

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

MARCH 1, 2011

The following is a summary of the March 1, 2011 Meeting:

- I. Meeting called to order at 9:05 AM by Mike Willis, Chairman. Members present were Mike Willis, Gerald Kendrick, Ricky O'Quinn, Arvil McConnell, Jr., and Joseph Buchanan. Also present were Butch Lambert, Deputy Director, Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Senior Assistant Attorney General.**
- II. Opening statement delivered by Mike Willis, Chairman.**
- III. Motion made and seconded to accept March 1, 2011, meeting agenda and approve February 1, 2011, 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. Open Agenda

Butch Lambert expressed concern of penalizing clients who have self enrolled and paid for drug rehabilitation in treatment centers which are not one of the Board's treatment providers and that the client would lose his investment of time and money should the Board require him to transfer to our providers and they not accept his previous treatment plan.

An established practice of the Board is that out-of-state treatment programs would not be accepted. However, if those entities will work together on the treatment programs and coordinate submittal of progress updates, the Board can accept the treatment program. The Board must be made aware of the client's progress and/or dropping out of the program.

The Board discussed concern that treatment centers outside of the Board's endorsed providers do not provide monthly progress / monitoring reports and are not as concerned with getting the client to the point of returning to work in the mining industry as is the main objective of the Board's providers. The Board finds it critical that the treatment provider be capable and willing to advise the Board on the client's qualification to return to work.

Mary Gibson will address these specific cases through correspondence to the client in identifying to the client what is required for a commitment from his doctor to comply with submitting required progress reports.

Due to not being present at last month's meeting prior to Chief Linkous' retirement, Joseph Buchanan asked that the record reflect that he appreciated Mr. Frank Linkous and his expertise on this Board. Joe also extended a warm welcome to Mike Willis who is Acting Chief.

VI. Next Meeting

Next meeting will be April 5, 2011.

VII. Adjournment

Meeting adjourned at 2:45 PM.