008	\$ 73125.16	\$117035.60	-3,375.26
2009	\$120946.23	\$124844.10	-7,272.13

- 2009 Average cost of operation: \$10,407.00 monthly
- Approximately 70% of our revenue is generated through renewal fees on a biennial basis.
- Proposed renewal fee increase of \$220.00 will be adequate to cover our yearly expenses.
 - This increase will not give the Board a cash reserve as recommended by PERD
 - WVBECC has never had a cash reserve
- WVBECC most unpredictable expense is the Attorney General services – legal fees to carry out our responsibilities in violations of ethical conduct.

Other states renewal fees are: Kentucky (761 licensees) \$300.00 biennially
 Maryland (2845 licensees) \$232.00 biennially
 Virginia (2781 licensees) \$210.00 biennially

If I can answer anymore questions prior to the meeting, please email me at counselingboard@msn.com or call 304-733-5494. I apologize to the committee for not being prepared to answer your question concerning income at the last meeting.

Jean Ann Johnson
 Executive Director, WVBECC

*Office was in Executive Director's home and there was only one staff member.

SUMMARY OF RECEIPTS AND DISBURSEMENTS
Fiscal Year 2010

- Appropriated Federal Funds Accounts (Listed in Budget Act)
- Appropriated Special Revenue Accounts (Listed in Budget Act)
- Appropriated Lottery Funds (Listed in Budget Act)
- Federal Block Grants (Listed in Budget Act)
- Other Federal Funds
- Other Special Revenue Accounts

Page No. 2

Spending Unit West Virginia Board of Examiners in Counseling

Amendment Date _____

Department/Bureau of Misc. Boards and Commissions

Amendment No. _____

Account Name	WVFIMS No. (Fund-Org-Act-Src)	Estimated Balance 06/30/2009	ESTIMATED RECEIPTS					ESTIMATED DISBURSEMENTS					Estimated Balance 06/30/2010
			1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	TOTAL	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	TOTAL	
Board of Examiners in Counseling Fund	8510-2009-0904 099-640	\$65,000	\$50,000	\$17,828	\$17,827	\$17,828	\$103,483	42,121	42,121	42,121	42,120	168,483	
TOTAL		\$65,000	\$50,000	\$17,828	\$17,827	\$17,828	\$103,483	\$42,121	\$42,121	\$42,121	\$42,120	\$168,483	

ESTIMATE OF DISBURSEMENTS
Fiscal Year 2010

	Appropriated Federal Funds Accounts (Listed in Budget Act)
	Appropriated Special Revenue Accounts (Listed in Budget Act)
	Appropriated Lottery Funds (Listed in Budget Act)
	Federal Block Grants (Listed in Budget Act)
	Other Federal Funds
x	Other Special Revenue Accounts

Page No. 4
 Amendment Date _____
 Amendment No. _____

WVFIMS Account No. _____

Spending Unit: West Virginia Board of Examiners in Counseling
 Department/ _____
 Bureau of: Misc. Boards and Commissions

Fund 8510
 FY 2010
 Org 0904

Name of Account: Board of Examiners in Counseling Fund

Is this Account Established by Statute? Yes/No Yes Statutory Reference 30-31-5

Purpose of this Account: To conduct business related to the licensing of Professional Counselors

Activity	Item of Expenditure	
099	PERSONAL SERVICES*	
	Number of Budgeted FTE Positions	2.00
	Personal Services 01 87846 02 6600	95,046
	Annual Increment 04 660	660
099	TOTAL PERSONAL SERVICES	95,706
	EMPLOYEE BENEFITS	
	10 - Personnel Division & Public Employees' Insurance	1,000
	11 - Social Security Matching	7,322
	12 - Public Employees' Insurance	8,700
	13 - Other Health Insurance	
	14 - Workers' Compensation (Rate:)	377
	15 - Unemployment Compensation	
	16 - Pension & Retirement	9,735
099	TOTAL EMPLOYEE BENEFITS	\$27,134
	CURRENT EXPENSES	
	20 - Office Expenses	3,000
	21 - Printing & Binding	2,000
	22 - Rental Expense	7,700
	23 - Utilities	
	24 - Telecommunications	3,500
	25 - Contractual & Professional	7,500
	26 - Travel	4,000
	27 - Computer Services	2,700
	28 - Higher Education Interagency Contract Agreements/Fees	
	29 - Vehicle Rental	
	30 - Rentals (Machine & Miscellaneous)	300
	31 - Association Dues & Professional Memberships	845
	32 - Fire, Auto, Bond & Other Insurance	2,915
	33 - Food Products	
	34 - Clothing, Household & Recreational Supplies	
	35 - Advertising & Promotional	
	36 - Vehicle Operating Expense	
	37 - Research, Educational & Medical Supplies	
	38 - Routine Maintenance Contracts/Warranties	
	39 - Manufacturing Supplies	
	40 - Merchandise for Resale	
	41 - Cellular Charges	
	42 - Hospitality	800
	43 - Educational Training (Stipends)	
	44 - Energy Expense-Motor Vehicles/Aircraft	
	45 - Farm Expense	
	46 - Subsistence	
	47 - Energy Expense-Utilities	
	48 - Discharge & Parole Allowance	
	49 - Inmate Per Diem Expense	
	51 - Miscellaneous	250
	52 - Training & Development	700
	53 - Postal & Freight	3,000
	54 - Computer Supplies & Equipment	2,500
	56 - Attorney Legal Service Payments	
	57 - Attorney Reimbursable Expenses	
	58 - Miscellaneous Equipment Purchases	800
	59 - Student Activities	
099	TOTAL CURRENT EXPENSES	\$42,510

* If amounts for Personal Services are to be paid from this account, include total here and submit detail on Personal Services expenditure schedule worksheet.

**Estimate of Disbursements
(Continued)
Fiscal Year 2010**

Page No. 5
Amended Date _____
Amend. No. _____

Spending Unit West Virginia Board of Examiners in Counseling

Department/Bureau of Misc. Boards and Commissions

WVFIMS Account No.
Fund 8510
FY 2010
Org 0904

Activity		
099	REPAIRS AND ALTERATIONS	
	061 - Office & Communication Equipment Repairs	
	062 - Research, Educational & Medical Equipment Repairs	
	063 - Building & Household Equipment Repairs	
	064 - Routine Maintenance of Buildings	
	065 - Vehicle Repairs	
	066 - Routine Maintenance of Grounds	
	067 - Farm & Construction Equipment Repairs	
	068 - Other Repairs and Alterations	
	TOTAL REPAIRS AND ALTERATIONS	
099	ASSETS	
	070 - Office & Communication Equipment	
	071 - Medical Equipment	
	072 - Research & Educational Equipment	
	073 - Household Equipment & Furnishings	
	074 - Building Equipment	
	075 - Vehicles	
	076 - Livestock, Farm & Construction Equipment	
	077 - Books & Periodicals	
	078 - Other Capital Equipment	
	092 - Building Construction	
	120 - Contractor Payments for Capital Asset Projects	
	121 - Purchase of Materials & Supplies	
	122 - Consultant Payments for Capital Asset Projects	
	143 - Building Improvements	
	144 - Reclamation of State Owned Property	
	148 - Land Improvements	
	149 - Land Purchases	
	150 - Building Purchases	
	157 - Leasehold Improvements	
	170 - Computer Equipment	
	171 - Computer Software	500
099	TOTAL ASSETS	\$500
	OTHER DISBURSEMENTS	
	110 Public Employees Insurance Reserve Transfer	956
	160- WV OPEB Contribution	1,677
	TOTAL OTHER DISBURSEMENTS	\$2,633
	TOTAL EXPENDITURES/APPROPRIATIONS	\$168,483


**ASSOCIATION DUES & PROFESSIONAL MEMBERSHIPS
(IN PRIORITY ORDER)**

Page No. 6 _____
 Amended Date _____
 Amend No. _____

Spending Unit West Virginia Board of Examiners in Counseling
 Department/Bureau of Misc. Boards and Commissions

Name of Group or Association	FY 2009	Budgeted FY 2010	
	Actual Dues	Estimated Dues*	WVFIMS No. (Fund-Org-Activity)
IN PRIORITY ORDER			
National Association of Counseling Boards	\$600	\$600	8510-0904-099
West Virginia Association of Licensing Boards	245	245	8510-0904-099
TOTAL	845	845	

*Payment of Association Dues is approved as currently reported on Expenditure Schedule Form ES-4, including any increase over the estimated amount not exceeding ten percent.


 Approved Cabinet Secretary/Commissioner (Governing Body)

Date Approved 5/27/09

FY 2010 Personal Services Expenditure Schedule Account Summary
(Attach to Worksheet)

Spending Unit:	<u>West Virginia Board of Examiners in Counseling</u>	Organization No.:	<u>0904</u>
Department/Bureau:	<u>Misc. Boards and Commissions</u>	Contact Person:	<u>Jean Ann Johnson</u>
Address: Street:	<u>Post Office Box 129</u>	Telephone No.:	<u>800-520-3852</u>
City:	<u>Ona</u>	E-mail Address:	<u>counselingboard@msn.com</u>
State:	<u>WV</u>	Zip:	<u>25545</u>
County:	<u>Cabell</u>		

Account Name	Account Number ⁽¹⁾				*Source of Funds	Personal Services**	Total Annual Increment**	Total Number of FTE Positions
	Fund	FY	ORG	Act				
Board of Examiners in Counseling	8510	2010	0904	096	05	95,706	660	2.00

Form PS-1

*Source of Funds: 01 = General Revenue 04 = Appropriated Special Revenue (not Lottery)
 02 = State Road Fund 05 = Non-appropriated Special Revenue
 03 = Federal Funds 06 = Appropriated Lottery Funds

**Must be the same as in Budget Act or reported on ES-1, 2B, 3 and 3A.

⁽¹⁾New accounts for FY 2010 must be typed in bold or red.

Counseling

STATE OF WEST VIRGINIA
 FINANCIAL INFORMATION MANAGEMENT SYSTEM
 EXPENDITURES VS EXPENDITURE SCHEDULE BY DRG 0904
 EXPECTED AMOUNT SPENT AT END OF MONTH 100 %
 MONTH 13, 2008

PAGE: 1E4
 DIST ORG: 0904

2008
 Page 1

PACKET PAGE: 2

REPORT ID: WVB212P1
 8/05/08
 7:26:33

OB Page 1

RG: 0904 COUNSELING BOARD OF EXAMINERS IN
 Y: 2008 PROCESS YEAR: 2008
 UND: 8510 BOARD OF EXAMINERS IN COUNSELING FUND

BJ	PLANNED EXPENDITURES	DISBURSEMENTS	ACCOUNTS PAYABLE	TRANSFERS OUT	YTD EXPENDED AMOUNT	EXP%	ENCUMBRANCE	COMMITMENT	UNCOMMITTED BALANCE
CT: 099	UNCLASSIFIED								
PERS SERVICE(W/ PR DEDUC)									
01	71,650.00	69,245.04	0.00	0.00	69,245.04	97	0.00	0.00	2,404.96
PERS SERV(W/O PR DEDUCT)									
02	5,250.00	3,450.00	0.00	0.00	3,450.00	66	0.00	0.00	1,800.00
ANNUAL INCREMENT									
04	0.00	200.00	0.00	0.00	200.00	*	0.00	0.00	-200.00
CIVIL SERV PEIA/PERS									
10	300.00	0.00	0.00	2,298.74	2,298.74	766	0.00	0.00	-1,998.74
SOCIAL SECURITY MATCHING									
11	5,400.00	5,306.74	0.00	0.00	5,306.74	98	0.00	0.00	93.26
PUBLIC EMPLOYEES INS									
12	8,500.00	8,562.03	0.00	0.00	8,562.03	101	0.00	0.00	-62.03
WORKERS COMPENSATION									
14	769.00	515.00	0.00	0.00	515.00	67	0.00	0.00	254.00
PENSION AND RETIREMENT									
16	7,523.00	6,690.45	0.00	0.00	6,690.45	89	0.00	0.00	832.55
OFFICE EXPENSES									
020	3,000.00	1,881.31	0.00	0.00	1,881.31	63	0.00	0.00	1,118.69
PRINTING AND BINDING									
021	4,000.00	0.00	0.00	0.00	0.00	0	0.00	0.00	4,000.00
RENT EXP (REAL PROP) BLDG									
022	1,000.00	495.00	0.00	0.00	495.00	50	0.00	0.00	505.00
TELECOMMUNICATIONS									
024	3,000.00	981.73	0.00	396.45	1,378.18	46	0.00	0.00	1,621.82
CONTRACTUAL/PROFESSIONAL									
025	7,500.00	4,612.02	0.00	0.00	4,612.02	61	0.00	0.00	2,887.98
TRAVEL									
026	5,000.00	3,339.27	0.00	0.00	3,339.27	67	0.00	0.00	1,660.73

Counseling

2008
Page 2

PACKET PAGE: 3

REPORT ID: WVB212P1
08/05/08
17:26:33

STATE OF WEST VIRGINIA
FINANCIAL INFORMATION MANAGEMENT SYSTEM
EXPENDITURES VS EXPENDITURE SCHEDULE BY ORG 0904
EXPECTED AMOUNT SPENT AT END OF MONTH 100 %
MONTH 13, 2008

PAGE: 1E4
DIST ORG: 0904

ORG: 0904 COUNSELING BOARD OF EXAMINERS IN
FY: 2008 PROCESS YEAR: 2008
FUND: 8510 BOARD OF EXAMINERS IN COUNSELING FUND

OBJ	PLANNED EXPENDITURES	DISBURSEMENTS	ACCOUNTS PAYABLE	TRANSFERS OUT	YTD EXPENDED AMOUNT	EXP%	ENCUMBRANCE	COMMITMENT	UNCOMMITTED BALANCE
COMPUTER SERVICES 027	2,000.00	58.40	0.00	2,091.61	2,150.01	108	0.00	0.00	-150.01
RENTAL (MACHINE & MISC) 030	300.00	0.00	0.00	0.00	0.00	0	0.00	0.00	300.00
ASSOC DUES & PROF MEMBERS 031	400.00	800.00	0.00	0.00	800.00	200	0.00	0.00	-400.00
FIRE/AUTO/BOND/ & OTHR IN 032	2,427.00	0.00	0.00	2,427.00	2,427.00	100	0.00	0.00	0.00
HOSPITALITY 042	1,000.00	488.55	0.00	0.00	488.55	49	0.00	0.00	511.45
MISCELLANEOUS 051	1,000.00	0.00	0.00	0.00	0.00	0	0.00	0.00	1,000.00
TRAINING & DEVELOPMENT 052	1,000.00	99.00	0.00	30.00	129.00	13	0.00	0.00	871.00
POSTAL AND FREIGHT 053	4,000.00	1,070.50	0.00	0.00	1,070.50	27	0.00	0.00	2,929.50
COMPUTER SUPPLIES/EQUIP 054	500.00	530.44	0.00	0.00	530.44	106	0.00	0.00	-30.44
BANK COSTS 089	400.00	0.00	0.00	0.00	0.00	0	0.00	0.00	400.00
PEIA RESERVE TRANSFER 110	716.00	0.00	0.00	734.00	734.00	103	0.00	0.00	-18.00
WV OPEB CONTRIBUTION 160	0.00	0.00	0.00	732.32	732.32	*	0.00	0.00	-732.32
ACT TOTAL	136,635.00	108,325.48	0.00	8,710.12	117,035.60	86	0.00	0.00	19,599.40
FUND TOTAL	136,635.00	108,325.48	0.00	8,710.12	117,035.60	86	0.00	0.00	19,599.40

STATE OF WEST VIRGINIA
 FINANCIAL INFORMATION MANAGEMENT SYSTEM
 EXPENDITURES VS EXPENDITURE SCHEDULE BY ORG 0904
 EXPECTED AMOUNT SPENT AT END OF MONTH 100 %
 MONTH 13, 2009

ORG: 0904 COUNSELING BOARD OF EXAMINERS IN
 FY: 2009 PROCESS YEAR: 2009
 FUND: 8510 BOARD OF EXAMINERS IN COUNSELING FUND

OBJ	PLANNED EXPENDITURES	DISBURSEMENTS	ACCOUNTS PAYABLE	TRANSFERS OUT	YTD EXPENDED AMOUNT	EXP%	ENCUMBRANCE	COMMITMENT	UNCOMMITTED BALANCE
ACT: 099	UNCLASSIFIED								
PERS SERVICE(W/ PR DEDUC)									
001	81,246.00	71,516.46	0.00	0.00	71,516.46	88	0.00	0.00	9,729.54
PERS SERV(W/O PR DEDUCT)									
002	6,600.00	3,000.00	0.00	0.00	3,000.00	45	0.00	0.00	3,600.00
ANNUAL INCREMENT									
004	0.00	480.00	0.00	0.00	480.00	*	0.00	0.00	-480.00
CIVIL SERV PEIA/PERS									
010	450.00	0.00	0.00	750.00	750.00	167	0.00	0.00	-300.00
SOCIAL SECURITY MATCHING									
011	6,721.00	5,467.39	0.00	0.00	5,467.39	81	0.00	0.00	1,253.61
PUBLIC EMPLOYEES INS									
012	8,700.00	8,588.88	0.00	0.00	8,588.88	99	0.00	0.00	111.12
WORKERS COMPENSATION									
014	500.00	377.00	0.00	0.00	377.00	75	0.00	0.00	123.00
PENSION AND RETIREMENT									
016	8,550.00	7,559.61	0.00	0.00	7,559.61	88	0.00	0.00	990.39
OFFICE EXPENSES									
020	3,000.00	940.19	0.00	0.00	940.19	31	0.00	0.00	2,059.81
PRINTING AND BINDING									
021	4,000.00	0.00	0.00	0.00	0.00	0	0.00	0.00	4,000.00
RENT EXP (REAL PROP) BLDG									
022	7,700.00	7,734.52	0.00	0.00	7,734.52	100	0.00	0.00	-34.52
TELECOMMUNICATIONS									
024	3,000.00	2,215.11	0.00	914.45	3,129.56	104	0.00	0.00	-129.56
CONTRACTUAL/PROFESSIONAL									
025	7,500.00	1,050.83	0.00	0.00	1,050.83	14	0.00	0.00	6,449.17
TRAVEL									
026	4,000.00	2,543.66	0.00	0.00	2,543.66	64	0.00	0.00	1,456.34

STATE OF WEST VIRGINIA
 FINANCIAL INFORMATION MANAGEMENT SYSTEM
 EXPENDITURES VS EXPENDITURE SCHEDULE BY ORG 0904
 EXPECTED AMOUNT SPENT AT END OF MONTH 100 %
 MONTH 13, 2009

ORG: 0904 COUNSELING BOARD OF EXAMINERS IN
 YEAR: 2009 PROCESS YEAR: 2009
 FUND: 8510 BOARD OF EXAMINERS IN COUNSELING FUND

	PLANNED EXPENDITURES	DISBURSEMENTS	ACCOUNTS PAYABLE	TRANSFERS OUT	YTD EXPENDED AMOUNT	EXP%	ENCUMBRANCE	COMMITMENT	UNCOMMITTED BALANCE
7	4,000.00	572.40	0.00	1,028.92	1,601.32	40	0.00	0.00	2,398.68
0	300.00	0.00	0.00	0.00	0.00	0	0.00	0.00	300.00
1	400.00	0.00	0.00	0.00	0.00	0	0.00	0.00	400.00
2	3,500.00	0.00	0.00	2,920.00	2,920.00	83	0.00	0.00	580.00
2	800.00	395.59	0.00	0.00	395.59	49	0.00	0.00	404.41
1	250.00	760.00	0.00	0.00	760.00	304	0.00	0.00	-510.00
2	700.00	198.00	0.00	0.00	198.00	28	0.00	0.00	502.00
3	3,000.00	841.98	0.00	0.00	841.98	28	0.00	0.00	2,158.02
4	2,000.00	240.00	0.00	0.00	240.00	12	0.00	0.00	1,760.00
8	0.00	3,888.81	0.00	0.00	3,888.81	*	0.00	0.00	-3,888.81
0	4,200.00	0.00	0.00	0.00	0.00	0	0.00	0.00	4,200.00
6	0.00	0.00	0.00	1.30	1.30	*	0.00	0.00	-1.30
0	813.00	0.00	0.00	859.00	859.00	106	0.00	0.00	-46.00
0	1,099.00	0.00	0.00	0.00	0.00	0	0.00	0.00	1,099.00
TOTAL	163,029.00	118,370.43	0.00	6,473.67	124,844.10	77	0.00	0.00	38,184.90

ANALYSIS OF PROPOSED LEGISLATIVE RULE

Agency: West Virginia Board of Occupational Therapy

Subject: Administrative Rules of the Board of Occupational Therapy and Licensure of Occupational Therapists and Occupational Therapy Assistants

CSR Cite: 13 CSR 1

Counsel: CR

PERTINENT DATES

Filed for public comment: May 22, 2009

Public comment period ended: June 18, 2009

Filed following public comment period: July 7, 2009

Filed LRMRC: July 7, 2009

Filed as emergency: n/a

Fiscal Impact: None.

ABSTRACT

The proposed rule amends a current legislative rule.

Summary

The rule is amended to update the practice of occupational therapy to conform legislation which was adopted during the 2009 legislation session. Also, the sections concerning fees, continuing education and complaints have been removed and they have been made into their own series.

§13-1-1- Definitions

Updates definitions and removes terms which no longer are applicable.

§13-1-6- Executive Director or Executive Secretary

Clarifies the responsibilities of the ED or ES.

§13-1-12. Responsibilities and Supervision Requirements of the Licensee Occupational Therapist, Occupational Therapy Assistant, or Limited Permit Holder.

The occupational therapist is responsible for all aspects of occupational therapy service delivery and is accountable for the safety and effectiveness of the occupational therapy

service delivery process. The occupational therapy service delivery process involves evaluation, intervention planning, intervention, implementation, intervention review, and outcome evaluation.

The occupational therapist must be directly involved through a face-to-face visit with the patient during the initial evaluation and establishment of the intervention plan, and prior to any change in the plan, such as adding, changing, renewing, or discontinuing occupational therapy goals.

The occupational therapy assistant is responsible for delivering occupational therapy services under the supervision of and in partnership with the occupational therapist.

It is the responsibility of the occupational therapist and the occupational therapy assistant to seek the appropriate quality and frequency of supervision to ensure safe and effective occupational therapy service delivery.

The specific frequency, methods, and content of supervision may vary by practice setting and are dependent upon the:

- Complexity of client needs;
- Number and diversity of clients;
- Skills of the occupational therapist and the occupational therapy assistant;
- Type of practice setting;
- Requirements of the practice setting; and
- Other regulatory requirements.

It is the responsibility of the licensed Occupational therapist supervising an Occupational Therapy assistant with less than one year's experience to provide general supervision with direct contact at least every two weeks at the site of work and supervision available as needed by telephonic, electronic, or written communication. Documentation by the occupational therapist must reflect that this supervision has occurred.

It is the responsibility of the licensed Occupational therapist supervising and Occupational Therapy Assistant with increased skill development and mastery of basic role functions for the delivery of occupational therapy services to provide general supervision with monthly direct contact and supervision available as needed by telephonic, electronic, or written communication. Documentation by the occupational therapist must reflect that this supervision has occurred.

General Supervision is demonstrated through co-signatures on all paperwork or electronic notes pertaining to the practice of occupational therapy for the person requiring general supervision. All paperwork or electronic notes pertaining to the practice of occupational therapy must be signed and dated, electronically or otherwise, by the supervising licensed occupational therapist. The supervisor need not be present

or on the premises at all times where the licensed occupational therapy assistant is performing the professional services.

It is the responsibility of the licensed supervisor to provide the appropriate supervision and to ensure that the limited permit holder, occupational therapy student, or aide does not perform duties for which he or she is not trained. The supervising licensed occupational therapist or licensed occupational therapy assistant shall be physically present when the limited permit holder, occupational therapy student, or aide is performing the patient or consumer service. An occupational therapist or occupational therapy assistant practicing under a limited permit shall be supervised by a licensed occupational therapist.

A licensed supervising occupational therapist or occupational therapy assistant must maintain direct close supervision over limited permit holders;

A licensed supervising occupational therapist or occupational therapy assistant must maintain direct continuous supervision over occupational therapy students and aides. As the occupational therapy student demonstrates competency in performance, supervision can progress to direct close supervision at the discretion of the supervising occupational therapist / occupational therapy assistant;

Direct supervision is demonstrated through co-signatures on all paperwork or electronic notes pertaining to the practice of occupational therapy for the person requiring direct supervision. All paperwork or electronic notes pertaining to the practice of occupational therapy must be signed and dated, electronically or otherwise, by the supervising licensed occupational therapist.

It is the responsibility of each person engaged in occupational therapy to apply for licensure within fifteen (15) days of employment in West Virginia or for a renewal of his or her license within fifteen (15) days, to complete the forms properly and to pay the required fees. Any information or reminders which the Board may issue are courtesies and shall not diminish the responsibilities of the person engaged in the practice of occupational therapy.

AUTHORITY

Rulemaking.

(a) The board shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this article, including:

- (1) Standards and requirements for licenses and permits;
- (2) Designate third parties to establish educational requirements and to prepare and/or administer examinations and reexaminations;
- (3) Procedures for the issuance and renewal of a license, temporary license and limited permit;
- (4) A fee schedule;
- (5) Continuing education and competency requirements for licensees;

- (6) Establishment of competency standards;
 - (7) The procedures for denying, suspending, revoking, reinstating or limiting the practice of a licensee or permittee;
 - (8) Requirements for reinstatement of revoked licenses; and
 - (9) Any other rules necessary to effectuate the provisions of this article.
- (b) The board is authorized to promulgate emergency rules in accordance with section fifteen, article three, chapter twenty-nine-a of this code to establish competency standards for advance treatment techniques as set forth in subdivision six, subsection (a) of this section.
- (c) All rules in effect on the effective date of this article shall remain in effect until they are amended or repealed, and references to provisions of former enactments of this article are interpreted to mean provisions of this article.

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS

COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has suggested technical corrections.

ESTIMATE OF DISBURSEMENTS
Fiscal Year 2009

- Appropriated Federal Funds Accounts (Listed in Budget Act)
- Appropriated Special Revenue Accounts (Listed in Budget Act)
- Appropriated Lottery Funds (Listed in Budget Act)
- Federal Block Grants (Listed in Budget Act)
- Other Federal Funds
- Other Special Revenue Accounts

Page No. 4
Amendment Date _____
Amendment No. _____

Spending Unit: WV Board of Occupational Therapy
Department/ Bureau of: Misc. Boards & Commissions

WV FIMS Account No. _____
Fund: 8531
FY: 2009
Org: 0911

Name of Account: WV Board of Occupational Therapy

Is this Account Established by Statute? Yes No Statutory Reference: 30-28-5

Purpose of this Account: To administer the regulation of Occupational Therapy for the state of WV

Activity	Item of Expenditure	
099	PERSONAL SERVICES*	
	Number of Budgeted FTE Positions	.65
	Personal Services 001 - 27,940 002 - 10,000	37,940
099	Annual Increment	60
099	TOTAL PERSONAL SERVICES	\$ 38,000
099	EMPLOYEE BENEFITS	
	10 - Personnel Division & Public Employees' Insurance	200
	11 - Social Security Matching	3,000
	12 - Public Employees' Insurance	6,400
	13 - Other Health Insurance	-
	14 - Workers' Compensation (Rate:)	600
	15 - Unemployment Compensation	-
	16 - Pension & Retirement	4,000
099	TOTAL EMPLOYEE BENEFITS	\$ 14,200
099	CURRENT EXPENSES	
	20 - Office Expenses	2,400
	21 - Printing & Binding	600
	22 - Rental Expense	5,100
	23 - Utilities	-
	24 - Telecommunications	2,000
	25 - Contractual & Professional	3,000
	26 - Travel	10,000
	27 - Computer Services	1,500
	28 - Higher Education Interagency Contract Agreements/Fees	-
	29 - Vehicle Rental	-
	30 - Rentals (Machine & Miscellaneous)	3,000
	31 - Association Dues & Professional Memberships	50
	32 - Fire, Auto, Bond & Other Insurance	2,800
	33 - Food Products	-
	34 - Clothing, Household & Recreational Supplies	-
	35 - Advertising & Promotional	-
	36 - Vehicle Operating Expense	-
	37 - Research, Educational & Medical Supplies	-
	38 - Routine Maintenance Contracts/Warranties	-
	39 - Manufacturing Supplies	-
	40 - Merchandise for Resale	-
	41 - Cellular Charges	-
	42 - Hospitality	250
	43 - Educational Training (Stipends)	-
	45 - Farm Expense	-
	46 - Subsistence	-
	48 - Discharge & Parole Allowance	-
	49 - Inmate Per Diem Expense	-
	51 - Miscellaneous	-
	52 - Training & Development	500
	53 - Postal & Freight	2,500
	54 - Computer Supplies & Equipment	3,000
	56 - Attorney Legal Service Payments	-
	57 - Attorney Reimbursable Expenses	-
	58 - Miscellaneous Equipment Purchases	400
	59 - Student Activities	-
	TOTAL CURRENT EXPENSES	\$ 37,100

* If amounts for Personal Services are to be paid from this account, include total here and submit detail on Personal Services expenditures schedule worksheet.

**Estimate of Disbursements
(Continued)
Fiscal Year 2009**

Page No. 5

Amended Date _____

Amend. No. _____

Spending Unit INV Board of Occupational Therapy

Department/Bureau of Misc. Boards & Commissions

WFIMS Account No. _____

Fund 8531

FY 2009

Org 0911

Activity		
<u>099</u>	REPAIRS AND ALTERATIONS	
	061 - Office & Communication Equipment Repairs	400
	062 - Research, Educational & Medical Equipment Repairs	
	063 - Building & Household Equipment Repairs	
	064 - Routine Maintenance of Buildings	
	065 - Vehicle Repairs	
	066 - Routine Maintenance of Grounds	
	067 - Farm & Construction Equipment Repairs	
	068 - Other Repairs and Alterations	
	TOTAL REPAIRS AND ALTERATIONS	\$ 400
<u>099</u>	ASSETS	
	070 - Office & Communication Equipment	
	071 - Medical Equipment	
	072 - Research & Educational Equipment	
	073 - Household Equipment & Furnishings	
	074 - Building Equipment	
	075 - Vehicles	
	076 - Livestock, Farm & Construction Equipment	
	077 - Books & Periodicals	
	078 - Other Capital Equipment	
	082 - Building Construction	
	120 - Contractor Payments for Capital Asset Projects	
	121 - Purchase of Materials & Supplies	
	122 - Consultant Payments for Capital Asset Projects	
	143 - Building Improvements	
	144 - Reclamation of State Owned Property	
	148 - Land Improvements	
	149 - Land Purchases	
	150 - Building Purchases	
	157 - Leasehold Improvements	
	170 - Computer Equipment	
	171 - Computer Software	
	TOTAL ASSETS	
	OTHER DISBURSEMENTS	
	<u>110 - PEIA Transfer</u>	300
	TOTAL OTHER DISBURSEMENTS	\$ 300
	TOTAL EXPENDITURES/APPROPRIATIONS	\$ 90,000

**ASSOCIATION DUES & PROFESSIONAL MEMBERSHIPS
(IN PRIORITY ORDER)**

Page No. 6
Amended Date _____
Amend No. _____

Spending Unit WV Board of Occupational Therapy
Department/Bureau of Misc. Boards & Commissions

Name of Group or Association	FY 2008	Budgeted FY 2009	
	Actual Dues	Estimated Dues*	WVFIMS No. (Fund-Org-Activity)
IN PRIORITY ORDER			
WV Association of Licensing Boards	\$35	\$50	8531-0911-099
TOTAL	\$35	\$50	

*Payment of Association Dues is approved as currently reported on Expenditure Schedule Form ES-4, including any increase over the estimated amount not exceeding ten percent.

Matthew L. Sykes, M.D., P.E. 4/15/2008 Date Approved →
Approved Cabinet Secretary/Commissioner (Governing Body)

EXPENDITURE SCHEDULE ACCOUNT SUMMARY

Fiscal Year 2010

Page No. 1
Date Amended _____
Amend No. _____

Spending Unit West Virginia Board of Occupational Therapy
Address 3041 University Ave., 2nd Floor, Suite 6
 Morgantown, Wv 26605

WFIMS Account No. _____
General Revenue/Special Revenue
Fund 8531 FY 2010 Org 0911
Federal Funds
Fund _____ FY _____ Org _____

To: Director of the Budget
State Budget Office

I herewith submit for your approval the plan of expenditure from the Items of Appropriation as detailed below.

**Quarterly Allotments Requested
(TO NEAREST DOLLAR)**

Appropriation Title	Activity	1st Quarter Request	2nd Quarter Request	3rd Quarter Request	4th Quarter Request	Total Appropriated
Personal Services	001					\$0
Annual Increment	004					0
Employee Benefits	010					0
Unclassified - Total	096					0
Unclassified	099					0
BRIM Premium	913					0
Other Appropriated Items:						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
Total Appropriated General/Special		\$0.00	\$0.00	\$0.00	\$0.00	
% of Total Appropriation		#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Total Federal Funds or Federal Block Grants		Total Disbursements From ES-2				
Total Summary of Other Special Revenue Accounts		Total Disbursements From ES-2				\$98,750
Total All Funds						\$98,750.00

Department/ Bureau of Miscellaneous Boards & Commissions
Division of Occupational Therapy

Division Administrator Date

State Budget Office Use Only	
Approved By _____	Director of the Budget/ State Budget Office
Date Approved _____	

Wednesday, November 18, 2009

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		Brown, Chairman	
Snyder, Vice Chair		Poling, Vice Chair	Absent
Prezioso	Absent	Miley	
Unger		Talbott	
Boley		Overington	
Facemyer	Absent	Sobonya	

The meeting was called to order by Delegate Brown, Chair.

Rita Pauley, Associate Counsel, explained her abstract on the rule proposed by the **Secretary of State, Early Voting in Person Satellite Precincts, 153CSR13**, and stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Rita distributed handout of proposed modifications.

Dave Nichols with the Secretary of State's Office, responded to questions from the Committee.

Handout distributed by Delegate Sobonya.

Senator Snyder moved that the proposed rule be approved as modified.

Delegated moved that §3-3-3 b and c be added language. The motion failed.

The motion to approve the proposed rule as modified was adopted.

Charles Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the **WV Board of Osteopathy, Licensing Procedures for Osteopathic Physicians, 24CSR4**, and stated that the Board has agreed to technical modifications.

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

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **State Tax Department, Consumers Sales and Service Tax and Use Tax - Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se Exemption, 110CSR15C**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Mark Morton, General Counsel, responded to questions from the Committee.

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

Miss Graham reviewed her abstract on the rule proposed by the **State Tax Department, Residential Solar Energy Tax Credit, 110CSR21D**, and stated that the Department has agreed to technical modifications.

Don Garvin, Legislative Coordinator for the WV Environmental Council, distributed handouts and addressed the Committee.

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

Senator Minard moved to add the proposed modifications from handout except item 7 in conjunction with counsel's modifications. The motion was adopted.

The motion to approve the proposed rule as modified was adopted.

Miss Graham explained her abstract on the rule proposed by the **Division of Motor Vehicles, Denial Suspension, Restriction or NonRenewal of Driving Privileges, 91CSR5**, and stated that the Department has agreed to technical modifications.

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

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

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
November 17, 18 and 19, 2009

Wednesday, November 18, 2009

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
Snyder, Vice Chair
Prezioso
Boley
Facemyer
Unger

✓

✓

✓

✓

✓

House

Brown, Chair
Poling, D., Vice Chair
Miley
Talbot
Overington
Sobonya

✓

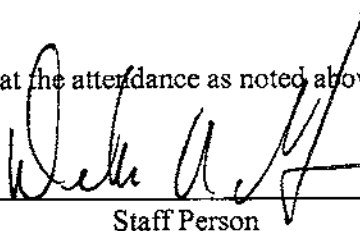
✓

✓

✓

✓

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 18, 2009
4:00 p.m. to 6:00 p.m.
Senate Judiciary Committee Room

1. Review of Legislative Rules:

a. Secretary of State

Early Voting in Person Satellite Precincts
153CSR13

- Laid Over

b. West Virginia Board of Osteopathy

Licensing Procedures for Osteopathic Physicians
24CSR4

c. State Tax Department

*Consumers Sales and Service Tax and Use Tax - Drugs,
Durable Medical Goods, Mobility Enhancing Equipment and
Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se
Exemption*
110CSR15C

d. State Tax Department

Residential Solar Energy Tax Credit
110CSR21D

e. Division of Motor Vehicles

*Denial Suspension, Restriction or NonRenewal of Driving
Privileges*
91CSR5

f. State Lottery Commission

Limited Gaming Facility Rule
179CSR4

2. Other Business

July 3

NOVEMBER INTERIM ATTENDANCE
Legislative Interim Meetings
October 17, 18, & 19, 2009

Wednesday, November 18, 2009

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

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Richard Thompson, ex
officio nonvoting member

Senate

House

Minard, Chair	<input checked="" type="checkbox"/>
Snyder, Vice Chair	<input checked="" type="checkbox"/>
Prezioso	<input type="checkbox"/>
Unger	<input checked="" type="checkbox"/>
Boley	<input checked="" type="checkbox"/>
Facemyer	<input type="checkbox"/>

Brown, Chair	<input checked="" type="checkbox"/>
Poling, Vice Chair	<input type="checkbox"/>
Miley	<input checked="" type="checkbox"/>
Talbott	<input checked="" type="checkbox"/>
Overington	<input checked="" type="checkbox"/>
Sobonya	<input checked="" type="checkbox"/>

SOS 153 CSR 13

Rita explained posture of the proposed rule - dist'd modified rule.

Snyder

Dave Nichols, SOS responded to q's
Approve as modified.

153-13-5 5.1.c New subd. (Code)

0

NOVEMBER INTERIM ATTENDANCE

Legislative Interim Meetings

~~October 17, 18, & 19, 2009~~

Wednesday, November 18, 2009

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

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex
officio nonvoting member

Richard Thompson, ex
officio nonvoting member

Senate

House

Minard, Chair

✓

Brown, Chair

✓

Snyder, Vice Chair

✓

Poling, Vice Chair

✓

Prezioso

✓

Miley

✓

Unger

✓

Talbott

✓

Boley

✓

Overington

✓

Facemyer

✓

Sobonya

✓

- Brown called meeting to order

- Sec. of State 153CSR13

Rita explained & responded to ?'s

Distributed modifications

Dave Nichols w/ SOS's office, responded to ?'s

Handout from Del. Sobonya

Snyder moved as modified

Sobonya moved to add §3-3-3 b and c

(Agency agrees to a modification

Denial

Approved as modified

- Osteopathy 24CSR4
Charlie explained
Snyder moved as modified
Approved

- Tax 110CSR15C
Debra explained & responded to ?'s
Mark Morton, General Counsel, responded to ?'s from C
Minard moved rule as modified
Approved

- Tax 110CSR21D
Debra explained
Don Garvin, Legislative Coordinator, WV Environmental
Council, addressed the Committee

Minard moved
rule as modified

Don Garvin - Handout
Minard moved to add modification from
handout except item 7 in conjunction
Approved w/ Council's mods.
Approved

- DMV 91CSR5
Debra explained
Minard moved rule as modified
Approved

- Minard moved to adjourn
Adopted

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Wednesday, November 18, 2009
4:00 p.m. to 6:00 p.m.
Senate Judiciary Committee Room

1. Review of Legislative Rules:

a. Secretary of State

Early Voting in Person Satellite Precincts
153CSR13

- Laid Over
- Approve as Modified

b. West Virginia Board of Osteopathy

Licensing Procedures for Osteopathic Physicians
24CSR4

- Approve as Modified

c. State Tax Department

*Consumers Sales and Service Tax and Use Tax - Drugs,
Durable Medical Goods, Mobility Enhancing Equipment and
Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se
Exemption*
110CSR15C

- Approve as Modified

d. State Tax Department

Residential Solar Energy Tax Credit
110CSR21D

- Approve as Modified

e. Division of Motor Vehicles

*Denial Suspension, Restriction or NonRenewal of Driving
Privileges*
91CSR5

- Approve *as Modified*

f. State Lottery Commission

Limited Gaming Facility Rule
179CSR4

- Approve as Modified

2. Other Business

Handout 11/18/09



by Del. Sobonya

WEST VIRGINIA CODE

§3-3-3. Early voting in person.

(a) The voting period for early in-person voting is to be conducted during regular business hours beginning on the twentieth day before the election and continuing through the third day before the election. For any election held on a Tuesday, the early voting period for in-person voting is to be available from 9:00 a.m. to 5:00 p.m. on the two Saturdays prior to the election.

(b) Any person desiring to vote during the period of early in-person voting shall, upon entering the election room, clearly state his or her name and residence to the official or representative designated to supervise and conduct absentee voting. If that person is found to be duly registered as a voter in the precinct of his or her residence, he or she shall be required to sign his or her name in the space marked "signature of voter" on the pollbook. If the voter is unable to sign his or her name due to illiteracy or physical disability, the person assisting the voter and witnessing the mark of the voter shall sign his or her name in the space provided. No ballot may be given to the person until he or she signs his or her name on the pollbook.

(c) When the voter's signature or mark is properly on the pollbook, two qualified representatives of the official designated to supervise and conduct absentee voting shall sign their names in the places indicated on the back of the official ballot.

(d) If the official designated to supervise and conduct absentee voting determines that the voter is not properly registered in the precinct where he or she resides, the clerk or his or her representative shall challenge the voter's absentee ballot as provided in this article.

(e) The official designated to supervise and conduct absentee voting shall provide each person voting an absentee ballot in person the following items to be printed as prescribed by the secretary of state:

(1) In counties using paper ballots, one of each type of official absentee ballot the voter is eligible to vote, prepared according to law;

(2) In counties using punch card systems, one of each type of official absentee ballot the voter is eligible to vote, prepared according to law, and a gray secrecy envelope;

(3) In counties using optical scan systems, one of each type of official absentee ballot the voter is eligible to vote, prepared according to law, and a secrecy sleeve; or

(4) For direct recording election systems, access to the voting equipment in the voting booth.

(f) The voter shall enter the voting booth alone and there mark the ballot: *Provided*, That the voter may have assistance in voting according to the provisions of section four of this article. After the voter has voted the ballot or ballots, the absentee voter shall: Place the ballot or ballots in the gray secrecy envelope and return the ballot or ballots to the official designated to supervise and conduct the absentee voting: *Provided, however*, That in direct recording election systems, once the voter has cast his or her ballot, the voter shall exit the polling place.

(g) Upon receipt of the voted ballot, representatives of the official designated to supervise and conduct the absentee voting shall:

(1) Remove the ballot stub;

(2) Place punch card ballots and paper ballots into one envelope which shall not have any marks except the precinct number and seal the envelope;

(3) Place ballots for all voting systems into a ballot box that is secured by two locks with a key to one lock kept by the president of the county commission and a key to the other lock kept by the county clerk.



West Virginia Environmental Council
2206 Washington Street East ~ Charleston, WV 25311
(304) 414-0143 www.wvecouncil.org

110 CSR21D
Handout
11/18/09
by Don Garvin

WVEC Comments On the Solar Tax Credit Rule (110CSR21D)

Items 1, 5, and 7 are substantive amendments, whereas 2, 3, 4, and 6 are editorial corrections.

1) I am not sure why "delivery fees" (Section 2.2.c.2.B.) are not allowed. While such an exemption would tend to favor local manufacturers, delivery fees are a potentially substantial part of the cost of such systems. Until WV actually has a solar equipment manufacturer, delivery fees will remain a necessary cost.

2) Section 2.2.d is awkward. Should there be additional words in the phrase "a solar energy system qualified rehabilitated building investment" ?
How about "a solar energy system AS A qualified rehabilitated building investment"?

3) In Section 2.2.k. "Aphotovoltaic (PV)" appears to have a typo. It should probably be written "Photovoltaic (PV)".

4) In Section 2.2.0., the word "inventers" should probably be "inverters".

5) Section 2.2.r. defines solar domestic water heating system as "roof-mounted" solar collectors. This should be re-written as "roof-mounted or free-standing" solar collectors. Many systems are actually cheaper and easier to maintain if they do not have to be installed on a roof. in the same way, section 5.2.e. "A system that is not connected to the structure or foundation of the residence which it serves;" should be modified to read "A system that is not connected to the residence which it serves;"

6) Section 2.2.u, the word "sysem" should be "system".

7) Sections 5.2.r. Passive solar hot-water system; 5.2.s. Passive solar space-heating system; 5.2.1. Passive solar space-cooling system; -- are all specifically prohibited from receiving the tax credit. There is nothing in HB 2535 that restricts the credit only to active systems, and many passive systems are among the most cost-effective and efficient systems on the market. These prohibitions needlessly restrict the rule, and are contrary to the plain language and intent of the bill. Dedicated passive systems should be allowed.

8) In section 9.3, the word "even" should be "event".

Submitted by Donald S. Garvin, Jr.
WVEC Legislative Coordinator
November 16, 2009

Representing West Virginia "Special Interests":
People Who Want to Breathe Clean Air and Drink Clean Water

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: Nov. 18, 2009

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	RULE NUMBER	Please mark with an (X) if you desire to make a statement.
Jennifer Sayre	PO Box 3627 Charleston, WV 25336	Kanawha County Comm.	153 CSR 13	
DON GARVIN	2206 Washington St. SE Charleston	WV Environmental Council	110 CSR 21D	X