

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

FEBRUARY 2, 2010

The following is a summary of the February 2, 2010 Meeting:

- I. Meeting called to order at 9:20 AM by Frank Linkous, Chairman. Meeting was convened late to allow for late arrival of those who may have been delayed due to the inclement weather. Members present were Frank Linkous, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Member Gerald Kendrick was absent. Also present were Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Assistant Attorney General.**
- II. Opening statement delivered by Frank Linkous, Chairman.**
- III. Motions made and seconded to accept February 2, 2010, meeting agenda and approve January 5, 2010, meeting summary. All members were in favor to approve.**
- IV. Review of Virginia Substance Abuse Cases (Closed Session)**

Of the cases that resulted in hearings, evidence was 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 took other disciplinary actions including revocation of all certifications held by miners.

- V. Review of cases of Virginia certificate holders
John Keith Beasley**

Board Decision: The Board agreed to address an unscheduled case involving an urgent situation arising from a complaint filed by a Division of Mines Inspector regarding a foreman in possession of smoker's articles at an underground mine. The Inspector gave testimony to the Board that John Keith Beasley's work jacket which was located on a man bus underground was observed by an underground hourly employee to hold in the inside jacket pocket a package of unsmoked cigarettes, a lighter, and a sandwich bag with approximately 20 cigarette butts enclosed, and that the worker reported this and gave a written statement six days later. After a search, by company officials, of Mr. Beasley's personal locker located on the surface in the bathhouse change room on February 1, 2010, his jacket contained an

open package of 10 cigarettes, a lighter, and a sandwich bag with approximately nine cigarette butts enclosed.

The Board voted to temporarily suspend immediately Mr. Beasley's first class mine foreman and other certifications in Virginia pending his appearance before the Board on March 2, 2010. Failure to appear before the Board will result in automatic revocation of Mr. Beasley's certifications. Notification of these actions is made to Mr. Beasley through a certified mail letter to his last known address.

VI. Open Agenda

The Board heard from Mitzi Williams and Kim Dorton of Mountain Empire Community College a proposal of on-line computer training they have developed through Blackboard application for classroom portions of the training required for the Advanced First Aid certification. The Board endorsed this training under their proposal; class material review and the practical skills will be conducted in classroom.

The Board discussed concerns regarding the implementation of Senator Webb's "Return to Work" grant that provides assistance for miners with opiate dependence who are appropriate for suboxone. Suggestions for addressing DMME's focus on the safety sensitive issues in providing treatment for miners were compiled and provided by Cheryl Robinette, Director of Substance Abuse at Cumberland Mountain Community Services and Mary Gibson.

DMME has scheduled a seminar on HIPAA standards to be conducted by an attorney from Woods Rogers Attorneys at Law of Roanoke on February 24, 2010, at Mountain Empire Community College and on February 25, 2010, at DMME in Lebanon. Among those to be invited and encouraged to attend are representatives from the coal companies, the substance abuse providers and the Board Members.

VII. Next Meeting

Next meeting will be March 2, 2010.

VIII. Adjournment

Meeting adjourned at 1:30 PM.