

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

JULY 3, 2012

The following is a summary of the July 3, 2012 Meeting:

- I. Meeting called to order at 9:07 AM by Randy Moore, Chairman. Members present were Randy Moore, Joseph Buchanan, Gerald Kendrick, and Ricky O'Quinn. Member Arvil McConnell was absent. Also present was Mary Gibson, Regulatory Boards Administrator, Butch Lambert, DMME Deputy Director, and Sharon Pigeon, Sr. Assistant Attorney General.**
- II. Opening statement delivered by Randy Moore, Chairman.**
- III. Motion made and seconded to accept July 3, 2012, meeting agenda and approve June 5, 2012, 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

Board Administrator Mary Gibson handed out for review and comment by the Board, a draft letter to operators outlining the Board's requirements for suboxone treatment program outside the Community Service Boards. Requirements include, on letterhead and signed by the prescribing physician, a detailed summary of current treatment status, a letter stating the individual can work in a "safety sensitive" position in the coal industry while on suboxone, and monthly reports that include compliance or non-compliance with the program, summary of progress, random drug tests, and final report when program is completed. While the Board cannot force an individual to change their treatment facility, the Board is not required to accept a treatment that has not met the qualifications that the Board has established. Miners can be notified of these guidelines by posting at the mine of the letter to operators or as an enclosure in their paychecks. The Board discussed the problem of costs of suboxone treatment for miners who have

not been approved to return to work since presently the Board has no funds to subsidize the drug costs. More information is needed prior to releasing the letter to the operator.

Ms. Gibson informed the Board of several cases of Board-ordered random drug testing of clients resulted in "not sufficient hair sample" for producing results. The Board agreed that as a condition of being put back to work that those clients appear before the Board for clarification that they allow their hair to grow for compliance with drug screening. Failure to do so or failure to appear before the Board can result in suspension of certifications.

Chairman Moore informed the Board of an incident at a mine that resulted in an MSHA-issued imminent danger order and that the Division of Mines is investigating the credibility of preshift and onshift examinations conducted by mine personnel. DM Inspectors may bring those examiners before the Board to address status of their certifications after final assessment of this situation is made. The Board agreed that DM should use all available information to make the assessment and then summons to appear before the BCME.

VI. Next Meeting

Next meeting will be August 7, 2012.

VII. Adjournment

Meeting adjourned at 4:35 PM.