

WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXII

Issue 46

November 13, 2015

A Weekly Publication

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NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Tax Department (110-10D)	Use and Acceptance of Electronic Records Procedural	§§11-10-5, 11-10-5z(b) and 39A-3-2	Written Comments Only December 10, 2015, 5:00 pm Legal Division State Tax Department PO Box 1005 Charleston, WV 25324-1005
Tax Department (110-10L)	Claiming Tax Refund or Credit Procedural	§§11-10-5 and 39A-3-2	Written Comments Only December 10, 2015, 5:00 pm Legal Division State Tax Department PO Box 1005 Charleston, WV 25324-1005

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

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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
Accountancy (1-1)	Board Rules and Rules of Professional Conduct Legislative	6/15/2015	7/15/2015		7/24/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Administration (148-1)	Purchasing Division Legislative	7/27/2015	8/26/2015	7/23/2015 Approved 7/31/2015	9/1/2015				
Administrative Hearings (105-1)	Appeal Procedures Legislative	6/22/2015	7/22/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Agriculture (61-23D)	Inspection of Nontraditional, Domesticated Animals Legislative	6/10/2015	7/17/2015	6/10/2015 Effective 7/22/2015	7/30/2015	Modified & Approved 10/22/2015 Filed 11/3/2015			
Agriculture (61-28)	Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas Legislative	6/30/2015	7/30/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Agriculture (61-31)	Livestock Care Standards Legislative	6/30/2015	7/30/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Agriculture (61-34)	Captive Cervid Farming Legislative	4/28/2015	5/28/2015	4/28/2015 Approved 5/12/2015	7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015			
Air Quality (45-39)	Control of Annual Nitrogen Oxides Emissions - Repeal Legislative	6/3/2015	7/6/2015		7/24/2015				
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/3/2015	7/6/2015		7/24/2015				
Air Quality (45-41)	Control of Annual Sulfur Dioxide Emissions - Repeal Legislative	6/3/2015	7/6/2015		7/24/2015				
Alcohol Beverage Control Comm. (175-2)	Private Club Licensing Legislative	6/10/2015	7/11/2015		7/31/2015	Approved 10/22/2015			
Alcohol Beverage Control Comm. (175-10)	Distilleries and Mini-Distilleries Legislative	6/10/2015	7/11/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/4/2015			
Alcohol Beverage Control Comm – Beer (176-1)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/10/2015	7/11/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/4/2015			
Athletic Commission (177-2)	Regulation of Mixed Martial Arts Legislative	6/18/2015	7/20/2015		7/30/2015				
Community & Technical College Ed. (135-17)	Transferability of Credits and Grades at WV Public Colleges and Universities Procedural	8/24/2015	9/28/2015					10/26/2015	11/30/2015
Community & Technical College Ed. (135-21)	Freshman Assessment and Placement Standards Procedural	8/24/2015 10/26/2015	9/28/2015 11/30/2015						
Community & Technical College Ed. (135-59)	Awarding Undergraduate College Credit for Prior Learning Procedural	4/24/2015 8/24/2015	5/26/2015 9/28/2015					10/23/2015	11/24/2015
Conservation Committee (63-2)	WV Conservation Agency Financial Assistance Program Legislative	4/29/2015	5/29/2015	4/29/2015 Approved 5/12/2015	6/5/2015	Modified & Approved 9/15/2015 Filed 9/16/2015			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Consolidated Public Retirement Board (162-2)	Benefit Determination and Appeal Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Consolidated Public Retirement Board (162-3)	Teachers' Defined Contribution Retirement System Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 9/15/2015 Filed 9/22/2015			
Consolidated Public Retirement Board (162-4)	Teachers Retirement System Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 9/15/2015 Filed 9/22/2015			
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service,Loan and Correction of Error Interest Factors Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 9/15/2015 Filed 9/22/2015			
Consolidated Public Retirement Board (162-8)	Service Credit for Accrued and Unussed Sick and Annual Leave Legislative	6/4/2015	7/6/2015		7/28/2015	Approved 9/15/2015			
Consolidated Public Retirement Board (162-9)	West Virginia State Police Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Consolidated Public Retirement Board (162-10)	Deputy Sheriff Retirement System Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Counseling (27-1)	Licensing Rule Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 10/20/2015			
Counseling (27-3)	Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 9/16/2015 Filed 9/29/2015			
Counseling (27-5)	Disciplinary and Complaint Procedures for Counselors Procedural	6/17/2015	7/20/2015						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Counseling (27-8)	Marriage and Family Therapists Licensing Rule Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 10/20/2015			
Counseling (27-10)	Marriage and Family License Renewal and Continuing Professional Education Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 9/16/2015 Filed 9/29/2015			
Counseling (27-11)	Disciplinary and Complaint Procedures for Marriage and Family Therapists Procedural	6/17/2015	7/20/2015						
Counseling (27-12)	Contested Case Hearing Procedure for Marriage and Family Therapist Procedural	6/17/2015	7/20/2015						
Crime, Delinquency and Correction (GCCDC) (149-2)	Law Enforcement Training and Certification Standards Legislative	6/15/2015	7/22/2015		7/27/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Dentistry (5-11)	Continuing Education Requirements Legislative	5/13/2015	6/13/2015		7/23/2015	Modified & Approved 9/16/2015 Filed 9/23/2015			
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	5/13/2015	6/13/2015		7/23/2015	Modified & Approved 9/16/2015 Filed 9/23/2015			
Education (126-28)	WV's Universal Access to a Quality Early Education System (2525) Legislative Exempt	8/13/2015	9/14/2015					10/15/2015	11/16/2015
Education (126-44P)	Alternate Academic Achievement Standards for Science in WV Schools (2520.16) Legislative Exempt	8/13/2015	9/14/2015					10/15/2015	7/1/2016
Education (126-72)	Establishment and Operation of Regional Education Service Agencies (3233) Legislative Exempt	8/13/2015	9/14/2015					10/15/2015	11/16/2015

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-114)	Approval of Educator Preparation Programs (5100) Legislative Exempt	7/9/2015	8/10/2015					9/10/2015	10/13/2015
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) Legislative Exempt	7/9/2015	8/10/2015					9/10/2015	10/13/2015
Education (126-142)	Performance Evaluation of School Personnel (5310) Legislative Exempt	7/9/2015	8/10/2015						
Education (126-161)	Alternative Programs for the Education of Teachers (5901) Legislative Exempt	7/9/2015	8/10/2015					9/10/2015	10/13/2015
Election Commission (146-3)	Regulation of Campaign Finance Legislative	5/20/2015	6/19/2015		7/31/2015				
Election Commission (146-5)	WV Supreme Court of Appeals Campaign Financing Program Legislative	5/20/2015	6/19/2015		7/31/2015				
Ethics Commission (158-21)	Public Use of Names or Likeness Legislative	5/12/2015	6/12/2015	5/12/2015 Effective 6/23/2015	6/30/2015				
Fire Commission (87-1)	Fire Code Legislative	5/1/2015	5/29/2015 Written Comments 6/1/2015		6/29/2015				
Fire Commission (87-4)	State Building Code Legislative	5/1/2015	6/1/2015		6/29/2015				
Fire Commission (87-7)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Inspectors and Plans Examiners Legislative	5/1/2015	6/1/2015		6/29/2015				
Health (64-48)	Emergency Medical Services Legislative	6/25/2015	7/25/2015		7/31/2015				
Health (64-51)	Fees for Service Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 10/22/2015			
Health (64-56)	Infectious Medical Waste Legislative	6/25/2015	7/25/2015		7/27/2015	Modified & Approved 9/16/2015 Filed 9/23/2015			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-64)	Aids-Related Medical Testing and Confidentiality Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 9/16/2015			
Health (64-76)	Tuberculosis Testing, Control, Treatment and Commitment Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 9/16/2015			
Health (64-102)	Farmers Market Vendors Legislative	6/25/2015	7/25/2015		7/27/2015	Modified & Approved 10/22/2015 Filed 10/23/2015			
Health (64-104)	Certification of Opioid Overdose Prevention and Treatment Training Programs Legislative	6/25/2015	7/25/2015		7/27/2015	Modified & Approved 9/16/2015 Filed 9/23/2015			
Health & Human Resources (69-8)	Chronic Pain Management Clinic Licensure Legislative	6/26/2015	7/26/2015		7/31/2015				
Health & Human Resources (69-9)	Neonatal Abstinence Centers Legislative	6/25/2015	7/25/2015	6/25/2015 Approved 7/29/2015	7/31/2015				
Health & Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	6/26/2015	7/26/2015	6/26/2014 Amendment 7/17/2015 Approved 7/29/2015 Amendment 10/23/2015 ERD by 12/4/2015	7/31/2015	Modified & Approved 10/22/2015 Filed 10/23/2015			
Higher Education Policy Comm. (133-17)	Transferability of Credits and Grades at the Undergraduate Level Procedural	8/11/2015	9/11/2015						
Higher Education Policy Comm. (133-21)	Freshman Assessment and Placement Standards Procedural	8/11/2015	9/11/2015						
Higher Education Policy Comm. (133-26)	Underwood-Smith Teacher Scholarship Program Legislative	6/4/2015	7/4/2015			Approved 10/28/2015			
Higher Education Policy Comm. (133-58)	Nursing Scholarship Program Legislative	6/4/2015	7/4/2015			Approved 10/28/2015			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Comm. (133-59)	Awarding Undergraduate College Credit for Prior Learning Procedural	3/17/2015 8/11/2015	4/17/2015 9/11/2015					10/5/2015	11/5/2015
Highways (157-11)	State Transportation Infrastructure Fund Program Legislative	6/29/2015	7/29/2015		7/31/2015	Modified & Approved 9/15/2015 Filed 9/30/2015			
Human Rights Commission (77-10)	Pregnant Workers' Fairness Act Legislative	6/29/2015	7/30/2015		7/31/2015				
Human Services (78-1)	Child Care Center Licensing Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Approved 10/22/2015			
Human Services (78-18)	Family Child Care Facility Licensing Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Approved 10/22/2015			
Human Services (78-19)	Family Child Care Home Registration Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 10/28/2015			
Human Services (78-23)	W. Va. Works Program Sanctions Legislative	6/25/2015	7/25/2015	6/25/2015 Amendment 7/31/2015 Approved 9/4/2015	7/31/2015	Modified & Approved 10/22/2015			
Human Services (78-24)	Qualifications for a Restricted Provisional License to Practice as a Social Worker Within the Dept. of Health & Human Resources Legislative	6/25/2015	7/25/2015		7/31/2015				
Human Services (78-25)	Goals for Foster Children Legislative	6/26/2015	7/26/2015		7/31/2015				
Labor (42-5)	Wage Payment and Collection Legislative	6/25/2015	7/25/2015		7/31/2015				
Labor (42-8)	Minimum Wages and Maximum Hours Standards Regulations Legislative	6/26/2015	7/27/2015		7/31/2015				
Labor (42-21)	Elevator Safety Act Legislative	6/26/2015	7/27/2015		7/31/2015				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-21A)	Licensing of Elevator Mechanics and Technicians and Registration of Apprentices Legislative	6/26/2015	7/27/2015		7/31/2015				
Medical Imaging & Radiation Therapy Tech. Bd. of Exam. (18-1)	Rules of the WV Medical Imaging & Radiation Therapy Tech Bd of Exam Legislative	3/6/2015	5/1/2015		6/8/2015	Approved 10/22/2015			
Medicine (11-11)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/12/2015	7/13/2015	6/12/2015 Approved 6/30/2015	7/27/2015	Modified & Approved 10/22/2015 Filed 10/23/2015			
Miners' Health, Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/26/2015	7/27/2015	6/26/2015 Effective 8/7/2015	7/30/2015	Approved 10/22/2015			
Mining and Reclamation (38-2)	WV Surface Mining Reclamation Legislative	6/23/2015	7/24/2015		7/27/2015				
Natural Resources (58-47)	Prohibition When Hunting and Trapping Legislative	6/23/2015	7/22/2015		7/30/2015	Modified & Approved 9/15/2015 Filed 10/8/2015			
Natural Resources (58-49)	General Hunting Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015			
Natural Resources (58-50)	Deer Hunting Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015			
Natural Resources (58-52)	Wild Boar Hunting Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015			
Natural Resources (58-74)	Elk Restoration and Management Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Modified & Approved 10/22/2015 Filed 10/29/2015			
Nursing Home Administrators Licensing Bd. (21-1)	Nursing Home Administrators Legislative	6/9/2015	7/10/2015		7/17/2015	Modified & Approved 10/22/2015 Filed 11/2/2015			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Oil and Gas (35-08)	Horizontal Well Development Legislative	7/24/2015	Hearing 7/23/2015 Written 7/27/2015		7/31/2015				
Personnel (143-1)	Administrative Rule of the WV Div. of Personnel Legislative	5/19/2015	6/30/2015		7/21/2015				
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 10/22/2015			
Pharmacy (15-2)	Rules of the Bd. Of Pharmacy for the Uniform Controlled Substances Act Legislative	5/22/2015	6/24/2015		7/16/2015				
Pharmacy (15-4)	Record Keeping and Automated Data Processing Systems Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 10/22/2015			
Pharmacy (15-5)	Licensure of Wholesale Drug Distributors, Third-Party Logistics Providers and Manufacturers Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 10/22/2015			
Professional Engineers (7-1)	Examination, Licensure and Practice of Professional Engineers Legislative	4/3/2015	5/4/2015	4/3/2015 Withdrawn 5/11/2015 5/11/2015 Approved 6/2/2015	5/11/2015	Modified & Approved 9/16/2015 Filed 9/22/2015			
Property Valuation Training & Procedures Commission (189-5)	Tax Map Sales Legislative	6/11/2015	7/13/2015		7/29/2015	Modified & Approved 10/22/2015 Filed 10/27/2015			
Public Service Comm. (150-21)	Certification of Operation of Telecommunication Relay Services (TRS) Legislative Exempt	3/19/2015	5/17/2015					9/14/2015	11/13/2015
Public Transit (225-1)	Rail Fixed Guideway Systems State Safety Oversight Legislative	7/1/2015	7/30/2015		7/31/2015	Modified & Approved 9/15/2015 Filed 9/30/2015			
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/11/2015	7/13/2015		7/22/2015				
Racing Commission (178-5)	Pari-Mutuel Wagering Legislative	6/11/2015	7/13/2015		7/22/2015				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
School Building Authority of West Virginia (164-1)	School Building Authority Policy and Procedural Manual Procedural	6/25/2015	7/27/2015					10/15/2015	11/15/2015
Secretary of State (153-3)	(Repeal of) Registration Forms and Receipts Legislative	5/27/2015	6/30/2015		6/30/2015				
Secretary of State (153-9)	(Repeal of) Elimination of Precinct Registration Books Legislative	5/27/2015	6/30/2015		7/1/2015				
Secretary of State (153-23)	(Repeal of) Absentee Voting by Military Voters Who Are Members of Reserve Units Called to Active Duty Legislative	5/27/2015	6/30/2015		6/30/2015				
Secretary of State (153-46A)	Commissioners for West Virginia Interpretive	7/27/2015	8/28/2015					9/11/2015	10/11/2015
Secretary of State (153-52)	Freedom of Information Act Database Legislative	5/18/2015	6/19/2015	7/1/2015 Effective 8/12/2015	6/30/2015				
Senior Services (76-3)	WV State Plan for Aging – Title V Interpretive	10/17/2014	11/17/2014						
Social Work, WV Bd of (25-1)	Qualifications for the Profession of Social Work Legislative	6/9/2015	7/10/2015	5/26/2015 Approved 6/9/2015	7/21/2015				
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology and Audiology Legislative	4/22/2015	6/5/2015		6/8/2015				
Speech-Language Pathology & Audiology (29-2)	Rule Governing Speech-Language Pathology and Audiology Assistants Legislative	4/22/2015	6/5/2015		6/8/2015				
Tax Department (110-1H)	Valuation of Timberland and Managed Timberland Legislative	6/11/2015	7/13/2015		7/29/2015				
Tax Department (110-10D)	Use and Acceptance of Electronic Records Procedural	11/9/2015	12/10/2015						
Tax Department (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/11/2015	7/13/2015		7/29/2015	Modified & Approved 9/16/2015 Filed 9/18/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax Department (110-10L)	Claiming Tax Refund or Credit Procedural	11/9/2015	12/10/2015						
Tax Department (110-14C)	Motor Fuel Excise Tax Interpretive	11/5/2015	12/4/2015						
Tax Department (110-50H)	Exchange of Info Agreement Between the Comm of the Tax Div of the Dept of Rev and the Sec of the Dept of Commerce, the Sec of the Dept of Environmental Protection, the Dir of the Div of Forestry of the Dept of Commerce and the Comm of the PSC Legislative	6/11/2015	7/13/2015		7/29/2015	Approved 9/16/2015			
Tourism (144-1)	Direct Advertising Grants Program Legislative	6/25/2015	7/27/2015		7/30/2015				
Veterans' Assistance (86-2)	State Home for Veterans-Fiscal Legislative	5/29/2014	6/28/2014	5/28/2014 Approved 6/2/2014 Expired 9/2/2015	8/1/2014	Approved 9/16/2015			
Veterans' Assistance (86-4)	VA Headstones or Markers Legislative	5/28/2014	6/28/2014		8/1/2014	Approved 9/16/2015			
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards Legislative	6/15/2015	Hearing 7/21/2015 Written Comments 7/31/2015	6/29/2015 Effective 8/10/2015 Amendment 9/21/2015 Approved 10/22/2015	7/31/2015				
Water Resources, Div. of Water & Waste Mgmt. (47-30B)	Administrative Proceedings and Civil Penalty Assessment Legislative	6/23/2015	7/24/2015		7/27/2015				
Water Resources, Div. of Water & Waste Mgmt. (47-63)	Aboveground Storage Tanks Legislative	6/25/2015	7/30/2015		7/31/2015				
Water Resources, Div. of Water & Waste Mgmt. (47-64)	Aboveground Storage Tank Administrative Proceedings and Civil Penalty Assessment Legislative	6/25/2015	7/30/2015		7/31/2015				
Water Resources, Div. of Water & Waste Mgmt. (47-65)	Aboveground Storage Tank Fee Assessments Legislative	6/25/2015	7/30/2015		7/31/2015				

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
WorkForce West Virginia (96-4)	WV Prevailing Wage Act Legislative	9/22/2015	10/22/2015	8/28/2015 ERD by 10/9/2015	11/6/2015				

WEST VIRGINIA Department of Health & Human Resources
BUREAU FOR MEDICAL SERVICES

CHAPTER 506 DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES (DMEPOS)

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DISCLAIMER: This chapter does not address all the complexities of Medicaid policies and procedures, and must be supplemented with all State and Federal Laws and Regulations. Contact BMS Fiscal Agent for coverage, prior authorization requirements, service limitations and other practitioner information.

LEGISLATIVE

West Virginia Secretary of State Natalie Tennant Administrative Law Division

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Changes to Social Services Manuals

Agency: West Virginia Department of Health and Human Resources

Bureau: Children and Families, Division of Children and Adult Services

Rule: 78-5

Change Number: _____

Revision existing manual: Yes X No _____

Please delete the entire Homefinding Policy Chapter dated August 2015 of the Social Services Manual and replace it with this version dated November 2015.

12/10/09

WV INCOME MAINTENANCE MANUAL
MANUAL MATERIAL TRANSMISSION

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2015 NOV 12 A 11:

OFFICE WEST VIRGINIA SECRETARY OF STATE

DATE:	November 1, 2015	CHANGE NUMBER:	718
TO:	ALL INCOME MAINTENANCE MANUAL HOLDERS		

DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
51 – 52	2	7/07	51	2	7/07
			52	2	11/15
53	2	4/15	53	2	11/15
54	2	4/10	54	2	4/10
i	7	6/14	i	7	9/15
ii	7	11/14	ii	7	11/14
1 - 2	7	10/13	1	7	10/13
			2	7	11/15
2a	7	10/13	2a	7	11/15
3	7	4/15	3	7	11/15
4	7	10/13	4	7	10/13
7	7	10/13	7	7	10/13
8	7	3/19/14	8	7	11/15
9 – 10	7	10/13	9	7	10/13
			10	7	11/15
15 – 16	7	10/13	15 – 16	7	11/15
			16a	7	11/15
29	7	10/00	29	7	10/00
30	7	3/29/14	30	7	11/15
31 – 32	7	4/15	31	7	11/15
			32	7	4/15
32a – 32b	7	10/13	32a	7	10/13
			32b	7	11/15

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

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LEGISLATIVE m #3

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: WorkForce West Virginia TITLE NUMBER: 96

CITE AUTHORITY: W. Va. Code 21-5A-11

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: 04

TITLE OF RULE BEING PROPOSED: West Virginia Prevailing Wage Act

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Authorized Signature

WorkForce WEST VIRGINIA

Earl Ray Tomblin, *Governor*
Russell L. Fry, *Acting Executive Director*
J. Keith Burdette, *Cabinet Secretary*

November 9, 2015

LEGISLATIVE

Judy Cooper, Manager
Administrative Law
West Virginia Secretary of State's Office
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

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2015 NOV 10 A 10:
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dear Ms. Cooper,

WorkForce West Virginia has updated its prevailing wage job classification book. Enclosed is an updated copy. These are minor edits that provide contractors with clarifications on a handful of titles and job duties.

Please make the updated document available to the public.

Thank you,

Jeffrey A. Green

Jeffrey A, Green, Director
Research, Information, and Analysis Division

Enclosures

cc: Russell Fry

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

Form #2

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

PROCEDURAL #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: State Tax Department TITLE NUMBER: 110

RULE TYPE: Procedural CITE AUTHORITY: W. Va. Code §§11-10-5, and 11-10-5z(b) and 39A-3-2

AMENDMENT TO AN EXISTING RULE: YES X NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 10D

TITLE OF RULE BEING AMENDED: Use and Acceptance of Electronic Records

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 December 10, 2015 AT 5:00 PM 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.

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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

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2015 NOV -9 P 4:09

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: State Tax Department TITLE NUMBER: 110

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

AMENDMENT TO AN EXISTING RULE: YES X NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 10L

TITLE OF RULE BEING AMENDED: Claiming Tax Refund or Credit

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 December 10, 2015 AT 5:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

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State Tax Department
P.O. Box 1005
Charleston, WV 25324-1005

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Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

November Legislative Interim Schedule
November 15, 16, 17 18 and 19, 2015

Posted in the following offices; Senate President, House Speaker, Senate Clerk, House Clerk, Legislative Services and Secretary of State's office.
11/6/2015

Sunday, Nov 15, 2015

1:00 pm - 02:00 pm	Commission on Special Investigations	Senate Finance
1:00 pm - 02:00 pm	Joint Commission on Economic Development	House Gov. Org.
2:00 pm - 03:00 pm	Joint Standing Committee on Pensions and Retirement	House Gov. Org.
2:00 pm - 03:00 pm	Post Audits Subcommittee	Senate Finance
2:00 pm - 03:00 pm	Legislative Oversight Commission on Workforce Investment for Economic Development	Senate Judiciary
3:00 pm - 04:00 pm	Joint Standing Committee on Finance	House Chamber
3:00 pm - 04:00 pm	Joint Standing Committee on the Judiciary	House Gov. Org.
4:00 pm - 05:00 pm	Joint Standing Committee on Finance	House Chamber
4:00 pm - 05:00 pm	Joint Standing Committee on the Judiciary	House Gov. Org.
5:00 pm - 06:00 pm	Select Committee on Infrastructure	House Gov. Org.
5:00 pm -10:00 pm	Legislative Rule-Making Review Committee	Senate Judiciary

Monday, Nov 16, 2015

8:00 am - 09:00 am	Commission on Interstate Cooperation	House Finance
8:00 am - 09:00 am	Parks, Recreation and Natural Resources Subcommittee	House Gov. Org.
9:00 am -10:00 am	Joint Committee on Health	House Gov. Org.
9:00 am -10:00 am	Joint Standing Committee on Energy	House Chamber
10:00 am - 11:00 am	Joint Committee on Health	House Gov. Org.
10:00 am - 11:00 am	Joint Standing Committee on Energy	House Chamber
11:00 am - 12:00 pm	Legislative Oversight Commission on Education Accountability	Senate Finance
11:00 am - 12:00 pm	Legislative Oversight Commission on Health and Human Resources Accountability	House Gov. Org.
1:00 pm - 02:00 pm	Council of Finance and Administration	House Finance
1:00 pm - 02:00 pm	Forest Management Review Commission	House Gov. Org.
1:00 pm - 02:00 pm	Joint Committee on Children and Families	Senate Judiciary
2:00 pm - 03:00 pm	Forest Management Review Commission	House Gov. Org.
2:00 pm - 03:00 pm	Joint Committee on Government and Finance	Senate Finance
2:00 pm - 03:00 pm	Select Committee on Veterans' Affairs	Senate Judiciary
3:00 pm - 04:00 pm	Joint Standing Committee on Education	House Chamber
3:00 pm - 04:00 pm	Joint Committee on Government Operations	JOINT MEETING - House Gov. Org.
3:00 pm - 04:00 pm	Joint Standing Committee on Government Organization	JOINT MEETING - House Gov. Org.
4:00 pm - 05:00 pm	Joint Standing Committee on Education	House Chamber
4:00 pm - 05:00 pm	Joint Committee on Government Operations	JOINT MEETING - House Gov. Org.
4:00 pm - 05:00 pm	Joint Standing Committee on Government Organization	JOINT MEETING - House Gov. Org.

Tuesday, Nov 17, 2015

9:00 am - 12:00 pm	Legislative Rule-Making Review Committee	Senate Judiciary
1:00 pm - 05:00 pm	Legislative Rule-Making Review Committee	Senate Judiciary

Wednesday, Nov 18, 2015

9:00 am - 12:00 pm	Legislative Rule-Making Review Committee	Senate Judiciary
1:00 pm - 05:00 pm	Legislative Rule-Making Review Committee	Senate Judiciary

Thursday, Nov 19, 2015

9:00 am - 12:00 pm	Legislative Rule-Making Review Committee	Senate Judiciary
1:00 pm - 05:00 pm	Legislative Rule-Making Review Committee	Senate Judiciary

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Orders Report

Docket Number	Agency	Respondent	Date Rendered
15-WV-10524-P	Health Care Authority	University of Pittsburgh Physicians	11/4/2015
15-5-29-C	Health Care Authority	Camden Clark Medical Center	10/29/2015
15-3-26-C	Health Care Authority	St. Francis Hospital	10/29/2015
15-3-25-C	Health Care Authority	Thomas Memorial Hospital	10/29/2015
15-3-28-C	Health Care Authority	Charleston Area Medical Center	10/22/2015
EDS-94-12	Human Rights Commission	WV Division of Motor Vehicles	9/11/2015
15-AP-PRLC-02152	Insurance Commission	Rossley David Garvin	11/2/2015
15-AP-PRLC-02047	Insurance Commission	Tina Boyer	11/2/2015
		Tina Boyer	11/2/2015
15-AP-PRLC-02030	Insurance Commission	Joel McGuire	11/5/2015

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2015-18	A State employee asks whether he may accept a $2,000 award, a plaque, reimbursement of various travel expenses and a per diem for meals and incidentals associated with the award from a public health association in recognition of his outstanding creative and innovative work in public health.
2015-19	A County Assessor asks whether his office may use envelopes and business cards bought with public funds which contain his name, and whether he may distribute calendar books and pens, which also contain his name and which were bought with his private funds, in his public office without violating the "trinkets" or "name and likeness" provision of the Ethics Act.
2015-20	A County Assessor asks whether his office letterhead, envelopes, business cards, Personal Property Forms, door hangers, calendars and website paid for with public funds are in compliance with the "trinkets" (name and likeness) provision of the Ethics Act.
2015-21	A State Agency asks whether it may, through the formal procurement process, contract with a vendor to provide flat screen monitors which will broadcast public service announcements, state-provided service news and paid advertising in the lobbies of its regional offices.

WEST VIRGINIA ETHICS COMMISSION'S COMMITTEE ON OPEN GOVERNMENTAL MEETINGS ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2015-02	A City Council member of the City of Parkersburg asks whether a meeting where members of City Council gave an accounting firm a bid package violated the Open Governmental Proceedings Act.

Earl Ray Tomblin
Governor

Karen L. Bowling, Cabinet Secretary
West Virginia Department of
Health and Human Resources

HEALTH CARE AUTHORITY

James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

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OTHER

In re:

UNIVERSITY OF PITTSBURGH PHYSICIANS

CON File No. 15-WV-10524-P

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that James L. Pitrolo, Jr., Chairman of the West Virginia Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held **Friday, January 22, 2016, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

An ADMINISTRATIVE HEARING will be held **Friday, January 29, 2016, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the provision of telemedicine services in West Virginia.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.7001/Fax • 1.888.558.7002/Toll Free
www.hca.wv.gov

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedures for pretrial conferences.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 9:00 a.m. to 4:00 p.m., Monday through Friday. If you have questions concerning this matter, please contact Tim Adkins, Certificate of Need Director, at (304) 558-7000 or toll free 1-888-558-7002.

Date: November 5, 2015

James L. Pitrolo, Jr., Chairman

Earl Ray Tomblin
Governor

Karen L. Bowling, Cabinet Secretary
West Virginia Department of
Health and Human Resources

HEALTH CARE AUTHORITY

James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

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NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

November 2, 2015

NEWS ITEM

The Health Care Authority (Authority), James L. Pitrolo, Jr., Chairman, pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

October 23, 2015 – Integrated Health Care Providers, Inc., Charleston, Kanawha County, CON File #15-3-10611-P, for the development of an ambulatory health care facility to be located at 3456 Winfield Road, Winfield, Putnam County; capital expenditure: $300,000.

October 30, 2015 – Camden-Clark Memorial Hospital Corporation and Camden-Clark Memorial Physician Corporation, Parkersburg, Wood County, CON File #15-5-10625-P, for the development of an ambulatory care facility through the acquisition of substantially all the assets of Mid-Ohio Valley Medical Group, Inc., employ the non-physician staff and mid-level staff that meet customary screening procedures, either employ or enter into independent contracts with the physicians, and lease the office space; capital expenditure: $9,800,000.

October 30, 2015 – St. Mary's Medical Center, Inc., Huntington, Cabell County, CON File #15-2-10624-H, for the construction of new space on the hospital campus to include a hybrid operating room to be used primarily for cardiac, including open heart surgery, vascular and general surgery procedures, and an expanded replacement PACU; capital expenditure: $9,000,000.

An application that has been declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

On or before **November 17, 2015**, any affected person may present reasons to the Authority as to why the applicants of the projects should complete a standard application.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.7001/Fax • 1.888.558.7002/Toll Free
www.hca.wv.gov

OTHER

If the Authority concludes that the standard application should be used on any project, the review will be stopped and a new one begun using the standard application.

Also, by **December 7, 2015**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a "Notice of Public Hearing", specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **December 8, 2015**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications, and no further contact with the Authority regarding the substance of the applications will be permitted.

The decisions on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the applications, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the decisions will be issued on or before **January 11, 2016**.

A press release will be issued after the decisions are made. Anyone wishing to be directly notified of the decisions should submit a written request to Timothy E. Adkins, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1600. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

11-2-15
Date

James L. Pitrolo, Jr., Chairman
Health Care Authority

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

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2015 NOV -9 P 12:48
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

November 9, 2015

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **November 6, 2015**.

AMENDED LETTER OF INTENT RECEIVED

November 3, 2015 – Dignity Hospice of Southern West Virginia, Inc., Chapmanville, Logan County, CON File #14-2-10360-BH, for the addition of an inpatient unit as an addition to its facility located at 557 Main Street, Chapmanville, Logan County; capital expenditure: $2,851,270.

LETTERS OF INTENT FOR EXPEDITED REVIEW RECEIVED

November 4, 2015 – Renal Treatment Centers-Northeast, Inc., Denver, Colorado, CON File #15-8-10657-A, for the acquisition of Renal Ventures Limited, LLC, the indirect parent of the operators of two West Virginia renal dialysis facilities located in Keyser, Mineral County, and Moorefield, Hardy County; capital expenditure: $4,423,715.

November 4, 2015 – Stonerise Home Health Services, LLC, Charleston, Kanawha County, CON File #15-6-10656-Z, for the provision of home health services in Monongalia County; capital expenditure: $100,000.

November 4, 2015 – United Hospital Center, Bridgeport, Harrison County, CON File #15-6-10658-Z, for the provision of home health services in Monongalia County; capital expenditure: $100,000.

November 5, 2015 – Crossroads Holding, LLC, Greenville, South Carolina, CON File #15-6-10659-A, for the acquisition of the assets and operations of Valley-Alliance Treatment Services, Inc.; capital expenditure: $3,600,000.

November 5, 2015 – Personal Touch Home Care of W.Va., Inc., Bayside, New York, CON File #15-3-10660-Z, for the development of home health care services in Kanawha and Putnam counties; capital expenditure: $140,000.

REQUEST FOR EXEMPTION RECEIVED FOR HOSPITAL AMBULATORY HEALTH CARE FACILITY

October 30, 2015 – Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #15-1-10649-X, for the development of a hospital ambulatory health care facility in Mercer County. The facility will be located at 201 12th Street, Princeton, Mercer County. The physician office will be staffed by three (3) physicians whose specialties would be general surgery or urology. The facility will not be an ambulatory surgery center.

The capital expenditure associated with the project is $100,000.

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 December 7, 2015.

HEARING NOTICES

The Administrative Hearing and Prehearing Conference have been CONTINUED in the following matter:

November 2, 2015 – Cabell Huntington Hospital, Inc., Huntington, Cabell County, CON File #14-2-10375-A, for the acquisition of ownership interests of St. Mary's Medical Center.

The Administrative Hearing and Prehearing Conference have been SCHEDULED in the following matter:

November 5, 2015 – University of Pittsburgh Physicians, Pittsburgh, Pennsylvania, CON File #15-WV-10524-P, for the provision of telemedicine services in West Virginia.

Prehearing Conference:	**Friday, January 22, 2016, at 1:30 p.m.**
Administrative Hearing:	**Friday, January 29, 2016, at 9:00 a.m.**

The prehearing conference and administrative hearing in the above-referenced matter will be held in the offices of the Health Care Authority, 100 Dee Drive, Charleston, West Virginia 25311-1600, unless otherwise noted.

TIME FRAME ORDER ISSUED

November 4, 2015 – University of Pittsburgh Physicians, Pittsburgh, Pennsylvania, CON File #15-WV-10524-P, for the provision of telemedicine services in West Virginia.

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

STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Mark W. Matkovich
State Tax Commissioner

FILED
2015 NOV 12 P 4:03
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

Administrative Notice 2015-20

Subject: Sales and Use Tax Administration, Definition of Prepared Food

Due to questions and concerns regarding the treatment of certain food and food ingredients under the sales and use tax, the West Virginia State Tax Department issues this Notice regarding certain food that ordinarily requires additional cooking.

Section 11-15B-2(b)(40) of the West Virginia Code currently reads:

> (40)(A) "Prepared food" means:
> (i) Food sold in a heated state or heated by the seller;
> (ii) Two or more food ingredients mixed or combined by the seller for sale as a single item; or
> (iii) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws. A plate does not include a container or packaging used to transport the food.
> (B) "Prepared food" in subparagraph (ii), paragraph (A) of this subdivision does not include food that is only cut, repackaged or pasteurized by the seller, and eggs, fish, meat, poultry and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of its Food Code of 2001 so as to prevent food-borne illnesses.
> (C) Additionally, "prepared food" as defined in this subdivision does not include:
> (i) Food sold by a seller whose proper primary NAICS classification is manufacturing in Sector 311, except Subsection 3118 (bakeries);
> (ii) Food sold in an unheated state by weight or volume as a single item; or
> (iii) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas.

The West Virginia State Tax Department will interpret the above definition to exclude from "prepared food" any food sold that ordinarily requires additional cooking (as opposed to reheating) by the consumer prior to consumption. This interpretation is binding on the Tax Department until it is changed by subsequent legislation.

Notice of this determination will be filed in the West Virginia Register.

Issued: November 10, 2015

Mark W. Matkovich
State Tax Commissioner