

WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXI

Issue 35

August 29, 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

Other Documents or Information Filed

CHRONOLOGICAL INDEX, VOLUME XXXI ISSUE 35			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Ethics Commission (158-19)	West Virginia Ethics Commission Procedural	§§6B-2-1, 6B-2-2	Written Comments Only September 26, 2014, 5:00 pm Rebecca Stepto, Interim Executive Director WV Ethics Commission 210 Brooks Street, Suite 300 Charleston, WV 25301

NO NEW EMERGENCY RULES WERE FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**

Natalie E. Tennant
Secretary of State
State of West Virginia

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

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 (148-1)	Purchasing Division Legislative	6/18/2014	7/21/2014		7/30/2014				
Administration (148-3)	State Owned Vehicles Legislative	6/18/2014	7/18/2014		7/29/2014				
Administration (148-4)	State Plan for the Operation of the WV State Agency for Surplus Property Legislative	6/26/2014	7/28/2014		7/30/2014				
Administrative Hearings (105-1)	Appeal Procedures Legislative	7/1/2014	7/31/2014		7/31/2014				
Agriculture (61-1)	Animal Disease Control Legislative	7/2/2014	8/1/2014		8/1/2014				
Agriculture (61-4B)	Frozen Desserts and Imitation Frozen Desserts Legislative	6/27/2014	7/282014		7/29/2014				
Agriculture (61-11B)	Auctioneers Legislative	7/1/2014	7/31/2014		8/1/2014				
Agriculture (61-12)	Fee Structure for the Pesticide Control Act of 1990 Legislative	6/27/2014	7/28/2014		7/29/2014				
Agriculture (61-14)	WV Plant Pest Act Legislative	7/1/2014	7/31/2014		8/1/2014				
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	5/15/2014	7/3/2014		7/22/2014				
Agriculture (61-24)	WV Spay Neuter Assistance Program Legislative	6/25/2014	7/25/2014		8/1/2014				
Agriculture (61-29)	Industrial Hemp Legislative	7/2/2014	8/1/2014		8/1/2014				
Agriculture (61-30)	Dangerous Wild Animal Rule Legislative	7/2/2014	8/1/2014		8/1/2014				
Agriculture (61-31)	Livestock Care Standards Legislative	7/1/2014	7/31/2014		8/1/2014				
Agriculture (61-32)	Equine Rescue Facilities Legislative	7/1/2014	7/31/2014		8/1/2014				
Agriculture (61-33)	Rural Rehabilitation Loan Program Legislative	7/1/2014	7/31/2014	7/8/2014 Approved 7/10/2014	8/1/2014				
Agriculture (61-35)	Aquaculture Importation Legislative	7/1/2014	7/31/2014		8/1/2014				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality Legislative	6/4/2014	7/7/2014		7/23/2014				
Air Quality (46-16)	Standards of Performance for New Stationary Sources Legislative	6/4/2014	7/7/2014		7/23/2014				
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/4/2014	7/7/2014		7/23/2014				
Air Quality (45-30)	Requirements for Operating Permits Legislative	6/4/2014	7/7/2014		7/23/2014				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/4/2014	7/7/2014		7/25/2014				
Alcohol Beverage Control Comm. (175-2)	Private Club Licensing Legislative	6/13/2014	7/13/2014		8/1/2014				
Alcohol Beverage Control Comm-Beer (176-1)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/24/2014	7/24/2014		8/1/2014				
Community & Technical College Ed. (135-12)	Capital Project Management Legislative	12/16/2013	1/16/2014		1/28/2014				
Conservation Committee (63-2)	WV Conservation Agency Financial Assistance Programs Legislative	6/13/2014	7/14/2014		7/28/2014				
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors Legislative	6/24/2014	7/24/2014		7/31/2014				
Consolidated Public Retirement Board (162-8)	Service Credit for Accrued and Unused Sick and Annual Leave Legislative	6/24/2014	7/24/2014		7/31/2014				
Consolidated Public Retirement Board (162-10)	Deputy Sheriff Retirement System Legislative	6/24/2014	7/24/2014		7/31/2014				
Crime, Delinquency and Correction (149-1)	Contested Case Hearings and Declaratory Rulings Procedural	8/4/2014	9/5/2014						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Crime, Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	8/4/2014	9/5/2014						
Dentistry (5-1)	Rule for the WV Bd. of Dentistry Legislative	5/14/2014	6/13/2014		7/25/2014				
Dentistry (5-2)	Formation and Approval of Professional Limitied Liability Companies Legislative	5/14/2014	6/13/2014		7/25/2014				
Dentistry (5-6)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	5/14/2014	6/13/2014		7/25/2014				
Dentistry (5-15)	Dental Recovery Networks Legislative	6/11/2014	7/11/2014	6/11/2014 Approved 7/10/2014	7/25/2014				
Education (126-7)	Education in WV's Correctional Institutions: Mission and Goals (1471) Legislative Exempt	5/15/2014 7/11/2014	6/16/2014 8/11/2014						
Education (126-16)	Regulations for the Education of Students with Exceptionalities (2419) Legislative Exempt	5/15/2014	7/14/2014					8/15/2014	9/15/2014
Education (126-22)	Driver Education Regulations (2422.2) Legislative Exempt	6/13/2014	7/14/2014					8/15/2014	9/15/2014
Education (126-30)	Transformative System of Support for Early Literacy (2512) Legislative Exempt	8/15/2014	9/15/2014						
Education (126-32)	Issuance of the State of WV High School Equivalency Diploma Legislative Exempt	4/11/2013	5/13/2013						
Education (126-44AA)	Next Generation Content Standards and Objectives for English Language Arts in WV Schools (2520.1A) Legislative Exempt	7/11/2014	8/11/2014						
Education (126-44B)	21st Century Mathematics Content Standards and Objectives for WV Schools (2520.2) Legislative Exempt	7/11/2014	8/11/2014						
Education (126-44BB)	Next Generation Content Standards and Objectives for Mathematics in WV Schools (2520.2B)	7/11/2014	8/11/2014						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-75)	Education Innovation Zones (3236) Legislative Exempt	7/11/2014	8/11/2014						
Education (126-86)	Standards for School Nutrition (4321.1) Legislative Exempt	6/17/2014	7/18/2014					8/15/2014	9/15/2014
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) Legislative Exempt	8/15/2014	9/15/2014						
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) Legislative Exempt	8/15/2014	9/15/2014						
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	6/26/2014				
Environmental Protection – Secretary's Office (60-4)	Awarding of WV Stream Partners Program Grants Rule Legislative	6/26/2014	7/25/2014		7/29/2014				
Ethics Commission (158-19)	WV Ethics Commission Procedural	8/27/2014	9/26/2014						
Family Protection Services Board (191-1)	Operation of the Family Protection Advisory Board Legislative	6/27/2014	7/28/2014		7/30/2014				
Family Protection Services Board (191-2)	Family Protection Programs, Outreach Services and Shelter Legislative	6/27/2014	7/28/2014		7/30/2014				
Family Protection Services Board (191-3)	Perpetrator Intervention Programs Licensure Legislative	6/27/2014	7/28/2014		7/30/2014				
Family Protection Services Board (191-4)	Monitored Parenting and Exchange Program Certification Legislative	6/27/2014	7/28/2014		7/30/2014				
Family Protection Services Board (191-5)	Perpetrator Intervention Programs Licensure for Correctional Institutions Legislative	6/27/2014	7/28/2014		7/30/2014				
Fire Commission (87-8)	Volunteer Firefighters' Training, Equipment and Operating Standards Legislative	5/23/2014	6/24/2014	7/1/2014 Approved 8/11/2014	7/1/2014				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Marshal (103-3)	Supervision of Fire Protection Work Legislative	5/29/2014	6/30/2014		7/1/2014				
Forestry (22-1)	Ginseng Regulations Legislative	6/27/2014	7/31/2014		8/1/2014				
Health (64-3)	Public Water Systems Legislative	7/1/2014	7/31/2014		8/1/2014				
Health (64-13)	Nursing Home Licensure Rule Legislative	6/27/2014	7/28/2014		8/1/2014				
Health (64-27)	Statewide Trauma/Emergency Care System Legislative	6/27/2014	7/28/2014		7/31/2014				
Health (64-29)	Fatality and Mortality Review Team Legislative	6/27/2014	7/28/2014		7/31/2014				
Health (64-60)	Medication Administered and Performance of Health Maintenance Tasks by Unlicensed Personnel Legislative	6/27/2014	7/28/2014		7/31/2014				
Health & Human Resources (69-6)	Nurse Aide Abuse Registry Legislative	6/27/2014	7/28/2014		8/1/2014				
Health & Human Resources (69-8)	Chronic Pain Management Clinic Licensure Legislative	6/18/2014	7/18/2014	5/20/2014 Approved 6/30/2014	7/31/2014				
Higher Education Policy Comm. (133-12)	Capital Project Management Legislative	12/12/2013	1/13/2014		1/24/2014				
Higher Education Policy Comm. (133-26)	Underwood-Smith Teacher Scholarship Program Legislative	2/24/2014	3/26/2014	2/24/2014 Effective 2/24/2014	4/4/2014	Approved 6/2/2014			
Higher Education Policy Comm. (133-58)	Nursing Scholarship Program Legislative	8/4/2014	9/4/2014	8/1/2014 Effective 8/1/2014					
Information Services and Communications Division (161-3)	Procedures for Sanitization, Retirement and Disposition of Information Technology Equipment Legislative	6/24/2014	7/24/2014		7/30/2014				
Insurance Commission (114-11E)	Annuity Disclosure Legislative	6/24/2014	7/24/2014		8/1/2014				
Insurance Commission (114-45)	Recognizing Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities Legislative	6/24/2014	7/24/2014		8/1/2014				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-9)	Child Labor Legislative	6/23/2014	7/23/2014		7/30/2014				
Labor (42-17)	Amusement Rides and Amusement Attractions Safety Act Legislative	6/18/2014	7/18/2014		7/30/2014				
Labor (42-26)	Weights and Measures Calibration Fees Legislative	6/18/2014	7/18/2014		7/30/2014				
Labor (42-31)	Verifying the Legal Employment Status of Workers Legislative	6/18/2014	7/18/2014		7/30/2014				
Labor (42-32)	Supervision of Plumbing Work Legislative	6/18/2014	7/18/2014		7/30/2014				
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/18/2014	7/18/2014		7/30/2014				
Medicine (11-1B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	4/30/2014	5/30/2014	4/30/2014 Approved 6/6/2014 Amendment 6/12/2014 Approved 6/17/2014	7/22/2014				
Miners' Health, Safety and Training (56-20)	Rules Governing the Safety of Those Employed In and Around Quarries in WV Legislative	6/25/2014	7/25/2014		7/29/2014				
Motor Vehicles (91-4)	Examination and Issuance of Driver's License Legislative	6/26/2014	7/27/2014		8/1/2014				
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	7/2/2014	8/1/2014		8/1/2014				
Natural Resources (58-26)	Special Boating Rules Legislative	6/23/2014	7/23/2014		7/30/2014				
Natural Resources (58-41)	Wildlife Damage Control Agents Legislative	6/23/2014	7/23/2014		7/30/2014				
Natural Resources (58-46)	Defining the Terms Used In All Hunting and Trapping Legislative	6/23/2014	7/23/2014		7/30/2014				
Natural Resources (58-49)	General Hunting Legislative	6/23/2014	7/23/2014		7/30/2014				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/23/2014	7/23/2014		7/30/2014				
Natural Resources (58-71)	Hunting, Trapping and Fishing License and Stamp Fees Legislative	6/23/2014	7/23/2014		7/30/2014				
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative	6/3/2014	7/3/2014	5/12/2014 Approved 6/6/2014	7/31/2014				
Osteopathic Medicine (24-5)	Fees for Services Rendered by the Board of Osteopathy Legislative	6/3/2014	7/3/2014	5/12/2014 Approved 6/6/2014	7/31/2014				
Parole Board (92-1)	Eligibility, Decisions and Discharge Procedural							8/7/2014	10/7/2014
Parole Board (92-2)	Sanction, Recission and Revocation Procedural							8/7/2014	10/7/2014
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	6/27/2014	7/27/2014		8/1/2014				
Pharmacy (15-7)	Registration of Pharmacy Technicians Legislative	6/25/2014	7/26/2014		8/1/2014				
Pharmacy (15-8)	Controlled Substances Monitoring Legislative	6/27/2014	7/27/2014		8/1/2014				
Pharmacy (15-12)	Immunizations Administered by Pharmacists Legislative	6/25/2014	7/26/2014		8/1/2014				
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)	Examination, Licensure and Practice of Professional Engineers Legislative	1/27/2014	3/3/2014	12/27/2013 Approved 1/2/2014	3/27/2014				
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 Approved 6/6/2014					
Public Service Comm. (150-34)	Rules Governing Alternative and Renewable Energy Portfolio Standard Legislative	11/14/2013	1/30/2014					7/28/2014	9/26/2014
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/24/2014	7/24/2014		7/29/2014				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Appraiser Licensing & Cert. Bd. (190-5)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	6/6/2014	7/9/2014	6/6/2014 Approved 7/10/2014	8/1/2014				
Registered Professional Nurses (19-9)	Disciplinary Action Procedural	4/18/2014	5/21/2014						
Secondary School Activities Comm (127-1)	Constitution Legislative Exempt	5/15/2014	6/16/2014					7/11/2014	9/9/2014
Secondary School Activities Comm (127-2)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/15/2014	6/16/2014					7/11/2014	9/9/2014
Secondary School Activities Comm (127-3)	Provisions Governing Contests Legislative Exempt	5/15/2014	6/16/2014					7/11/2014	9/9/2014
Secretary of State (153-20)	Procedures for Recount of Election Results Legislative	6/16/2014	7/21/2014		7/22/2014				
Secretary of State (153-45)	Standards and Guidelines for Electronic Notarization Legislative	5/28/2014	6/26/2014	5/20/2014 Approved 6/30/2014	8/1/2014				
Secretary of State (153-46)	Notaries Public Legislative	5/28/2014	6/26/2014	5/20/2014 Approved 6/30/2014	8/1/2014				
Secretary of State (153-47)	Administrative Hearings for Notaries Public Procedural	6/6/2014	7/7/2014						
Secretary of State (153-50)	Schedule of Fees Legislative	5/28/2014	6/26/2014	5/20/2014 Approved 6/30/2014	8/1/2014				
State Police (81-9)	WV DNA Databank Legislative	6/25/2014	7/25/2014		7/25/2014				
State Police (81-14)	Regulations and Procedures Pertaining to the WV Sex Offender Registration Act Procedural	6/25/2014	7/25/2014					7/25/2014	9/1/2014
Tax Department (110-1Q)	Appointment of Special Assessors by the State Tax Commissioner	6/24/2014	7/24/2014		7/31/2014				
Treasurer's Office (112-15)	WV College Prepaid Tuition & Savings Program Bd. of Trustees Bylaws Procedural	6/2/2014	7/3/2014						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterans' Assistance (86-1)	State Home for Veterans Procedural	5/28/2014	6/28/2014						
Veterans' Assistance (86-2)	State Home for Veterans-Fiscal Legislative	5/29/2014	6/28/2014	5/28/2014 Approved 6/2/2014	8/1/2014				
Veterans' Assistance (86-3)	Operation of the Division of Veterans Affairs Procedural	5/28/2014	6/28/2014						
Veterans' Assistance (86-4)	VA Headstones or Markers Legislative	5/28/2014	6/28/2014		8/1/2014				
Waste Management, Div. of Water & Wast Mgmt. (33-1)	Solid Waste Management Rule Legislative	6/30/2014	7/30/2014	6/30/2014 Approved 7/10/2014					
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/24/2014	Hearing 7/24/2014 Written Comments 7/28/2014		7/30/2014				
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards Legislative	6/4/2014	Hearing 7/1/2014 Written Comments 7/21/2014		8/1/2014				
Water Resources, Div. of Water & Waste Mgmt. (47-30)	WV/NPDES Rule for Coal Mining Facilities Legislative	6/24/2014	7/24/2014		7/25/2014				
Workers' Compensation by the Insurance Comm. (85-1)	Claims Management and Administration Legislative Exempt	8/1/2014	9/4/2014						

P.O. BOX 2067
CHARLESTON, WV 25327

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

LEGISLATIVE

Earl Ray Tomblin
Governor

John C. Musgrave
Director

August 25, 2014

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

FILED
2014 AUG 25 P 1:18
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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 "Dragon's Fire" manufactured by WMS 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: Dragon's Fire

P.O. BOX 2067
CHARLESTON, WV 25327

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

Earl Ray Tomblin
Governor

John C. Musgrave
Director

August 25, 2014

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

FILED
2014 AUG 25 P 1:18
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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 "Mayan Chief Empowered Reel of Itzamna" game 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: Mayan Chief Empowered Reel of Itzamna

www.wvlottery.com

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/27/2014 11:36:10 AM

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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

AGENCY **Ethics Commission**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **158-19**
RULE NAME **West Virginia Ethics Commission**

CITE AUTHORITY **W.Va. Code § 6B-2-1 and § 6B-2-2**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, September 26, 2014 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Rebecca Stepto, Interim Executive Director
West Virginia Ethics Commission
210 Brooks Street, Suite 300
Charleston, WV 25301

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.
Yes
Meridith O Johnstone -- 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: 158-19 Rule Id: 9608 Document: 26187

Secretary of State Travel Rules
SECRETARY OF STATE

FILED IN THE OFFICE OF THE SECRETARY OF STATE
THIS DATE 8/19/2014
ADMINISTRATIVE LAW DIVISION

PROCEDURAL

RULES ESTABLISHING PROCEDURES FOR IN-STATE AND OUT-OF-STATE DEPARTMENTAL TRAVEL BY EMPLOYEES OF THE SECRETARY OF STATE

Section 1. General

1.1 Scope -- This Travel Policy governs travel by all Secretary of State employees, consultants, contractors and anyone authorized to be reimbursed travel expenses by or on behalf of the Secretary of State, and includes all in-state, out-of-state and international travel. An entity with authority pursuant to W. Va. Code §12-3-11 to promulgate rules concerning out-of-state travel is encouraged to utilize this Travel Policy and make exceptions when it determines the exceptions are in its best interests.

1.2 Authority -- West Virginia Code §12-3-11.

1.3 Filing Date -- August 19, 2014

1.4 Effective Date – August 19, 2014

Section 2. Definitions

2.1 "FMO" means the State of West Virginia Fleet Management Office.

2.2 "GSA" means the U.S. General Services Administration.

2.3 "Policy" means this Travel Policy.

2.4 "Spending Unit" means the Secretary of State Finance Division.

2.5 "Spending Unit Officer" means a person with authority to approve Travel Authorization and Travel Expense Account Settlement Forms.

2.6 "Office" means the Secretary of State of West Virginia and any Spending Unit.

2.7 "TMO" means the Agency Travel Management Office.

2.8 "Travel Authorization" means the form/format approved by the TMO that is to be used for approving travel under this Policy whether in an electronic travel management solution or on paper.

2.9 "Travel Expense Report" means the form/format approved by the TMO that is to be used for settling all travel related expenses incurred pursuant to this Policy, whether in an electronic travel management solution or on paper.

2.10 "Traveler" means a Secretary of State employee, consultant, contractor and anyone authorized to be reimbursed travel expenses by or on behalf of the Office.

2.11 "Travel Status" is defined as the authorized period of travel time away from the official workstation commencing with the time of departure and ending with the time of return.

Orders Report

Docket Number	Agency	Respondent	Date Rendered
14-2-10123-A	**Health Care Authority**	Appalachian Regional Healthcare Inc.	8/19/2014
14-2-10123-A	**Health Care Authority**	ARH Tug Valley Health Services Inc	8/19/2014
14-1-10222-X	**Health Care Authority**	Beckley Surgery Center Inc	8/19/2014
13-6-9947-R	**Health Care Authority**	Bio-Medical Applications of West Virginia Inc	8/22/2014
14-WV-10234-X	**Health Care Authority**	Braley & Thompson Inc	8/20/2014
14-6-10137-A	**Health Care Authority**	Brookdale Senior Living Inc	8/20/2014
14-2-10188-R	**Health Care Authority**	FMS Cabell Huntington Dialysis Center LLC	8/18/2014
14-4-10236-X	**Health Care Authority**	Gentiva Certified HealthCare Corp	8/22/2014
14-1/2/3/4-10088-A	**Health Care Authority**	Gentiva Health Services Inc	8/20/2014
11-9-9406-Y	**Health Care Authority**	Hospice of the Panhandle Inc	8/19/2014
14-6-10202-A	**Health Care Authority**	Monongalia General Hospital	8/19/2014
14-5-10240-X	**Health Care Authority**	REM Community Options LLC	8/19/2014
14-3-10199-A	**Health Care Authority**	Total Renal Care Inc	8/19/2014
14-4/5-10204-A	**Health Care Authority**	Ventas Inc	8/19/2014
07-FY-2014	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Nancy Duncan	6/6/2014
17-FY-2014	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Andria Hamilton	6/12/2014
13-FY-2014	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Christina Montgomery	6/30/2014
12-FY-2014	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Wynema Napier	7/7/2014
09-FY-2014	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Tiffany Herrington	5/19/2014
15-FY-2014	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Felicia Wolfe	4/28/2014
16-FY-2014	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Julie Dranbauer	3/31/2014

8/28/2014 11:41:26 AM

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

FILED
2014 AUG 26 P 2:44
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

August 25, 2014

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **August 22, 2014**.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

August 15, 2014 – Greenbrier Medical Institute, LLC, White Sulphur Springs, Greenbrier County, CON File #14-4-10247-P, for the development of a free-standing medical complex located on Kate's Mountain Road, White Sulphur Springs, Greenbrier County; capital expenditure: $100,000,000.

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

August 21, 2014 – Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #14-1-10253-X, for the development of a hospital ambulatory health care facility in Mercer County. The facility is located at Concord University, Athens, Mercer County. The office will be staffed by one physician.

The capital expenditure associated with the project will not exceed the expenditure minimum.

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 September 29, 2014.

EXPEDITED APPLICATIONS RECEIVED

August 19. 2014 – Wheeling Hospital, Wheeling, Ohio County, CON File #14-10-10230-P, for the employment of a physician who will continue to provide office-based services in Marshall County; capital expenditure: $35,000

August 20, 2014 – United Physicians Care, Inc., Bridgeport, Harrison County, CON File #14-6-10243-A, for the acquisition of Salem Family Medicine, a physician practice located in Salem, Harrison County; capital expenditure: $100,000.

August 21, 2014 – Monongalia General Hospital, Morgantown, Monongalia County, CON File #14-6-10241-H, for the renovation of the laboratory department within MGH; capital expenditure: $4,079,676.

REQUEST FOR EXEMPTION DECLARED COMPLETE

August 19, 2014 – Autism Management Group, LLC, Lavalette, Wayne County, CON File #14-3-10212-X, for the acquisition of Behavioral Health Solutions, LLC; capital expenditure: $1,000,000.

PROJECTS DETERMINED NOT REVIEWABLE

August 19, 2014 – Beckley Surgery Center, Inc., Beckley, Raleigh County, CON File #14-1-10222-X, to provide a full array of orthopedic procedures in its existing ambulatory surgery center; no capital expenditure.

August 20, 2014 – Braley & Thompson, Inc., Dunbar, Kanawha County, CON File #14-WV-10234-X, for the provision of Socially Necessary Services to children/youths and their families in West Virginia; no capital expenditure.

August 22, 2014 – Gentiva Certified HealthCare Corp. d/b/a Gentiva Health Services, Overland Park, Kansas, CON File #14-4-10236-X, for the addition of a portion of Fayette County, specifically the cities of Danese and Meadow Bridge, to its existing service area. Gentiva's sister agency, Gentiva Health Services of Beckley, is currently authorized to service Fayette County under its CON; no capital expenditure.

DECISION ON MOTION TO DISMISS

August 19. 2014 – Appalachian Regional Healthcare, Inc. and ARH Tug Valley Health Services, Inc., Lexington, Kentucky, CON File #14-2-10123-A, for the acquisition of Williamson Memorial Hospital, Williamson, Mingo County, certain assets of WMH's wholly owned subsidiary, Williamson HMA Physician Management, LLC and the consolidation of WMH with Williamson ARH Hospital located in South Williamson, Kentucky; capital expenditure: $10,000,000.

It is ORDERED that Appalachian Regional Healthcare, Inc.'s and ARH Tug Valley Health Services, Inc.'s Motion to Dismiss Mingo County Redevelopment Authority's request to be recognized as an affected person and request for hearing in the above referenced matters is DENIED.

CERTIFICATE OF NEED APPROVALS ISSUED

August 18, 2014 – FMS Cabell Huntington Dialysis Center, LLC d/b/a J. Robert Pritchard Home Therapies, Huntington, Cabell County, CON File #14-2-10188-R, for the development of a new End Stage Renal Disease treatment facility dedicated to home dialysis training and support for peritoneal dialysis and home hemodialysis; capital

expenditure: $651,118.

August 19. 2014 – Monongalia General Hospital, Morgantown, Monongalia County, CON File #14-6-10202-A, for the establishment of an ambulatory care facility through the employment of a primary care physician, Douglas D. Wolfe, D.O., with a practice site in Mannington, Marion County; capital expenditure: $100,000.

August 19, 2014 – Total Renal Care, Inc., Denver, Colorado, CON File #14-3-10199-A, for the acquisition of Greater Charleston Dialysis, PLLC, a 23 station dialysis facility located in South Charleston, Kanawha County, and Greater Boone Dialysis, a 16 station dialysis facility located in Danville, Boone County; capital expenditure: $13,600,000.

August 19, 2014 – Ventas, Inc., Chicago, Illinois, CON File #14-4/5-10204-A, for the merger of a Ventas subsidiary with American Realty Capital Healthcare Trust, Inc. This merger will result in Ventas becoming the indirect parent of the owners of the land and buildings of two West Virginia nursing homes – Nicholas County Nursing and Rehabilitation Center, a 97 bed nursing home located in Richwood, Nicholas County, and Worthington Nursing and Rehabilitation Center, a 105 bed nursing home located in Parkersburg, Wood County; capital expenditure: $44,315,000.

EXTENSION GRANTED

August 22, 2014 – Bio-Medical Applications of West Virginia, Inc. d/b/a FMC Grafton, Raleigh, North Carolina, CON File #13-6-9947-R, for the development of a 13 station dialysis facility in Grafton, Taylor County; capital expenditure: $1,540,919.

Extension granted through March 25, 2014.

NOTICE OF SUBSTANTIAL COMPLIANCE AND DECISION ON SUBSTANTIAL CHANGE

The following project has been implemented in substantial compliance with the Decision issued in this matter and the case file is now closed:

August 19, 2014 – Hospice of the Panhandle, Inc., Martinsburg, Berkeley County, CON File #11-9-9406-Y, for the construction of two buildings: a fourteen (14) bed inpatient hospice facility and a 28,000 square foot office building; capital expenditure: $11,917,852.

The Authority determines that the increase in the capital expenditure does not constitute a substantial change as defined in W.Va. C.S.R. § 65-7-21.1.

NOTICES OF SUBSTANTIAL COMPLIANCE

The following projects have been implemented in substantial compliance with the Decisions issued in these mattesr and the case files are now closed:

August 20, 2014 – Brookdale Senior Living, Inc., Brentwood, Tennessee, CON File #14-6-10137-A, for the merger of Brookdale and Emeritus Corporation, the indirect parent of EmeriCare Heritage LLC, the licensed operator of Emeritus at the Heritage, a nursing home located in Bridgeport, Harrison County; capital expenditure: $2,750,000.

OTHER

August 20, 2014 – Gentiva Health Services, Inc., Atlanta, Georgia, CON File #14-1/2/3/4-10088-A, for the acquisition of the stock of Harden Healthcare, LLC, including its subsidiary, Nursing Care – Home Health Agency, Inc. d/b/a Girling Health Care; capital expenditure: $3,826,000.

LETTER 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 a letter of intent that has expired:

August 22, 2014 – Derm One PLLC, Princeton, Mercer County, CON File #13-1-9985-E, for purchase of an SRT-100 superficial radiotherapy machine to treat certain basal cell and squamous cell carcinomas that are in locations that are not amenable for surgical treatment; capital expenditure: $232,000.

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