

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

April 2, 2019

The following is a summary of the April Meeting:

- I. Meeting was called to order at 9:02 a.m. by Board Chairman, Randy Moore. Members present were Bennie Johnson Jr., Phillip Hale, Douglas Deel and Larance E. Middleton. Also present were DMME Deputy Director, Bradley Lambert; Regulatory Board Administrator, Mary Gibson; and DMME Hearings Coordinator, Darlene Gibson.
- II. Motion and seconded to accept April 2, 2019 Meeting Agenda by Bennie Johnson, Jr., and Douglas Deel, respectively. All members present were in favor to approve.
- III. Motion and seconded to approve the March 5, 2019 Meeting Summary by Bennie Johnson, Jr. and Douglas Deel, respectively. All members present were in favor to approve.
- IV. Review of Virginia Substance Abuse Cases (Closed Session)
Motion and seconded to approve to enter into Closed Session at 9:10 a.m. by Bennie Johnson, Jr. and Larance E Middleton, respectively. All members present were in favor to approve. Of the cases that resulted in hearings, evidence were taken by the Board in closed session, pursuant to Virginia Code 2.2- 3711(A) (4) and 45.1- 11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally and/or took other disciplinary actions including revocation of all certifications held by miners.
- V. Open Agenda convened at 10:45 a.m. by the reading of the certification statement of compliance with the Virginia Freedom of Information Act by Phillip Hale. Board Chairman Randy Moore certified the statement to be true.

Summary of Closed Session Activity was read into record by Regulatory Board Administrator, Mary Gibson for the following docket items:

- #08063-02- Revoked (2nd time of opportunity to appear before the board)
- #11123-05- (2nd Violation)- to be rescheduled.
- #12093-10- Attended
- #19064-03- Revoked (2nd time of opportunity to appear before the board)
- #19064-04- Revoked (2nd time of opportunity to appear before the board)
- #19064-05- Attended

#19064-06- Revoked (2nd time of opportunity to appear before the board)

#19092-01- Attended

#19092-02- (to be rescheduled)

#19092-03- Attended

Motion and seconded to approve by Bennie Johnson, Jr. and Larance E. Middleton, respectively; with all members present in favor to approve for Regulatory Board Administrator, Mary Gibson to follow-through on the actions agreed upon during closed sessions.

- VI. Open Agenda items were discussed as follows upon presentment by Regulatory Board Administrator, Mary Gibson and Board Chairman, Randy Moore:
- a. For information purposes, material hand-outs were provided which indicate Behavior Health Therapy was considered the most effective treatment method for Methamphetamine abuse.
 - b. Follow-up is being made by Ms. Becky Henry on drug screening methods as well as identification of lab results for Methamphetamine.
 - c. Follow-up was made and confirmed the availability of Suboxone treatment with Physician(s) on staff with the Agency Counseling group. Current treatment facilities are Cumberland Mountain Community Services, Frontier Health (Wise & Lee Co, VA) and Clinch Valley Treatment Center.
 - d. After open discussions, a motion and seconded by Bennie Johnson, Jr. and Phillip Hale, respectively; with all members present in favor to approve under the *Substance Abuse program* to allow individual(s) having certifications previously revoked and attempting to regain certifications with reduced testing requirements when eligible for reciprocity back to Virginia contingent upon individual(s) applying, fees paid, scheduling and passing all other required exams. It is noted certifications would be for anything under the reciprocal agreement(s) and only be allowed to use the reciprocity one time.
 - e. After open discussions, a motion and seconded by Phillip Hale and Bennie Johnson, Jr., respectively with all members present in favor to approve exclusions of First Aid questions for the following certification exams due to having the required presence and coverage of medical personnel: *Surface Blasters*,

Mine Inspectors, Electricians, Diesel Engine Mechanics, Mine Foreman Underground, Shot-Firer Underground, Electrical Repairman Underground and Surface Electrical Repairman.

- f. General discussions were conducted on concerns of why with reciprocity, the requirement of retaking the electrical certification exam since there is Federal oversight? Conclusion is to possibly have discussion with Eugene White with the WV Office of Miners Health Safety & Training.
- g. General discussion were conducted to review the MOU with MSHA on Electrical retraining due to current regulations require to retake the entire VA electrical exam if individual(s) missed the annual retraining. It was noted MSHA has reinstated a few just recently without this requirement being met. Conclusion is to have a meeting with the MSHA District Manager to discuss the situation.

VII. Next Meeting
May 7, 2019

VIII. Adjournment
Motion and seconded to adjourn the meeting at 11:45 a.m. by Bennie Johnson, Jr. and Phillip Hale, respectively. All members present were in favor to approve.