

WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXI

Issue 21

May 23, 2014

A Weekly Publication

Administrative Law Division
Judy Cooper, Manager

Natalie E. Tennant
Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

(304) 558-6000
www.wvsos.com

CONTENTS

Chronological Index

Rule Monitor

Notices

a. Legislative Rules

b. Interpretive Rules

c. Procedural Rules

d. Emergency Rules

e. Legislative Rule-Making Review Committee

Orders

Grievances Report

AG Opinion

Other Documents or Information Filed

CHRONOLOGICAL INDEX, VOLUME XXXI ISSUE 21			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Public Service Commission (150-2)	Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carrier by Motor Vehicle Legislative Exempt	§§16-13A-18a, 24-2-4a and 24-2-4b	Public Hearing: July 18, 2014, 9:30 am Public Service Commission of WV 201 Brooks Street Charleston, WV 25323 Written Comments: July 8, 2014, 4:00 pm Ingrid Ferrell, Executive Secretary Public Service Commission PO Box 812 Charleston, WV 25323
Tax Department (110-10L)	Claiming Tax Refund or Credit Procedural	§§11-10-5 and 39A-3-2	Written Comments Only June 23, 2014, 10:00 am Legal Division State Tax Department PO Box 1005 Charleston, WV 25324-1005
Tax Department (110-13AA)	Information to be Utilized for Calculating the Distribution of Oil and Gas Severance Taxes Procedural	§11-13A-5(a)(c)	Written Comments Only June 23, 2014, 10:00 am Legal Division State Tax Department PO Box 1005 Charleston, WV 25324-1005

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Health and Human Resources (69-8)	Chronic Pain Management Clinic Licensure	§§16-1-4 and 16-5H-9	ERD by July 2, 2014	June 20, 2014
Public Service Commission (150-2)	Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carrier by Motor Vehicle	§§16-13A-18a, 24-2-4a and 24-2-4b	ERD by July 2, 2014	July 18, 2014 Written Comments: July 8, 2014

Office of the Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Natalie E. Tennant
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.com

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title, Price and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6.	Date Agency Approved Legislative Rules Filed.
Column	7.	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8.	Legislative Action
Column	9.	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10.	Date Rule is Effective

- Titles followed by an asterisk (**) indicate that the rule is in effect as an emergency
- Emergency rules will not have a "Notice" date until the agency files one but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)
- If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
- Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	13	OCCUPATIONAL THERAPY
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	20	SANITARIANS
TITLE	24	OSTEOPATHY
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE	33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE	35	OFFICE OF OIL AND GAS
TITLE	36	COAL MINE HEALTH & SAFETY
TITLE	38	MINING & RECLAMATION
TITLE	42	LABOR
TITLE	45	OFFICE OF AIR QUALITY
TITLE	47	OFFICE OF WATER RESOURCES
TITLE	48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	63	CONSERVATION AGENCY
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH & HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	82	CULTURE AND HISTORY
TITLE	85	WORKERSCOMPENSATION BY THE INSURANCE COMMISSION
TITLE	86	VETERANS AFFAIRS
TITLE	87	FIRE COMMISSION
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE	96	WORKFORCE WEST VIRGINIA
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	113	HEALTH INSURANCE PLAN
TITLE	114	INSURANCE
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTION
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	157	DIVISION OF HIGWAYS
TITLE	158	ETHICS COMMISSION
TITLE	162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE	172	STATE RAIL AUTHORITY
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION – BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY
TITLE	184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	191	FAMILY PROTECTION SERVICES BOARD
TITLE	199	EXPLOSIVES & BLASTING
TITLE	204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY
TITLE	205	OUTDOOR HERITAGE CONSERVATION FUND
TITLE	207	COALFIELD COMMUNITY DEVELOPMENT
TITLE	210	GOHELP

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-3)	State Owned Vehicles Legislative	6/25/2013	7/25/2013		7/25/2013	Approved 9/26/2013	SB 181 HB 4016 Bundled SB 181	4/22/2014	6/1/2014
Administrative Hearings (105-1)	Appeal Procedures Legislative	6/25/2013	7/25/2013		7/26/2013	Modified & Approved 12/12/2013 Filed !2/19/2013	SB 165 HB 4046 Bundled SB165	4/10/2014	5/11/2014
Agriculture (61-8B)	Schedule of Charges for Inspection Services Fruit Legislative	6/26/2013	7/26/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 9/30/2013	SB 145 HB 4049 Bundled HB 4039	4/22/2014	5/22/2014
Agriculture (61-11B)	Auctioneers Legislative	6/18/2013	7/18/2013		7/24/2013	Modified & Approved 9/26/2013 Filed 10/2/2013	SB 146 HB 4047 Bundled HB 4039	4/23/2014	5/23/2014
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/5/2013	7/8/2013	6/5/2013 **§2 Only** Effective 7/17/2013	7/23/2013	Approved 9/26/2013	SB 147 HB 4017 Bundled HB 4039	4/16/2014	6/1/2014
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	5/15/2014	7/3/2014						
Air Quality (45-8)	Ambient Air Quality Standards Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 129 HB 4033 Bundled SB 133	4/4/2014	6/1/2014
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality Legislative	6/6/2013	7/8/2013		7/22/2013	Modified & Approved 8/26/2013 Filed 9/4/2013	SB 130 HB 4062 Bundled SB 133	4/3/2014	6/1/2014
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 131 HB 4028 Bundled SB 133	4/3/2014	6/1/2014
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 132 HB 4029 Bundled SB 133		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-19)	Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 133 HB 4030 Bundled SB 133	4/3/2014	6/1/2014
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 134 HB 4031 Bundled SB 133	4/3/2014	6/1/2014
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 135 HB 4032 Bundled SB 133	4/4/2014	6/1/2014
Alcohol Beverage Control Comm. (175-2)	Private Club Licensing Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 188 HB 4050 Bundled SB 167		
Alcohol Beverage Control Comm. (175-3)	Farm Wineries Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 189 HB 4051 Bundled SB 167		
Alcohol Beverage Control Comm. (175-4)	Sale of Wine Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 190 HB 4052 Bundled SB 167		
Alcohol Beverage Control Comm-Beer (176-1)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 191 HB 4053 Bundled SB 167		
Child Support Enforcement (97-1)	General Procedures Pertaining to Documents and Files Legislative	6/25/2013	7/25/2013		7/29/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 159 HB 4054 Bundled SB 155	4/11/2014	5/11/2014
Child Support Enforcement (97-3)	Repeal of Obtaining Support From Federal and State Tax Refunds Legislative	6/25/2013	7/25/2013		7/29/2013	Approved 12/12/2013	SB 160 HB 4018 Bundled SB 155	4/11/2014	5/11/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Child Support Enforcement (97-4)	Repeal of Interstate Income Withholding Legislative	6/25/2013	7/25/2013		7/29/2013	Approved 12/12/2013	SB 161 HB 4019 Bundled SB 155	4/11/2014	5/11/2014
Child Support Enforcement (97-6)	Support Enforcement Activities Undertaken by the Bureau for Child Support Enforcement Legislative	6/25/2013	7/25/2013		7/29/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 162 HB 4055 Bundled SB 155	4/11/2014	5/11/2014
Child Support Enforcement (97-7)	Distribution of Support Payments Legislative	6/25/2013	7/25/2013		7/29/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 163 HB 4056 Bundled SB 155	4/11/2014	5/11/2014
Chiropractic Examiners (4-1)	Regulation of Chiropractic Practice Legislative	6/19/2013	7/22/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 12/12/2013	SB 101 HB 4057 Bundled HB 4039	4/1/2014	7/1/2014
Chiropractic Examiners (4-6)	Fees Pertaining to the Practice of Chiropractic Legislative	6/21/2013	7/21/2013		7/25/2013	Approved 11/21/2013	SB 102 HB 4020 Bundled HB 4039	4/1/2014	7/1/2014
Coal Mine Health and Safety (36-57)	Rules Governing Haulage Safety Legislative Exempt	1/27/2014 2/7/2014	2/28/2014 3/11/2014					4/23/2014	7/1/2014
Community & Technical College Ed. (135-12)	Capital Project Management Legislative	12/16/2013	1/16/2014		1/28/2014				
Community & Technical College Ed. (135-19)	Guidelines for the Offering of Early Enrollment Courses for High School Students Procedural	2/4/2014	3/6/2014					4/28/2014	5/28/2014
Community & Technical College Ed. (135-28)	Standards for the Administration of the WV Earn a Degree, Graduate Early (EDGE) Program Legislative	6/21/2012	7/23/2012		8/21/2012	Approved 10/9/2012	HB 4457	4/15/2014	5/15/2014
Community & Technical College Ed. (135-56)	Military Student Withdrawal Policy Procedural	4/28/2014	5/28/2014						
Consolidated Public Retirement Board (162-5)	Public Employees Retirement System Legislative	6/12/2013	7/12/2013		7/25/2013	Modified & Approved 8/26/2013 Filed 8/30/2013	SB 184 HB 4058 Bundled SB 181		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dental Examiners (5-1)	Rule for the WV Bd. of Dental Examiners Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 11/21/2013	SB 103 HB 4021 Bundled HB 4039	4/1/2014	6/1/2014
Dentistry (5-1)	Rule for the WV Bd. of Dentistry Legislative	5/14/2014	6/13/2014						
Dental Examiners (5-2)	Formation and Approval of Professional Limited Liability Companies Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 11/21/2013	SB 104 HB 4025 Bundled HB 4039	4/1/2014	6/1/2014
Dentistry (5-2)	Formation and Approval of Professional Limitied Liability Companies Legislative	5/14/2014	6/13/2014						
Dental Examiners (5-6)	Formation and Approval of Dental Corporations and Dental Practice Ownership Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 10/24/2013	SB 106 HB 4026 Bundled HB 4039	4/1/2014	6/1/2014
Dentistry (5-6)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	5/14/2014	6/13/2014						
Dental Examiners (5-8)	Dental Advertising Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 11/21/2013	SB 107 HB 4027 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-10)	Practitioner Requirements for Accessing the WV Controlled Substance Monitoring Program Database Legislative	6/6/2013	7/12/2013		7/22/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 108 HB 4059 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-11)	Continuing Education Requirements Legislative	6/6/2013	7/12/2013		7/24/2013	Approved 10/24/2013	SB 109 HB 4022 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-12)	Administration of Anesthesia by Dentists Legislative	6/6/2013	7/12/2013	7/23/2013 Approved 8/19/2013	7/24/2013	Approved 11/21/2013	SB 110 HB 4023 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 10/24/2013	SB 111 HB 4024 Bundled HB 4039	4/1/2014	6/1/2014

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-4)	Rules of Procedure for Administrative Hearings and Appeals (1340) Legislative Exempt	5/15/2014	6/16/2014						
Education (126-7)	Education in WV's Correctional Institutions: Mission and Goals (1471) Legislative Exempt	5/15/2014	6/16/2014						
Education (126-13)	A Process for Improving Education: Performance Based Accreditation System (2320) Legislative Exempt	4/10/2014	5/12/2014					5/15/2014	7/1/2014
Education (126-15)	Programs of Study for Limited English Proficient Students (2417) Legislative Exempt	11/14/2013	12/16/2013					1/8/2014	7/1/2014
Education (126-16)	Regulations for the Education of Students with Exceptionalities (2419) Legislative Exempt	5/15/2014	7/14/2014						
Education (126-28)	WV's Universal Access to a Quality Early Education System (2525) Legislative Exempt	4/10/2014	5/12/2014						
Education (126-32)	Issuance of the State of WV High School Equivalency Diploma Legislative Exempt	4/11/2013	5/13/2013						
Education (126-37)	Uniform Grading (2515) Legislative Exempt	12/12/2013	1/13/2014					2/13/2014	7/1/2014
Education (126-42)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	12/12/2013 2/13/2014 4/10/2014	1/13/2014 3/17/2014 5/12/2014					5/15/2014	7/1/2014
Education (126-44V)	Next Generation Alternate Academic Achievement Standards for English Language Arts in WV Schools (2520.161) Legislative Exempt	5/15/2014	6/16/2014						
Education (126-44W)	Next Generation Alternate Academic Achievement Standards in Mathematics for WV Schools (2520.162) Legislative Exempt	5/15/2014	6/16/2014						
Education (126-51)	Health Promotion and Disease Prevention (2423) Legislative Exempt	3/13/2014	4/14/2014					5/15/2014	7/1/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-52)	Community Schools: Promoting Health, Safety, Well-Being and Academic Success of Sudents (2425) Legislative Exempt	5/15/2014	6/16/2014						
Education (126-67)	Comprehensive School Counseling Programs Legislative Exempt	2/13/2014	3/17/2014					4/10/2014	7/1/2014
Education (126-89)	WV Minimum Requirements for Design and Equipment of School Buses (4334) Legislative Exempt	5/15/2014	6/16/2014						
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) Legislative Exempt	4/10/2014	5/12/2014						
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) Legislative Exempt	4/10/2014	5/12/2014						
Education (126-142)	Performance Evaluation of School Personnel (5310) Legislative Exempt	5/15/2014	6/16/2014						
Education (126-154)	WV Commission for Professional Teaching Standards (5050) Legislative Exempt	5/15/2014	6/16/2014						
Education (126-188)	Conflict Resolution Process for Citizens (7211)	5/15/2014	6/16/2014						
Enterprise Resource Planning Board (213-1)	Enterprise Resouce Planning System User Fee Legislative	4/7/2014	5/9/2014	4/7/2014 Approved 4/22/2014					
Environmental Protection, Secretary's Office (60-3)	Voluntary Remediation and Redevelopment Rule Legislative	6/19/2013	7/22/2013		7/26/2013	Modified & Approved 12/12/2013 Filed 12/17/2013	SB 143 HB 4063 Bundled SB 133		
Fire Commission (87-1)	State Fire Code Legislative	3/1/2013	4/1/2013		6/19/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 156 HB 4067 Bundled HB 4067	5/1/2014	7/1/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-5)	Certification of Home Inspectors Legislative	3/1/2013	4/1/2013		6/19/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 157 HB 4068 Bundled HB 4067	5/1/2014	7/1/2014
Fire Marshal (103-1)	Certification of Electrical Inspectors Legislative	6/19/2013	7/24/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 164 HB 4069 Bundled HB 4067	5/1/2014	7/1/2014
Health (64-57)	Clinical Laboratory Technician and Technologist Licensure and Certification Legislative	5/30/2013	7/1/2013		7/24/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 148 HB 4074 Bundled SB 155	4/11/2014	5/11/2014
Health (64-60)	Medication Administration by Unlicensed Personnel Legislative	6/24/2013	7/24/2013		7/29/2013	Modified & Approved 10/24/2013 Filed 11/8/2013	SB 149 HB 4071 Bundled SB 155	5/7/2014	6/7/2014
Health (64-64)	Aids-Related Medical Testing and Confidentiality Legislative	6/19/2013	7/19/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 12/9/2013	SB 150 HB 4075 Bundled SB 155	4/11/2014	5/11/2014
Health (64-68)	Cancer Registry Legislative	6/19/2013	7/19/2013		7/24/2013	Modified & Approved 9/26/2013 Filed 10/7/2013	SB 151 HB 4076 Bundled SB 155	4/11/2014	5/11/2014
Health (64-84)	Medical Examiner Rule for Postmortem Inquiries Legislative	6/19/2013	7/19/2013		7/24/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 152 HB 4077 Bundled SB 155	4/11/2014	5/11/2014
Health (64-95)	Immunization Requirements and Recommendations for School Children Interpretive	1/2/2014	2/3/2014					4/29/2014	5/29/2014
Health & Human Resources (69-8)	Chronic Pain Management Clinic Licensure Legislative			5/20/2014 ERD by 7/2/2014					

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health Care Authority (65-28)	WV Health Information Network Rule Legislative	6/14/2013	7/15/2013		7/26/2013	Modified & Approved 8/26/2013 Filed 9/4/2013	SB 153 HB 4073 Bundled SB 155	4/18/2014	5/18/2014
Higher Education Policy Comm. (133-26)	Underwood-Smith Teacher Scholarship Program Legislative	2/24/2014	3/26/2014	2/24/2014 Effective 2/24/2014	4/4/2014				
Higher Education Policy Comm. (133-12)	Capital Project Management Legislative	12/12/2013	1/13/2014		1/24/2014				
Higher Education Policy Comm. (133-19)	Guidelines for the Offering of Early Enrollment Courses for High School Students Procedural	4/29/2014	5/29/2014						
Higher Education Policy Comm. (133-56)	Military Student Withdrawal Policy Procedural	4/29/2014	5/29/2014						
Human Services (78-1)	Child Care Centers Licensing Legislative	5/30/2013	7/1/2013		7/29/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 155 HB 4072 Bundled SB 155	5/1/2014	6/1/2014
Insurance Commission (114-95)	Utilization Review and Benefit Determination Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/1/2013	SB 177 HB 4079 Bundled SB 167		
Insurance Commission (114-96)	Health Plan Issuer Internal Grievance Procedure Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/1/2013	SB 178 HB 4080 Bundled SB 167		
Insurance Commission (114-97)	External Review of Adverse Health Insurance Determinations Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/1/2013	SB 179 HB 4081 Bundled SB 167		
Labor (42-5)	Wage Payment and Collection Act Legislative	6/19/2013	7/19/2013		7/23/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 127 HB 4083 Bundled SB 140	5/5/2014	7/1/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-33)	Employer Wage Bonds Legislative	6/19/2013	7/19/2013		7/23/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 128 HB 4082 Bundled SB 140	5/5/2014	7/1/2014
Licensed Practical Nurses (10-2)	Policies Regulating Licensure of the Licensed Practical Nurse Legislative	3/4/2013	4/12/2013		4/29/2013	Modified & Approved 9/26/2013 Filed 10/1/2013	SB 113 HB 4084 Bundled HB 4039	4/7/2014	5/15/2014
Licensed Practical Nurses (10-4)	Fees for Services Rendered by the Bd. and Supplemental Renewal Fee for the Center for Nursing Legislative	3/4/2013	4/12/2013		4/29/2013	Modified & Approved 7/24/2013 Filed 7/26/2013	SB 114 HB 4085 Bundled HB 4039	4/7/2014	5/15/2014
Licensed Practical Nurses (10-6)	Continuing Competence Legislative	3/4/2013	4/12/2013		4/29/2013	Modified & Approved 8/26/2013 Filed 9/4/2013	SB 115 HB 4086 Bundled HB 4039	4/7/2014	5/15/2014
Massage Therapy Licensure Board (194-4)	Schedule of Fees Legislative	6/13/2013	7/13/2013		7/23/2013	Approved 9/26/2013	SB 195 HB 4035 Bundled HB 4039	4/9/2014	7/1/2014
Medicine (11-1B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	4/30/2014	5/30/2014	4/30/2014 ERD by 6/11/2014					
Miners' Health, Safety and Training (56-12)	Assessing Health and Safety Violation Penalties Legislative	2/5/2013	3/8/2013		3/26/2013	Approved 9/26/2013	SB 138 HB 4036 Bundled SB 140	4/10/2014	7/1/2014
Miners' Health, Safety and Training (56-18)	Rules Governing the Program for the Sharing of Information Between Employers Legislative	6/26/2013	7/26/2013		7/26/2013	Approved 9/26/2013	SB 139 HB 4037 Bundled SB 140	4/10/2014	5/10/2014
Miners' Health, Safety and Training (56-19)	Rules Governing Substance Abuse Screening, Standards and Procedure Legislative	12/27/2012	1/28/2013	12/27/2012 Approved 2/6/2013 Amendment 4/8/2013 Effective 5/20/2013	3/26/2013	Modified & Approved 12/12/2013 Filed 12/20/2013	SB 140 HB 4087 Bundled SB 140	4/10/2014	5/10/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-27)	Special Motorboating Rules Legislative	6/26/2013	7/26/2013		7/25/2013	Approved 8/26/2013	SB 141 HB 4038 Bundled SB 140		
Natural Resources (58-72)	Electronic Registration of Wildlife Legislative	6/26/2013	7/26/2013		7/25/2013	Modified & Approved 9/26/2013 Filed 10/8/2013	SB 142 HB 4089 Bundled SB 140		
Oil and Gas (35-8)	Horizontal Well Development (Called up and amended by 2014 Legislature)						Bundled SB 133	4/21/2014	6/1/2014
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative			5/12/2014 ERD by 6/23/2014					
Osteopathic Medicine (24-5)	Fees for Services Rendered by the Board of Osteopathy Legislative			5/12/2014 ERD by 6/23/2014					
Pharmacy (15-3)	Bd. of Pharmacy Rules for Continuing Educaiton for Licensure of Pharmacists Legislative	7/16/2013	8/21/2013	7/16/2013 Approved 8/19/2013 Expired 10/15/2013	10/18/2013	Modified & Approved 12/12/2013 Filed 12/20/2013	SB 116 HB 4090 Bundled HB 4039	4/29/2014	5/30/2014
Pharmacy (15-8)	Controlled Substances Monitoring Legislative	7/16/2013	8/21/2013	7/16/2013 Approved 8/19/2013 Expired 10/15/2013	10/18/2013	Modified & Approved 12/12/2013 Filed 12/20/2013	SB 117 HB 4091 Bundled HB 4039	4/29/2014	5/30/2014
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapists Assistant Legislative	3/31/2014	5/1/2014		5/9/2014				
Professional Engineers (7-1)	Rules Governing the WV Bd. of Reg. for Professional Engineers Legislative	1/27/2014	3/3/2014	12/27/2013 Approved 1/2/2014	3/27/2014				
Professional Surveyors (23-1)	Examination & Licensing of Professional Surveyors in WV Legislative	5/17/2013	6/21/2013		7/23/2013	Approved 12/12/2013	SB 119 HB 4042 Bundled HB 4039	4/29/2014	5/31/2014
Public Service Comm. (150-2)	Rules & Regs. For the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carrier by Motor Vehicle Legislative Exempt	5/20/2014	7/18/2014 Written Comments 7/8/2014	5/20/2014 ERD by 7/2/2014					

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Comm. (150-34)	Rules Governing Alternative and Renewable Energy Portfolio Standard Legislative	11/14/2013	1/30/2014						
Public Service Comm. (150-36)	Rules Governing Stormwater Utilities Legislative Exempt	8/21/2013	9/20/2013					5/6/2014	7/5/2014
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 192 HB 4092 Bundled SB 167		
Racing Commission (178-9)	Reimbursement of Capital Reinvestment Projects Procedural	2/20/2014	3/24/2014						
Real Estate Appraiser Licensing & Cert. Bd. (190-2)	Requirements for Licensure and Certification Legislative	6/21/2013	7/22/2013	6/27/2013 Effective 8/8/2013	7/26/2013	Modified & Approved 12/12/2013 Filed 12/23/2013 Withdrawn 2/4/2014 Filed 2/4/2014	SB 193 HB 4093 Bundled HB 4039 Bundled HB 4039	5/7/2014	7/1/2014
Real Estate Appraiser Licensing & Cert. Bd. (190-3)	Renewal of Licensure or Certification Legislative	6/21/2013	7/22/2013		7/26/2013	Modified & Approved 12/12/2013 Filed 12/23/2013	SB 194 HB 4094 Bundled HB 4039	5/7/2014	7/1/2014
Real Estate Appraiser Licensing & Cert. Bd. (190-4)	Investigative and Hearing Procedures Procedural	6/21/2013	7/22/2013						
Real Estate Comm. (174-1)	Requirements in Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	6/19/2013	7/22/2013	6/19/2013 Effective 7/31/2013	7/25/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 186 HB 4095 Bundled HB 4039	4/21/2014	5/21/2014
Real Estate Comm. (174-2)	Schedule of Fees Legislative	5/10/2013	6/11/2013		6/24/2013	Modified & Approved 10/24/2013 Filed 11/12/2013	SB 187 HB 4096 Bundled HB 4039	4/21/2014	6/30/2014
Registered Professional Nurses (19-9)	Disciplinary Action Procedural	4/18/2014	5/21/2014						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Rehabilitation Services (198-1)	Ron Yost Personal Assistance Services Act Board Legislative	6/12/2013	7/15/2013		7/19/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 196 HB 4098 Bundled SB 196	4/9/2014	5/9/2014
School Building Authority (164-1)	SBA Policy & Procedure Manual Procedural	1/27/2014	3/3/2014						
Secondary School Activities Comm (127-1)	Constitution Legislative Exempt	5/15/2014	6/16/2014						
Secondary School Activities Comm (127-2)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/15/2014	6/16/2014						
Secondary School Activities Comm (127-3)	Provisions Governing Contests Legislative Exempt	5/15/2014	6/16/2014						
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology & Audiology Legislative	6/17/2013	7/18/2013	6/17/2013 ERD by 7/29/2013 Withdrawn 7/25/2013 9/12/2013 Disapproved 10/23/2013	7/25/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 123 HB 4000 Bundled HB 4039	4/22/2014	7/1/2014
Speech-Language Pathology & Audiology (29-2)	Rule Governing Speech-Language Pathology & Audiology Assistants Legislative	6/17/2013	7/18/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 124 HB 4100 Bundled HB 4039	4/22/2014	7/1/2014
Speech-Language Pathology & Audiology (29-3)	Contested Case Hearing Procedure Procedural	4/29/2014	6/2/2014						
Speech-Language Pathology & Audiology (29-4)	Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology Legislative	6/17/2013	7/18/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 125 HB 4101 Bundled HB 4039	4/22/2014	7/1/2014
Speech-Language Pathology & Audiology (29-5)	WV Bd. of Exam. for Speech-Language Pathology & Audiology Code of Ethics Legislative	6/17/2013	7/18/2013		7/25/2013	Approved 12/12/2013	SB 126 HB 4041 Bundled HB 4039	4/22/2014	7/1/2014
Tax Department (110-10L)	Claiming Tax Refund or Credit Procedural	5/22/2014	6/23/2014						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax Department (110-13AA)	Information to be Utilized for Calculating the Distribution of Oil and Gas Severance Taxes Procedural	5/22/2014	6/23/2014						
Tax Department (110-28)	Municipal Sales and Service and Use Tax Administration Legislative	6/25/2013	7/25/2013		7/26/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 166 HB 4102 Bundled SB 167		
Tax Department (110-29)	Special Reclamation Tax Credit Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 167 HB 4103 Bundled SB 167		
Tax Department (110-40)	Withholding or Denial of Personal Income Tax Refunds from Taxpayers Who Owe Municipal or Magistrate Court Costs Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 168 HB 4104 Bundled SB 167		
Treasurer's Office (112-1)	Repeal of Procedure for Deposit of Funds in the Treasurer's Office by State Agencies Legislative	6/24/2013	7/24/2013		7/26/2013	Approved 9/26/2013	SB 169 HB 4043 Bundled HB 4039	5/6/2014	7/1/2014
Treasurer's Office (112-4)	Procedure for Deposit of Monies with the Office by State Agencies Legislative	6/25/2013	7/25/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/12/2013	SB 170 HB 4108 Bundled HB 4039	5/6/2014	7/1/2014
Treasurer's Office (112-6)	Selection of State Depositories for Disbursement Accounts Through Competitive Bidding Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/12/2013	SB 171 HB 4109 Bundled HB 4039	5/6/2014	7/1/2014
Treasurer's Office (112-7)	Selection of State Depositories for Receipt Accounts Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/12/2013	SB 172 HB 4110 Bundled HB 4039	5/6/2014	7/1/2014
Treasurer's Office (112-9)	Repeal of Rules for the Reporting of Debt Capacity Legislative	6/24/2013	7/24/2013		7/26/2013	Approved 9/26/2013	SB 173 HB 4044 Bundled HB 4039	5/6/2014	7/1/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer's Office (112-10)	Reporting Debt Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/13/2013	SB 174 HB 4105 Bundled HB 4039	5/6/2014	7/1/2014
Treasurer's Office (112-12)	Procedures for Fees in Collection by Charge, Credit or Debit Card or by Electronic Payment Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/15/2013	SB 175 HB 4106 Bundled HB 4039	5/6/2014	7/1/2014
Treasurer's Office (112-13)	Providing Services to Political Subdivisions Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/12/2013	SB 176 HB 4107 Bundled HB 4039	5/6/2014	7/1/2014
Veterinary Medicine (26-3)	Registration of Veterinary Technicians Legislative	6/26/2013	7/26/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 120 HB 4111 Bundled HB 4039	4/16/2014	5/30/2014
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians Legislative	6/26/2013	7/26/2013		7/26/2013	Approved 10/24/2013	SB 121 HB 4045 Bundled HB 4039	4/16/2014	5/30/2014
Veterinary Medicine (26-6)	Schedule of Fees Legislative	6/26/2013	7/26/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 122 HB 4112 Bundled HB 4039	4/16/2014	5/30/2014
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards Legislative	2/6/2013 6/12/2013	3/27/2013 7/29/2013	1/30/2013 Approved 3/12/2013	4/30/2013 Withdrawn 7/26/2013 7/26/2013	Modified & Approved 11/21/2013 Filed 11/27/2013	SB 136 HB 4064 Bundled SB 133	4/16/2014	6/21/2014
Water Resources, Div. of Water & Waste Mgmt. (47-5A)	Regulations for State Certification of Activities Requiring Federal Licenses and Permits Legislative	6/17/2013	7/22/2013		7/26/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 137 HB 4065 Bundled SB 133	4/14/2014	5/14/2014

LEGISLATIVE

WV INCOME MAINTENANCE MANUAL
MANUAL MATERIAL TRANSMISSION

FILED
2014 MAY 22 A 11:42
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

DATE: June 1, 2014 | CHANGE NUMBER: 683

TO: ALL INCOME MAINTENANCE MANUAL HOLDERS

DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
25	1	11/11	25	1	6/14
26	1	4/12	26	1	4/12
32a	1	7/13	32a	1	6/14
32b	1	4/12	32b	1	6/14
32c	1	9/10	32c	1	6/14
33 – 34	1	10/08	33	1	6/14
			34	1	10/08
45	1	4/12	45	1	4/12
46	1	11/11	46	1	6/14
48c – 48d	1	4/12	48c – 48d	1	6/14
48e	1	11/11	48e	1	6/14
120a – 120b	1	10/13	120a	1	6/14
			120b	1	10/13
i – ii	2	10/13	i – ii	2	6/14
iii – iv	2	10/13	iii – iv	2	6/14
v – vi	2	10/13	v	2	6/14
			vi	2	10/13
11 – 12	2	4/12	11 – 12	2	6/14
12a	2	4/12	12a – 12b	2	6/14
12b	2	3/14			
12c	2	3/14			
i – ii	15	10/13	i	15	6/14
			ii	15	10/13

WV INCOME MAINTENANCE MANUAL
MANUAL MATERIAL TRANSMISSION

FILED
2014 MAY 22 A 11:43
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

DATE: June 1, 2014 | CHANGE NUMBER: 684

TO: ALL INCOME MAINTENANCE MANUAL HOLDERS

DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
i	1	3/14	i	1	3/14
ii	1	1/14	ii	1	6/14
v – vi	1	10/13	v – vi	1	6/14
via	1	10/13	via	1	6/14
ix	1	10/13	ix	1	6/14
x	1	10/13	x	1	10/13
xiv – xv	1	10/13	xiv – xv	1	6/14
xix – xx	1	10/13	xix	1	10/13
			xx	1	6/14
E-1	1	10/13	E-1	1	6/14
i – ii	4	10/13	i	4	6/14
			ii	4	10/13
iii – iv	4	5/14	iii	4	6/14
			iv	4	5/14
i – ii	7	10/13	i – ii	7	6/14
iii	7	10/13	iii	7	6/14
i – ii	8	10/13	i	8	10/13
			ii		6/14
i – ii	9	10/13	i	9	6/14
			ii	9	10/13

LEGISLATIVE

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

FILED
2014 MAY 19 P 2:03
OFFICE WEST VIRGINIA SECRETARY OF STATE

Earl Ray Tomblin
Governor

John C. Musgrave
Director

May 19, 2014

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Opulent India" and "Diamond Quest" games manufactured by Konami Gaming, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures: Opulent India
Diamond Quest

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John C. Musgrave
Director

May 19, 2014

FILED
2014 MAY 19 P 2:03
OFFICE WEST VIRGINIA SECRETARY OF STATE

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Moon Money", "Double Impact", "High Flyer", "Electric Nights", "Hotter than Hot", "Amazon Chief", "Winning Wolf", "Mustang Money", "Peking Panda", and "Dollar Streak" games manufactured by Ainsworth Game Technology for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures:

Moon Money	Double Impact
High Flyer	Electric Nights
Hotter than Hot	Amazon Chief
Winning Wolf	Mustang Money
Peking Panda	Dollar Streak

www.wvlottery.com

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

5/20/2014 9:08:36 AM

FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)

AGENCY **Public Service Commission**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **150-02**
RULE NAME **Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carrier by Motor Vehicle**
CITE AUTHORITY **HB 4601**

COMMENTS LIMITED TO
Oral And Written

DATE OF PUBLIC HEARING
Friday, July 18, 2014 9:30 AM

LOCATION OF PUBLIC HEARING
Public Service Commission of West Virginia
201 Brooks Street
Charleston, WV 25323

DATE WRITTEN COMMENT PERIOD ENDS
Tuesday, July 08, 2014 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Ingrid Ferrell, Executive Secretary
Public Service Commission
P.O. Box 812
Charleston, WV 25323

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Ingrid M Ferrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 150-02 Rule Id: 9446 Document: 25794

PROCEDURAL

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

FILED

2014 MAY 22 P 3:24

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV State Tax Department TITLE NUMBER: 110

RULE TYPE: Procedural CITE AUTHORITY: §11-10-5 and 39A-3-2

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: ___

TITLE OF RULE BEING AMENDED: ___

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 10L

TITLE OF RULE BEING PROPOSED: Claiming Tax Refund or Credit

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JUNE 23, 2014 AT 10:00 AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

LEGAL DIVISION
STATE TAX DEPARTMENT
P.O. BOX 1005
CHARLESTON, WV 25324-1005

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

5-16-14
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

FILED

2014 MAY 22 P 3:24

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV State Tax Department TITLE NUMBER: 110

RULE TYPE: Procedural CITE AUTHORITY: §11-13A-5a(c)

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 13AA

TITLE OF RULE BEING AMENDED: INFORMATION TO BE UTILIZED FOR CALCULATING THE DISTRICUTION OF OIL AND GAS SEVERANCE TAXES.

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 23, 2014 AT 10:00 AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

LEGAL DIVISION
STATE TAX DEPARTMENT
P.O. BOX 1005
CHARLESTON, WV 25324-1005

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

5-16-14
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #7

Do Not Mark In This Box
Filing Date

FILED

2014 MAY 20 A 10:09

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: DHHR - Office of Health Facility Licensure and Certification TITLE NUMBER: 69

CITE AUTHORITY: W. Va. Code 16-1-4 and 16-5H-9

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES x NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 8

TITLE OF RULE BEING AMENDED: Chronic Pain Management Clinic Licensure

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The original rule's effective date was established as being the date funding for implementation of Chronic Pain Management Clinic Licensure became available pursuant to a duly enacted appropriation bill authorizing the expenditure of funds for that purpose. The Budget Bill, Senate Bill 306, passed during the 2014 Regular Session and approved by the Governor on March 14, 2014, contains the requisite language.

Karen L Bowling
Authorized Signature

Use additional sheets if necessary

WEST VIRGINIA SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

eFILED

5/20/2014 9:11:26 AM

FORM 7 -- NOTICE OF AN EMERGENCY RULE (Page 1)

AGENCY **Public Service Commission**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **150-02**
RULE NAME **Rules and Regulations for the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carrier by Motor Vehicle**
CITE AUTHORITY **HB 4601**

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST
THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

House Bill 4601 was passed effective June 6, 2014. The Bill will substantively change prior law and the current Commission Tariff Rules conflict with the new law. The new statutory language will allow qualifying public service districts and municipal utilities to place rate increases that will result in less than a twenty-five percent increase in utility gross revenues into effect on the date of the filing of a rate application, or in the case of a municipal utility, on the date stated in the ordinance. Prior to passage of the bill, rate increases did not go into effect until after Commission investigation and review of the financial justification for the rate increase unless a utility could demonstrate financial distress. In the absence of corresponding new rules, there will be substantial confusion on the part of utilities and customers to the detriment of the public interest. Emergency Tariff Rule amendments should be in effect on June 6, 2014.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT

Yes
Ingrid M Ferrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 150-02 Rule Id: 9446 Document: 25795

Orders Report

Docket Number	Agency	Respondent	Date Rendered
14-4-10157-X	**Health Care Authority**	Greenbrier County Health Department	5/15/2014
14-2-10172-X	**Health Care Authority**	Lily's Place	5/15/2014
14-7-10139-X	**Health Care Authority**	Stonewall Jackson Memorial Hospital	5/15/2014
14-AP-PRLC-02016	**Insurance Commission**	Laurence William Potter	5/12/2014
N/A	**Medicine, West Virginia Board Of**	Julie Ann Farrell, MD	5/6/2014
N/A	**Medicine, West Virginia Board Of**	Juan Manuel Pittaluga, MD	4/17/2014

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2013-0758-CONS	**Timothy W. Stanley**	Highways	5/2/2014
2013-1324-CONS	**Jay Miser, et al.**	Health And Human Resources	5/6/2014
		Mildred Mitchell-Bateman Hospital	5/6/2014
2014-0046-DEP	**Randall E. Moore**	Environmental Protection	5/9/2014
2014-0953-CONS	**Terry Leeson**	Highways	5/15/2014
2014-1328-DOA	**William M. Mullins**	Personnel	5/15/2014

AG OPINION

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

FILED

2014 MAY 21 A 10:24

OFFICE OF ATTORNEY GENERAL
STATE OF WEST VIRGINIA

May 19, 2014

The Honorable R. Craig Tatterson
Prosecuting Attorney
Mason County
200 6th Street, Room 11
Point Pleasant, WV 25550

Dear Prosecutor Tatterson,

You have asked for an Opinion of the Attorney General regarding whether it is permissible to construct a building on the premises of the West Virginia State Farm Museum with proceeds of a decedent's estate without resorting to competitive bidding. This Opinion is being issued pursuant to West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." To the extent this Opinion relies on facts, it is based solely on the factual assertions set forth in your correspondence with the Office of Attorney General.

You explain that certain issues have arisen following the death of Christopher H. Bauer, a resident of Mason County. According to your letter, Mr. Bauer has bequeathed certain collectibles, including his works of taxidermy, to the West Virginia State Farm Museum ("Museum"), a nonprofit corporation located on land owned by the Mason County Commission ("County Commission"). The remainder of Mr. Bauer's estate ("Estate") is to be liquidated with the proceeds used by the Estate to construct and maintain a separate building on the grounds of the Museum for the purpose of housing and preserving Mr. Bauer's collectibles in perpetuity. You explain that the Estate will gift the new building to the Museum after construction is completed.

Your letter raises the following legal question:

> *[W]hether it is permissible for a building to be constructed on the premises of the West Virginia State Farm Museum with proceeds of a decedent's estate without resorting to competitive bidding?*

The West Virginia Fairness in Competitive Bidding Act ("Act") generally requires competitive bidding for all state construction contracts. *See* W. Va. Code § 5-22-1, *et seq.* Under the terms of the statute, the Act reaches contracts entered into by "the State of West Virginia, every political subdivision thereof, every administrative entity that includes such a subdivision, all municipalities and all county boards of education." W. Va. Code § 5-22-1(b)(2). Moreover, the West Virginia Supreme Court of Appeals has determined that it must also "examine who the real parties in interest are" in order to best fulfill the statute's purpose of "protect[ing] public coffers." *Affiliated Const. Trades Found. v. Univ. of W. Va. Bd. of Trustees*, 210 W. Va. 456, 471, 557 S.E.2d 863, 878 (2001) (internal quotations omitted).

To ensure that the State or its agencies do not "escape the requirements of the bidding statute by involving a third-party," *id.*, the Supreme Court of Appeals has created a multifactor test to determine whether the competitive bidding requirements apply. *See* Syl. Pt. 7, *id.* A court should examine:

> (1) whether the State or its agency initiated the construction project; (2) the extent of control retained by the State or its agency during the development and construction phases; (3) the extent to which the project will be used for a public purpose; (4) whether public funds are used either directly for the costs of construction or indirectly by means of a lease arrangement which contemplates payments essentially covering the amount of the construction; and (5) all other relevant factors bearing on the issue of whether the construction is properly viewed as government construction.

Id.

Applying each factor to the facts provided, we conclude that the Estate's construction project is not subject to competitive bidding under section 5-22-1. *First*, no facts indicate that the construction project was "initiated" by the State. *Id.* As you explain, the project arose entirely from the deceased's will—not by the action or influence of the State or its subdivisions. *Second*, you provided no facts indicating that the State will exert control during the "development and construction phases" of the building project. *Id. Third*, the "public purpose" factor is likely to be satisfied because

AG OPINION

the building project will benefit a nonprofit museum that sits on county property, but we note that your letter does not describe the extent to which the Museum serves an educational or other public purpose. *Fourth*, no public funds will be used—directly or indirectly—to construct the new building. *Id.* Your letter indicates that the private executor of the Estate will serve as trustee of a trust established by the Estate to maintain the building and collectibles. Furthermore, the net income and principal of the trust will pay the utilities and maintenance of the new building and the collectibles. *Fifth*, no other facts provided suggest that the project should be viewed as "government construction." *Id.*

We stress that this letter is based solely on the facts you have provided. Our analysis could change if there were facts suggesting that the County Commission or other state subdivision would be "intimately involved" in the building project. *Id.* at 472, 557 S.E.2d at 879. As the Supreme Court of Appeals has explained, neither the Estate nor the Museum may be used to deliberately "insulate" the County Commission from the competitive bidding requirements. *Id.*

Should you have further questions, please do not hesitate to contact this Office.

Sincerely,

Patrick Morrisey
Attorney General

Elbert Lin
Solicitor General

J. Zak Ritchie
Assistant Attorney General

OTHER

PUBLIC NOTICE

FILED

2014 MAY 21 P 3:03

OFFICE WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA MEDICAID PROGRAM

STATE PLAN AMENDMENT

REGARDING

CHANGE TO THE REIMBURSEMENT METHODOLOGY

FOR ACUTE CARE HOSPITALS

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("Bureau") provides notice of the filing of a state plan amendment to modify reimbursement to West Virginia acute care hospitals.

Effective July 1, 2014, the Bureau will revise its acute care hospital reimbursement to provide Access Payments to private and non-State government owned and operated acute care prospective payment system ("PPS") hospitals. The Access Payments will be made on a quarterly basis.

The purpose and rationale for this plan amendment is to generate additional payments to private and non-State government owned and operated acute care PPS hospitals to ensure access to care for the Medicaid population served by such hospitals.

This plan amendment is expected to result in an estimated annual aggregate amount of $57,000,000 for fiscal year 2015.

Documents detailing these proposed actions will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning June 1, 2014 to June 30, 2014 and on the web at: www.dhhr.wv.gov/bms then Public Notices.

Written comments may be sent to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m., beginning June 1, 2014 through June 30, 2014.

WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED
100 Dee Drive
Charleston, West Virginia 25311-1600

FILED

2014 MAY 19 P 2:06

OFFICE WEST VIRGINIA SECRETARY OF STATE

May 19, 2014

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **May 16, 2014**.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

May 14, 2014 – FMS Cabell Huntington Dialysis Centers, LLC d/b/a J. Robert Pritchard Home Therapies, Raleigh, North Carolina, CON File #14-2-10188-R, for the establishment of a new ERSD treatment facility focused exclusively on the provision of home training and support for peritoneal and home hemodialysis; capital expenditure: $651,118.

LETTER OF INTENT FOR EXEMPTION RECEIVED FOR HOSPITAL AMBULATORY HEALTH CARE FACILITY

May 7, 2014 – Logan Regional Medical Center, Logan, Logan County, CON File #14-2-10183-X, for the development of a hospital ambulatory health care facility in Logan County. The facility will be located at an off campus office in Logan County. The office will be staffed by one (1) internal medicine physician.

The capital expenditure associated with the project is $50,000.

Any affected person may oppose this proposal by submitting a letter stating the reason for opposition within thirty (30) days of the first date of publication of the public notice to: Marianne Kapinos, General Counsel, West Virginia Health Care Authority, Certificate of Need Program, 100 Dee Drive, Charleston, West Virginia 25311-1600.

The last date upon which an affected party may file a letter of opposition to this proposal is June 19, 2014.

PROJECT DETERMINED NOT REVIEWABLE

May 15, 2014 – Lily's Place, Huntington, Cabell County, CON File #14-2-10172-X, for the development of a 12 bed children's group residential facility for the treatment of infants who have been diagnosed with Neonatal Abstinence Syndrome to be located in Huntington, Cabell County; no capital expenditure.

PROJECTS EXEMPT FROM REVIEW

May 15, 2014 – Greenbrier County Health Department, Ronceverte, Greenbrier County, CON File #14-4-10157-X, for the provision of primary care services one day a

week at its facility located at 9207 Seneca Trail South, Ronceverte, Greenbrier County; no capital expenditure.

May 15, 2014 – Stonewall Jackson Memorial Hospital, Weston, Lewis County, CON File #14-7-10139-X, for the establishment of a school-based health center at Jane Lew Elementary School located at 6536 Main Street, Jane Lew, Lewis County, for the provision of services to school-aged children and school personnel; capital expenditure: $5,000.

LETTERS OF INTENT EXPIRED

Certificate of Need Regulation § 11-3, (C.S.R. § 65-7-11.3) states, in part, that letters of intent shall be effective for one year. The following represents lettesr of intent that have expired:

May 10, 2014 – Diversified Assessment & Therapy Services, Kenova, Wayne County, CON File #13-2-9897-BH, for the addition of property to the main facility located at 1404 Poplar Street, Kenova, Wayne County; capital expenditure: $8,545.

May 13, 2014 – Stay Home Senior Services Inc., Clear Spring, Maryland, CON File #13-9-9900-Z, for the provision of home health services in Jefferson and Berkeley counties; capital expenditure: $10,000.

Further information may be obtained on any of the above-referenced projects by contacting Timothy E. Adkins, Director, Certificate of Need Division.

OTHER