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**WVBOT MINUTES:** May 1, 2009

**MEMBERS PRESENT:** Marty Douglas, Phil Simpson, Gene Brooks, Kathy Quesenberry,  
Brenda Hambric

**ABSENT:**

**ALSO PRESENT:** Vonda Malnikoff

**MEETING CALLED TO ORDER:** 11:02 a.m.

Marty motioned to enter Executive Session at 11:04 am. Brenda seconded. Vote 5-0.

### **EXECUTIVE SESSION**

Issue 2008 #49 – Complaint; Marty gave an update  
Issue 2008 #51 – Reciprocity revoked. **Case closed.**

Phil motioned to end Executive session at 11:29 am. Marty seconded. Vote 5-0.

Gene motioned for Marty to contact complainant regarding Consent Agreement. If necessary, Vonda will contact Assistant Attorney General, Kate Campbell, regarding how to proceed if Consent Agreement is not signed. Phil seconded. Vote 5-0.

Gene motioned to approve March 13th & April 3rd, 2009 minutes. Marty seconded. Vote 5-0.

### **OLD BUSINESS**

#### **TOPIC: Process for Code / Rule changes.**

**FINDINGS/CONCLUSIONS:** Based on discussions with the House Government Organization Committee, we need to formulate our proposal for Code changes and submit to the Committee prior to the end of the 2008 Legislative Session to determine need for a study resolution. This study would be conducted by the Legislative Auditor's office during 2008 interim, to be introduced into the 2009 Legislative Session. Code changes need to be approved prior to introducing Legislative Rule changes. Meeting held December 3, 2007 to continue review of current Practice Act, using AOTA Model Practice Act as a guide. Draft was sent to AG for review and comment. Received and reviewed AG comments for sections 30-28-16 forward. Conference call was held on January 28, 2008 to review AG comments on remaining sections. Final draft was mailed to the Chairs of the House Government Organization Committee on February 5, 2008. Chairman has requested that the study (HCR 91) be assigned to the committee during the 2008 interims. A summary of major changes and draft copy was emailed to House Government Organization Committee on 4/23/08. Marty presented an overview at June interims meeting of legislative sub-committee assigned HCR91. Information meetings have been held in Princeton, Charleston, Wheeling, and Morgantown, Parkersburg and Huntington. A conference call was organized by WVOTA with WVPTA to get feedback regarding proposed changes. Kathy and Marty attended Legislative subcommittee meeting on November 16, 2008. The draft Practice Act was approved by the Joint Committee and will be introduced in the 2009 Legislative Session. House Bill 2309 passed the House 2-23-09. The bill is currently in the Senate Government Organization Committee. An information meeting was held 3-12-09 in Cumberland, MD, and a meeting is scheduled in Martinsburg on 3-26-09. HB 2309 passed both houses on April 11<sup>th</sup>, 2009, to become effective in 90 days.

**ACTION/FOLLOW-UP: Once signed by the Governor, new Practice Act will be mailed to licensees with Newsletter.**

**TOPIC: BRIM On-Line Driver Training**

**FINDINGS/CONCLUSIONS:** Required on-line training for all employees who drive a state vehicle, or who drive their personal vehicle and are reimbursed by the state. Employees have until June 30, 2009 to complete their training. Login instructions distributed. Kathy and Vonda have completed training.

**ACTION/FOLLOW-UP: All members to complete on-line training by 6/30/09.**

**TOPIC: Review of Legislative Rules**

**FINDINGS/CONCLUSIONS:** Began review of current Legislative Rules. Initial modifications to be consistent with revised Practice Act were emailed to Board members 3-5-09. Emergency Rules for Competency Standards for Advanced Practice will need to be filed by mid-May. A draft of this Rule was reviewed and discussed. The Board agreed to split the current Legislative Rules into a series of Rules to include: Administrative Rules, Fees for Services Rendered by the Board, Continuing Education and Competence, Competency Standards for Advanced Practice, and Professional Conduct and Ethical Standards of Practice, in addition to the current Procedural Rules regarding disciplinary, complaint and contested case hearing procedures. Draft rules reviewed and approved at 5/1/09 meeting.

**ACTION/FOLLOW-UP: Vonda to file emergency and other rules with Secretary of State.**

**TOPIC: FY 2010 Budget**

**FINDINGS/CONCLUSIONS:** Budget will be prepared in April. Include new desktop computer and an additional laptop for Board member use. Need to consider possible renewal fee reductions as part of implementation of biennial renewal. Proposed fee reductions and budget reviewed at 5/1/09 meeting. The only major increase in the budget is a proposed increase by PEIA for OPEB (other post employment benefits) costs to be paid by state agencies for retiree benefits. The increase is a result of rising healthcare costs, reduced market value of trust fund, and reduced state funding. Gene motioned to accept proposed budget. Phil seconded. Vote 5-0.

**ACTION/FOLLOW-UP: Vonda to complete and submit budget.**

**TOPIC: Mid-year newsletter**

**FINDINGS/CONCLUSIONS:** Suggestion was made to wait until May to publish mid-year newsletter to include final result of Practice Act bill, with highlights of changes, and Legislative Rule update. Draft newsletter reviewed at 5/1/09 meeting.

**ACTION/FOLLOW-UP: Vonda to arrange for printing and mailing of newsletter and new Practice Act once Governor has signed the bill.**

**PURCHASE CARD TRANSACTIONS**

The Board reviewed all purchases made on the Purchase Card since the last board meeting.

**TREASURER'S REPORT**

Cash Balance as of April 30, 2009

\$ 126,997.78

**DEPOSITS SINCE LAST BOARD MEETING**

March 13, 2009	\$ 1,256.00
April 2, 2009	1,835.00
April 16, 2009	1,025.00
April 30, 2009	1,955.00

TOTAL DEPOSITS \$ 6,071.00

**DISBURSEMENTS SINCE LAST BOARD MEETING**

March \$ 5,500.38

**NEW BUSINESS (cont'd)**

**TOPIC: CE credit for on-line Practice Act review & test**

**FINDINGS/CONCLUSIONS:** Discussed the proposal by Diana Davis to make an on-line presentation of the new Practice Act available to licensees to review and take a test for CE credit.

**ACTION/FOLLOW-UP:** Vonda to pursue with Diana and Infineon, Inc. regarding website capability to offer during renewal time.

**Financial**

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	<b>VENDOR</b>	<b>DATE REC'D</b>	<b>AMOUNT</b>	<b>NOTE</b>
1	Attorney General's office	3/13/2009	\$84.00	February invoice
2	IS&C	3/25/2009	\$21.28	WVFIMS transactions for Feb 2009
3	Division of Personnel	4/6/2009	\$32.50	Personnel billing for 4th qtr fte's
4	Auditor's Office	4/13/2009	\$19.00	Transactions for March 2009
5	Attorney General's office	4/13/2009	\$133.00	March invoice
6	IS&C	4/20/2009	\$19.68	WVFIMS transactions for Mar 2009
7	IS&C	4/27/2009	\$125.00	EDP Acctg Svcs - 3rd quarter

Marty motioned to pay all bills. Brenda seconded. Vote 5-0.

## Correspondence

<u>correspondence</u>	<u>date rec'd</u>	<u>issue</u>
1 WV Assoc of Licensing Boards Board of Risk and Insurance	3/16/2009	March 13, 2009 meeting minutes
2 Mgmt	3/25/2009	<b>Reminder: On-line driver training must be completed by 6/30/09</b>
3 Stateline	3/31/2009	Feb/Mar 2009 issue
4 Brickstreet	4/1/2009	Worker's Comp policy 3/29/09 to 3/20/10
5 Purchasing	4/2/2009	The Buyers Network - April 2009 issue
6 NPDB/HIPDB	4/6/2009	April 2009 issue
7 Governor Joe Manchin	4/13/2009	Temporary restrictions on state hiring
8 CLEAR	4/13/2009	2009 Annual Conference
9 Grady Bowyer	4/20/2009	HB2885 establishing an advisory committee to develop proposed legislation to establish credentialing verification organization passed
10 WV Legislative Rule-Making Review Committee	4/20/2009	Filing deadline for Rules for 2010 Legislative Session
11 NBCOT Certification Matters	4/21/2009	Spring/Summer 2009 issue
12 Brickstreet	4/29/2009	Annual Report
13 Mary Hager	4/30/09	WVOTA Annual Conf 10/31/09 at Ramada Inn in Charleston

**Actions are in bold**

Meeting adjourned at 2:35 p.m. following the signing of applications. The next regular Board meeting is scheduled for Friday, September 18, 2009 at 11:00 a.m. at the Morgantown office. A conference call will be scheduled Thursday, June 4<sup>th</sup>, 2009 at 8:45 a.m. to approve payment of bills prior to fiscal year end.