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This week's publication includes documents submitted by the following agencies:

Agriculture

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Barbers & Cosmetologists

Community & Technical College Education

Ethics Commission

Health and Human Resources

Health Care Authority

Higher Education Policy Commission

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Medical Imaging and Radiation Therapy Tech. Bd. Of Exam.

Medicine

Risk and Insurance Management

Secretary of State

Speech-Language Pathology and Audiology

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NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Community & Technical College Education (135-21)	Freshman Assessment and Placement Standards Procedural	§18B-2B-6	Written Comments Only September 23, 2016, 4:00 pm Dr. Sarah Tucker, Chancellor WV Council for Comm. & Tech. College Ed. 1018 Kanawha Blvd., East, Suite 700 Charleston, WV 25301 Email: tucker@wvctcs.org

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Health Care Authority (65-29, amendment)	Exemption From Certificate of Need	§§16-2D-4, 16-2D-11 and 16-29B-8(a)(1)	ERD by October 3, 2016	July 11, 2016
Health Care Authority (65-30, amendment)	Rural Health Systems Grant Program	§§16-2D-4(a)(3), 16-2D-3(b)(2), 16-29B-11, 16-29B-8(a)(1)	ERD by October 5, 2016	July 11, 2016
Health Care Authority (65-31, amendment)	Hospital Assistance Grant Program	§§16-29B-8(a)(1), 16-29B-11, 16-2D-4(a)(3)	ERD by October 5, 2016	July 11, 2016
Health Care Authority (65-32, amendment)	Certificate of Need Rule	§§16-2D-4(a)(1), (4),(7)and(8), 16-29B-8(a)(1) and 16-29B-11	ERD by October 4, 2016	July 11, 2016
Insurance Commission (114-98)	Adoption of Valuation Manual	§§33-7-9(n) and 33-2-10	ERD by October 3, 2016	August 15, 2016

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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

- 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)

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
Agriculture (61-1)	Animal Disease Control Legislative	7/18/2016	8/17/2016						
Agriculture (61-30)	Dangerous Wild Animal (repeal) Legislative	7/19/2016	8/19/2016		8/23/2016				
Agriculture (61-31)	Livestock Care Standards-Repeal Legislative	7/19/2016	8/19/2016		8/23/2016				
Agriculture (61-34)	Captive Cervid Legislative	7/27/2016	8/26/2016						
Agriculture (61-36)	Herd Sharing Legislative	6/27/2016	7/27/2016	6/27/2016 ERD by 8/8/2016					
Air Quality (45-1)	Alternative Emission Limitations During Startup, Shutdown and Maintenance Operations Legislative	6/29/2016	8/1/2016						
Air Quality (45-8)	Ambient Air Quality Standards Legislative	6/29/2016	8/1/2016						
Air Quality (45-13)	Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements..... Legislative	6/29/2016	8/1/2016						
Air Quality (45-14)	Permits for Construction and Major Modifications of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality Legislative	6/29/2016	8/1/2016						
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/29/2016	8/1/2016						
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/29/2016	8/1/2016						
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	7/1/2016	8/1/2016						
Architects (2-1)	Registration of Architect Legislative	7/7/2016	8/8/2016						
Athletic Commission (177-1)	Administrative Rules of the WV State Athletic Commission Legislative	7/13/2016	8/12/2016		8/24/2016				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Athletic Commission (177-2)	Regulation of Mixed Martial Arts Legislative	7/13/2016	8/12/2016		8/24/2016				
Auditor (155-1)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/27/2016	8/26/2016						
Auditor (155-8)	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body Legislative	7/26/2016	8/26/2016						
Barbers and Cosmetologists (3-1)	Procedures, Criteria and Curricual for Examination and Licensure of Barbers, Cosmetologists, Nail Technicians, Aestheticians and Hair Stylists Legislative	6/3/2016	7/8/2016						
Barbers and Cosmetologists (3-2)	Qualifications, Training, Examination and Certification of Instructors in Barbering & Cosmetology Legislative	6/23/2016	7/25/2016		8/24/2016				
Barbers and Cosmetologists (3-3)	Licensing Schools fo Barbering, Cosmetology, Nail Technology and Aesthetics Legislative	6/29/2016	8/1/2016		8/19/2016				
Barbers and Cosmetologists (3-4)	Operational Standards for Schools of Barbering, Cosmetology, Hair Stying, Nail Technology and Aesthetics Legislative	6/29/2016	8/1/2016		8/24/2016				
Barbers and Cosmetologists (3-5)	Operation of Barber, Beauty, Nail and Aesthetic Shops/Salons, and Schools of Barbering and Beauty Culture Legislative	7/13/2016	8/12/2016		8/24/2016				
Barbers and Cosmetologists (3-6)	Schedule of Fees Legislative	7/6/2016	8/8/2016						
Barbers and Cosmetologists (3-7)	Schedule of Fines Legislative	7/6/2016	8/8/2016		8/24/2016				
Barbers and Cosmetologists (3-11)	Continuing Education Legislative	7/5/2016	8/8/2016		8/24/2016				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Barbers and Cosmetologists (3-13)	Barber Apprenticeship Legislative	7/5/2016	8/8/2016		8/24/2016				
Barbers and Cosmetologists (3-14)	Waxing Specialist Legislative	7/6/2016	8/8/2016		8/24/2016				
Comm. & Tech. College Education (135-18)	Assignment of Academic Credit and Financing Noncredit Instruction Procedural	7/20/2016	8/22/2016					8/24/2016	9/26/2016
Comm. & Tech. College Education (135-21)	Freshman Assessment and Placement Standards Procedural	8/22/2016	9/23/2016						
Comm. & Tech. College Education (135-30)	Purchasing Procedural	7/20/2016	8/22/2016					8/24/2016	9/26/2016
Counseling (27-2)	Licensed Professional Counselor Fees Legislative	7/26/2016	8/25/2016						
Counseling (27-3)	Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements Legislative	7/26/2016	8/25/2016						
Counseling (27-5)	Disciplinary and Complaint Procedures for Counselors Procedural	6/17/2015	7/20/2015					7/19/2016	8/19/2016
Counseling (27-9)	Marriage and Family Therapist Fees Legislative	7/26/2016	8/25/2016						
Counseling (27-10)	Marriage and Family Therapist License Renewal and Continuing Professional Education Legislative	7/26/2016	8/25/2016						
Counseling (27-11)	Disciplinary and Complaint Procedures for Marriage and Family Therapists Procedural	6/17/2015	7/20/2015					7/19/2016	8/19/2016
Counseling (27-12)	Contested Case Hearing Procedure for Marriage and Family Therapist Procedural	6/17/2015	7/20/2015					7/19/2016	8/19/2016
Crime, Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	7/22/2016	8/24/2016						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Crime, Delinquency and Correction (149-9)	William R. Laird IV – Second Chance Driver's License Program Legislative	7/22/2016	8/24/2016	7/22/2016 Approved 8/12/2016					
Dangerous Wild Animal Board (74-1)	Dangerous Wild Animals Legislative	1/11/2016	2/10/2016		2/11/2016				
Dentistry (5-1)	Rule for the WV Bd of Dentistry Legislative	6/16/2016	7/18/2016		7/26/2016				
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	SB170 HB 4100 BUNDLED SB 159	7/27/2016	9/1/2016
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	SB171 HB 4101 BUNDLED SB 159	7/27/2016	9/1/2016
Education (126-27)	Medication Administration (2422.8) Legislative Exempt	7/14/2016	8/26/2016						
Education (126-32)	Issuance of the State of WV High School Equivalency Diploma (2444.4) Legislative Exempt	8/11/2016	9/12/2016						
Education (126-38)	Public School Support for the Mountaineer Challenge Academy (2446) Legislative Exempt	8/11/2016	9/12/2016						
Education (126-75)	Education Innovation Zones (3236) Legislative Exempt	8/11/2016	9/12/2016						
Education (126-94)	Procedures for the Collection, Maintenance and Disclosure of Student Data (4350)	7/14/2016	8/26/2016						
Education (126-165)	Standards of Professional Practice for WV Superintendents, Principals ad Teacher Leaders (5800)	7/14/2016	8/26/2016						
Environmental Protection-Secretary's Office (60-3)	Voluntary Remediation and Redevelopment Rule Legislative	6/27/2016	7/28/2016						

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Ethics Commission (158-6)	Private Gain Legislative	5/17/2016	6/16/2016		8/23/2016				
Fire Marshal (103-4)	Regulation of Fireworks and Related Explosive Materials Legislative	5/12/2016	6/13/2016	5/12/2016 Expired 8/10/2016					
Forestry (22-5)	Procedure for the WV Forest Legacy Program Procedural	7/29/2016	8/31/2016						
Health (64-57)	Clinical Laboratory Technician & Technologists Licensure and Certification Legislative	7/8/2016	8/7/2016						
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	7/8/2016	8/7/2016						
Health (64-103)	Expedited Partner Therapy Legislative	7/8/2016	8/7/2016						
Health and Human Resources (69-11)	Medication-Assisted Treatment-Opioid Treatment Programs Legislative	7/8/2016	8/7/2016						
Health and Human Resources (69-12)	Medication-Assisted Treatment-Office-Based Medication Assisted Treatment Legislative	7/8/2016	8/7/2016						
Health Care Authority (65-29)	Exemption From Certificate of Need Legislative	6/8/2016	7/11/2016	6/8/2016 Approved 6/10/2016 Amendment 8/22/2016 ERD by 10/3/2016	8/22/2016				
Health Care Authority (65-30)	Rural Health Systems Grant Program Legislative	6/9/2016	7/11/2016	6/7/2016 Approved 6/17/2016 Amendment 8/24/2016 ERD by 10/5/2016	8/24/2016				
Health Care Authority (65-31)	Hospital Assistance Grant Program Legislative	6/7/2016	7/11/2016	6/7/2016 Approved 6/10/2016 Amendment 8/24/2016 ERD by 10/5/2016	8/24/2016				

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Health Care Authority (65-32)	Certificate of Need Rule Legislative	6/8/2016	7/11/2016	6/8/2016 Approved 6/10/2016 Amendment 8/23/2016 ERD by 10/4/2016	8/23/2016				
Health Care Authority (65-33)	Exemption for Kidney Disease Treatment Centers Legislative	6/13/2016	7/14/2016	6/13/2016 Approved 6/17/2016 Amendment 8/16/2016 Approved 8/24/2016	8/16/2016				
Higher Ed. Policy Commission (133-11)	Submission of Proposals for New Academic Programs and the Monitoring and Discontinuance of Existing Programs Procedural	7/20/2016	8/20/2016						
Higher Ed. Policy Commission (133-21)	Freshman Assessment and Placement Standards Procedural	7/20/2016	8/20/2016					8/23/2016	9/23/2016
Higher Ed. Policy Commission (133-30)	Purchasing Procedural	7/20/2016	8/20/2016					8/23/2016	9/23/2016
Highways (157-1)	Regulations Pertaining to Particular Functions of the Comm. Of Highways Procedural	7/1/2016	8/1/2016						
Insurance Commission (114-98)	Adoption of Valuation Manual Legislative	7/13/2016	8/15/2016	8/22/2016 Approved 8/24/2016	8/22/2016				
Lottery (179-5)	Limited Video Lottery Legislativej	7/18/2016	8/17/2016		8/22/2016				
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	SB 221 HB 4067 BUNDLED SB 159	8/8/2016	9/1/2016
Medicine (11-1A)	Licensing and Disciplinary Procedures: Physicians, Podiatrists Legislative	6/1/2016	6/30/2016		7/12/2016				

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Medicine (11-1B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	5/31/2016	6/30/2016		7/12/2016				
Medicine (11-5)	Dispensing of Legend Drugs by Practitioners Legislative	7/12/2016	8/11/2016		8/24/2016				
Miners' Health Safety and Training (56-22)	Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors Legislative	4/29/2016	6/3/2016	4/29/2016 Amendment 6/7/2016 Approved 6/9/2016	7/6/2016				
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	7/26/2016	8/26/2016						
Natural Resources (58-24)	Point System for the Revocation of Hunting – Repeal Legislative	7/26/2016	8/26/2016						
Natural Resources (58-45)	Hunting and Trapping Rules Legislative Exempt							8/16/2016	9/1/2016
Natural Resources (58-49)	General Hunting Legislative	7/25/2016	8/26/2016						
Natural Resources (58-55)	Migratory Bird Hunting Rule Legislative Exempt							8/16/2016	9/1/2016
Natural Resources (58-57)	Waterfowl Hunting Rule Legislative Exempt							8/16/2016	9/1/2016
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/25/2016	8/26/2016						
Natural Resources (58-59)	Special Waterfowl and Migratory Bird Hunting Areas Legislative Exempt							8/16/2016	9/1/2016
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	7/25/2016	8/26/2016						
Natural Resources (58-64)	Miscellaneous Permts and Licenses Legislative	7/25/2016	8/26/2016						
Optometry (14-10)	Continuing Education Legislative	7/19/2016	8/22/2016						
Osteopathic Medicine (24-1)	Licensing Procedures for Osteopathic Physicians Legislative	7/22/2016	8/22/2016						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative	7/25/2016	8/25/2016						
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	7/1/2016	8/4/2016		8/18/2016				
Pharmacy (15-6)	Mail-Order and Non-Resident Pharmacies Legislative	7/1/2016	8/4/2016		8/18/2016				
Pharmacy (15-8)	Controlled Substances Monitoring Program Legislative	7/1/2016	8/4/2016		8/18/2016				
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	3/16/2016	4/18/2016		4/22/2016				
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	SB 231 HB 4133 BUNDLED SB 159	7/26/2016	8/31/2016
Public Service Commission (150-9)	Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor..... Legislative Exempt	5/13/2016	6/16/2016					6/30/2016	8/29/2016
Public Service Commission (150-37)	Telephone Conduit Occupancy Legislative	6/7/2016	7/15/2016						
Racing Commission (178-1)	Thoroughbred Racing Legislative	7/13/2016	8/12/2016		8/18/2016				
Racing Commission (178-5)	Pari-Mutuel Wagering Legislative	7/13/2016	8/12/2016		8/18/2016				
Registered Professional Nurses (19-3)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/24/2016	7/23/2016		7/29/2016				
Registered Professional Nurses (19-5)	Contested Case Hearing Procedure Legislative	4/4/2016	5/5/2016						
Registered Professional Nurses (19-6)	Open Meetings and Bylaws Procedural	4/1/2016	5/2/2016						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Registered Professional Nurses (19-8)	Limited Prescriptive Authority for Nurses in Advanced Practice Legislative	6/15/2016	7/22/2016	8/12/2016 ERD by 9/23/2016	8/2/2016				
Risk and Insurance Management (115-1)	Mine Subsidence Insurance Legislative	6/13/2016	7/14/2016	6/13/2016 ERD by 7/25/2016	8/22/2016				
Risk and Insurance Management (115-7)	Patient Injury Compensation Fund Legislative	6/7/2016	7/7/2016	6/6/2016 Approved 7/1/2016	8/22/2016				
Sanitarians (20-4)	Practice of Public Health Sanitation Legislative	7/1/2016	8/1/2016		8/11/2016				
Secondary School Activities Comm. (127-3)	Provisions Governing Contests Legislative Exempt	5/12/2016	6/13/2016					7/14/2016	9/12/2016
Secretary of State (153-3)	Voter Registration at the Div. of Motor Vehicles Legislative	7/22/2016	8/22/2016		8/24/2016				
Secretary of State (153-5)	Voter Registration List Maintenance by the Secretary of State Legislative	7/22/2016	8/22/2016		8/24/2016				
Senior Services (76-3)	WV State Plan for Aging Programs Interpretive	7/7/2016	8/8/2016						
Social Work Examiners (25-5)	Continuing Education for Social Workers and Providers Legislative	7/26/2016	8/25/2016						
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology and Audiology Legislative	7/15/2016	8/18/2016		8/22/2016				
Tax Department (110-14C)	Motor Fuel Excise Tax Interpretive	11/5/2015	12/4/2015						
Treasurer (112-4)	Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies Legislative	7/27/2016	8/26/2016						
Treasurer (112-6)	Selection of State Depositories for Disbursement Accounts through Competitive Bidding Legislative	7/27/2016	8/26/2016						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer (112-7)	Selection of State Depositories for Receipt Accounts Legislative	7/27/2016	8/26/2016						
Treasurer (112-8)	Procedures for Processing Payments from the State Treasury Legislative	7/27/2016	8/26/2016						
Treasurer (112-12)	Procedure for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative	7/27/2016	8/26/2016						
Treasurer (112-13)	Procedrues for Providing Services to Political Subdivisions Legislative	7/27/2016	8/26/2016						
Veterinary Medicine (26-4)	Standards of Practice Legislative	3/10/2016	4/11/2016		6/15/2016				
Waste Mgmt., Div. of Water & Waste Mgmt (33-41)	Awarding of Matching Grants for Local Ltter Control Program Legislative	6/29/2016	8/11/2016						
Water Resources, Div. of Water & Waste Mgmt	Requirements Governing Water Quality Standards Legislative	6/16/2016	8/9/2016						

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Agriculture**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **61-30**
RULE NAME **Dangerous Wild Animal**

CITE AUTHORITY **§19-34-3**

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.

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

Yes
Vanessa L Harper -- 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: 61-30 Rule Id: 10233 Document: 28841

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Agriculture**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **61-31**
RULE NAME **Livestock Care Standards**

CITE AUTHORITY **§19-1C-4**

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.

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

Yes
Walt Helmick -- 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: 61-31 Rule Id: 10234 Document: 28840

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Athletic Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **177-01**
RULE NAME **Administrative Rules of the West Virginia State Athletic Commission**

CITE AUTHORITY **W. Va. Code 29-5A-1, 29-5A-24**

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.

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

Yes
Douglas P Buffington -- 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: 177-01 Rule Id: 10178 Document: 28861

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Athletic Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **177-02**
RULE NAME **Regulation of Mixed Martial Arts**

CITE AUTHORITY **W. Va. Code 29-5A-1, 29-5A-3a(f), 29-5A-24(b)**

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.

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

Yes
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Title-Series: 177-02 Rule Id: 10177 Document: 28860

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-02**

RULE NAME **Qualifications, Training, Examination and Certification of Instructors in Barbering and Cosmetology**

CITE AUTHORITY **30-27-6 and 30-27-16**

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.

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

Yes

Amanda D Smith – 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: 3-02 Rule Id: 10139 Document: 28848

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-03**

RULE NAME **Licensing Schools of Barbering, Cosmetology, Nail Technology and Aesthetics**

CITE AUTHORITY **W. Va. Code 30-27-6**

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.

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

Yes

Amanda D Smith – 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: 3-03 Rule Id: 10140 Document: 28826

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-04**

RULE NAME **Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail Technology and Aesthetics**

CITE AUTHORITY **30-27-6 and 30-27-1 et seq.**

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.

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

Yes

Amanda D Smith – 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: 3-04 Rule Id: 10142 Document: 28863

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-05**

RULE NAME **Operation of Barber, Beauty, Nail and Aesthetic Shops/Salons, and Schools of Barbering and Beauty Culture**

CITE AUTHORITY **30-27-5; 30-27-6; 30-27-17**

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.

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

Yes

Amanda D Smith – 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: 3-05 Rule Id: 10228 Document: 28852

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Barbers And Cosmetologists**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-07**
RULE NAME **Schedule of Fines**

CITE AUTHORITY **30-1-8**

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.

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

Yes
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Title-Series: 3-07 Rule Id: 10145 Document: 28850

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AGENCY **Barbers And Cosmetologists**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-11**
RULE NAME **Continuing Education**

CITE AUTHORITY **30-27-6, 7, 8 and 9**

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.

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

Yes
Amanda D Smith – 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: 3-11 Rule Id: 10171 Document: 28849

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Barbers And Cosmetologists**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-13**
RULE NAME **Barber Apprenticeship**

CITE AUTHORITY **30-28-8(a)**

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.

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

Yes
Amanda D Smith – 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: 3-13 Rule Id: 10170 Document: 28853

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Barbers And Cosmetologists**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **3-14**
RULE NAME **Waxing Specialist**

CITE AUTHORITY **30-27-8b; 30-27-6**

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.

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

Yes
Amanda D Smith – 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: 3-14 Rule Id: 10169 Document: 28851

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AGENCY **Ethics Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **158-06**
RULE NAME **Private Gain**

CITE AUTHORITY **W.Va. Code § 6b-2-2(a) and § 6B-2-5(b)**

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.

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

Yes
Theresa M Kirk – 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: 158-06 Rule Id: 10114 Document: 28838

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: CAS-YS-1-2016

Revision existing manual: Yes X No _____

Changes to Youth Services policy will be effective August 31, 2016. Please replace Youth Service policy with this version as there have been several changes and updates throughout the policy. Some of the changes include:

- The addition of Pre-Petition Diversion and the referral process
- Worker responsibilities for safety checks for entire family
- Reorganization and modifications to policy section on Intake
- CANS score justification requirements for documentation
- Correction to target population

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Health Care Authority**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **65-29**
RULE NAME **Exemption From Certificate of Need**

CITE AUTHORITY **16-2D-4, 16-2D-11 and 16-29B-8(a)(1)**

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.

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

Yes
Marianne Kapinos – 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: 65-29 Rule Id: 10148 Document: 28834

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Health Care Authority**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **65-30**
RULE NAME **Rural Health Systems Grant Program**

CITE AUTHORITY **16-2D-4(a)(3),16-2D-3(b)(2),16-29B-11, 16-29B-8(a)(1)**

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.

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

Yes
Marianne Kapinos – 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: 65-30 Rule Id: 10149 Document: 28866

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Health Care Authority**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **65-31**

RULE NAME **Hospital Assistance Grant Program**

CITE AUTHORITY **16-29B-8(a)(1),16-29B-11, 16-2D-4(a)(3)**

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.

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

Yes

Marianne Kapinos – 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: 65-31 Rule Id: 10150 Document: 28868

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Health Care Authority**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **65-32**

RULE NAME **Certificate of Need Rule**

CITE AUTHORITY **16-2D-4(a)(1),(4),(7)and (8), 16-29B-8(a)(1) and 16-29B-11**

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.

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

Yes

Marianne Kapinos – 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: 65-32 Rule Id: 10151 Document: 28844

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LEGISLATIVE

FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Insurance Commission**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **114-98**

RULE NAME **Adoption of Valuation Manual**

CITE AUTHORITY **W.Va. Code §§33-7-9(n) and 33-2-10**

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.

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

Yes

Douglas P Buffington -- 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: 114-98 Rule Id: 10224 Document: 28830

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FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Lottery Commission**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **179-05**

RULE NAME **Limited Video Lottery**

CITE AUTHORITY **29-22B-402**

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.

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

Yes

Douglas P Buffington -- 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: 179-05 Rule Id: 10225 Document: 28829

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Medicine**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **11-01A**

RULE NAME **Licensing and Disciplinary Procedures: Physicians; Podiatrists**

CITE AUTHORITY **§30-3-7(a)(1); §30-1D-1(d); and §64-9-11.**

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.

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

Yes

Robert C Knittle – 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: 11-01A Rule Id: 10137 Document: 27716

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Medicine**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **11-05**

RULE NAME **Dispensing of Legend Drugs by Practitioners**

CITE AUTHORITY **§30-3-7(a)(1); §30-3E-2(3); and §60A-3-301**

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.

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

Yes

Robert C Knittle – 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: 11-05 Rule Id: 10223 Document: 28858

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Risk And Insurance Management**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **115-01**

RULE NAME **Mine Subsidence Insurance**

CITE AUTHORITY **33-30-15**

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.

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

Yes

Jennelle H Jones -- 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: 115-01 Rule Id: 10172 Document: 28831

LEGISLATIVE

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FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Risk And Insurance Management**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **115-07**

RULE NAME **Patient Injury Compensation Fund**

CITE AUTHORITY **29-12-5(a)(10) and 29-12D-2(a)(6)**

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.

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

Yes

Jennelle H Jones -- 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: 115-07 Rule Id: 10165 Document: 28836

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NATALIE E. TENNANT

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8/24/2016 2:48:43 PM

OFFICE OF WEST VIRGINIA SECRETARY OF STATE LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Secretary Of State**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **153-03**
RULE NAME **Voter Registration at the Division of Motor Vehicles**

CITE AUTHORITY **3-2-11(n)**

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.

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

Yes
Natalie E Tennant -- 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: 153-03 Rule Id: 10240 Document: 28864

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NATALIE E. TENNANT

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8/24/2016 2:51:41 PM

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Secretary Of State**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **153-05**
RULE NAME **Voter Registration List Maintenance by the Secretary of State**

CITE AUTHORITY **3-2-23a**

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.

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

Yes
Natalie E Tennant -- 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: 153-05 Rule Id: 10241 Document: 28865

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LEGISLATIVE

FORM 3 – NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY **Speech-Language Pathology And Audiology**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **29-01**
RULE NAME **Licensure of Speech-Pathology and Audiology**

CITE AUTHORITY **30-32-7**

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.

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

Yes
Patty Nesbitt -- 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: 29-01 Rule Id: 10230 Document: 28827

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

PROCEDURAL

FORM 5 – NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY **Community And Technical College Education**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **135-18**
RULE NAME **Assignment of Academic Credit and Financing Noncredit Instruction**

CITE AUTHORITY **§18B-2B-6**

RULE IS LEGISLATIVE EXEMPT
Yes
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
§29A-3A-1 thru 18

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE EFFECTIVE DATE OF THIS RULE IS
Monday, September 26, 2016

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

Yes
Angela S Kerns -- 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: 135-18 Rule Id: 10235 Document: 28869

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

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8/22/2016 3:29:55 PM

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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

AGENCY **Community And Technical College Education**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **135-21**
RULE NAME **Freshman Assessment and Placement Standards**

CITE AUTHORITY **§18B-2B-6**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, September 23, 2016 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Dr. Sarah Tucker, Chancellor
WV Council for Com & Tech College Education
1018 Kanawha Blvd., East, Suite 700
Charleston, WV 25301
EMAIL: tucker@wvctcs.org

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

Yes
Angela S Kerns -- 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: 135-21 Rule Id: 10275 Document: 28835

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PROCEDURAL

FORM 5 – NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY **Community And Technical College Education**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **135-30**
RULE NAME **Purchasing**

CITE AUTHORITY **§18B-1-6, §18b-5-4 through §18B-5-9**

RULE IS LEGISLATIVE EXEMPT
Yes
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
§29A-3A-1 through 18

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS
Monday, September 26, 2016

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

Yes
Angela S Kerns – 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: 135-30 Rule Id: 10239 Document: 28871

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

FORM 5 – NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY **Higher Education Policy Commission**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-21**
RULE NAME **Freshman Assessment and Placement Standards**

CITE AUTHORITY **18B-1-6**

RULE IS LEGISLATIVE EXEMPT
No
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
18B-1-6

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS
Friday, September 23, 2016

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

Yes
Cindy L Anderson -- 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: 133-21 Rule Id: 10237 Document: 28846

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NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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PROCEDURAL

FORM 5 – NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY **Higher Education Policy Commission**

RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-30**

RULE NAME **Purchasing**

CITE AUTHORITY **18B-1-6**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

18B-1-6

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS

Friday, September 23, 2016

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

Yes

Cindy L Anderson -- 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: 133-30 Rule Id: 10238 Document: 28847

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EMERGENCY

FORM 8 – NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE (Page 1)

AGENCY **Health Care Authority**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **65-29**
RULE NAME **Exemption From Certificate of Need**

CITE AUTHORITY **16-2D-4,16-2D-11 and 16-29B-8(a)(1)**

DATE EMERGENCY RULE WAS ORIGINALLY FILED
Wednesday, June 08, 2016
FIRST EMERGENCY AMENDMENT TO AN EXISTING RULE

SECOND EMERGENCY AMENDMENT TO AN EXISTING RULE

DATE OF FIRST EMERGENCY AMENDMENT

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

Yes
Marianne Kapinos – 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: 65-29 Rule Id: 10148 Document: 28837

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NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

FORM 8 – NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE (Page 1)

AGENCY **Health Care Authority**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **65-30**
RULE NAME **Rural Health Systems Grant Program**

CITE AUTHORITY **16-2D-4(a)(3), 16-2D-3(b)(2),16-29B-11,16-29B-8(a)(1)**

DATE EMERGENCY RULE WAS ORIGINALLY FILED
Thursday, June 09, 2016
FIRST EMERGENCY AMENDMENT TO AN EXISTING RULE

SECOND EMERGENCY AMENDMENT TO AN EXISTING RULE

DATE OF FIRST EMERGENCY AMENDMENT

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

Yes
Marianne Kapinos – 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: 65-30 Rule Id: 10149 Document: 28867

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ADMINISTRATIVE LAW DIVISION

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EMERGENCY

FORM 8 – NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE (Page 1)

AGENCY **Health Care Authority**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **65-31**
RULE NAME **Hospital Assistance Grant Program**

CITE AUTHORITY **16-29B-8(a)(1),16-29B-11,16-2D-4(a)(3)**

DATE EMERGENCY RULE WAS ORIGINALLY FILED
Tuesday, June 07, 2016
FIRST EMERGENCY AMENDMENT TO AN EXISTING RULE

SECOND EMERGENCY AMENDMENT TO AN EXISTING RULE

DATE OF FIRST EMERGENCY AMENDMENT

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

Yes
Marianne Kapinos – 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: 65-31 Rule Id: 10150 Document: 28870

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NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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FORM 8 – NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE (Page 1)

AGENCY **Health Care Authority**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **65-32**
RULE NAME **Certificate of Need Rule**

CITE AUTHORITY **16-2D-4(a)(1),(4),(7)and(8), 16-29B-8(a)(1), and 16-29B-11**

DATE EMERGENCY RULE WAS ORIGINALLY FILED
Wednesday, June 08, 2016
FIRST EMERGENCY AMENDMENT TO AN EXISTING RULE

SECOND EMERGENCY AMENDMENT TO AN EXISTING RULE

DATE OF FIRST EMERGENCY AMENDMENT

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

Yes
Marianne Kapinos – 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: 65-32 Rule Id: 10151 Document: 28845

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

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

EMERGENCY

June 17, 2016

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Health Care Authority

RULE: New Rule, 65-33, Exemption for Kidney Disease Treatment Centers

DATE FILED AS AN EMERGENCY AMENDMENT: August 16, 2016
DATE FIRST FILED AS AN EMERGENCY RULE: June 13, 2016

DECISION NO. 10-16

Following review under W. Va. Code §29A-3-15a, it is the decision of the Secretary of State that the above emergency rule is **approved**. A copy of the complete decision with required findings is available from this office.

Natalie E. Tennant

NATALIE E. TENNANT
Secretary of State

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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

AGENCY **Insurance Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **114-98**
RULE NAME **Adoption of Valuation Manual**

CITE AUTHORITY **W.Va. Code §§33-7-9(n) and 33-2-10**

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 West Virginia Standard Valuation Law establishes a principle-based valuation methodology that is applicable, subject to specified exceptions to life, health and annuity business written after the operative date of the uniform valuation manual adopted by the National Association of Insurance Commissioners (NAIC). To enable uniform and simultaneous implementation by participating states, the Standard Valuation Law provides that the valuation manual will only become operative when a sufficient number of states have adopted substantially similar laws before July 1 of the preceding year.
Specifically, the operative date is established as the first day of January of the first calendar year beginning at least 6 months after all of the following events have occurred:
1. The valuation manual has been adopted by the NAIC by and affirmative vote of at least 42 members or of the members voting, whichever is greater;
2. The NAICs model standard valuation law, as amended by the NAIC in 2009, or legislative including substantially similar terms and provisions has been enacted by states representing greater than 75% of the direct premiums written as reported in the following annual statements submitted for 2008: life, accident and health annual statements; health annual statements; or fraternal annual statements; and
3. The NAICs model standard law, as amended by the NAIC in 2009, or legislation including

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

Yes
Douglas P Buffington – 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: 114-98

Rule Id: 10224

Document: 28833

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

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

EMERGENCY

August 23, 2016

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Insurance Commission

RULE: New Rule, 114CSR98, Adoption of Valuation Manual

DATE FILED AS AN EMERGENCY RULE: August 22, 2016

DECISION NO. 11-16

Following review under W. Va. Code §29A-3-15a, it is the decision of the Secretary of State that the above emergency rule is **approved**. A copy of the complete decision with required findings is available from this office.

Natalie E. Tennant

NATALIE E. TENNANT
Secretary of State

Orders Report

Docket Number	Agency	Respondent	Date Rendered
16-6-10853-X	Health Care Authority	Braley & Thompson	8/12/2016
16-3-10847-X	Health Care Authority	Charleston AID II PROPCO LLC	8/12/2016
16-3-10847-X	Health Care Authority	Charleston AID II OPCO LLC	8/12/2016
16-3-10855-X	Health Care Authority	Charleston Area Medical Center Inc	8/12/2016
16-1-10852-X	Health Care Authority	KVC West Virginia	8/12/2016
16-3-10849-X	Health Care Authority	Lewisburg AID II PROPCO LLC	8/12/2016
16-3-10849-X	Health Care Authority	Lewisburg AID II OPCO LLC	8/12/2016
16-2-10856-X	Health Care Authority	Lily's Place	8/12/2016
14-6-10327-P	Health Care Authority	MGH Surgery LLC	8/12/2016
16-4-10848-X	Health Care Authority	Oak Hill AID II PROPCO LLC	8/12/2016
16-4-10848-X	Health Care Authority	Oak Hill AID II OPCO LLC	8/12/2016
16-3-10850-X	Health Care Authority	Scott Depot AID II PROPCO LLC	8/12/2016
16-3-10850-X	Health Care Authority	Scott Depot AID II OPCO LLC	8/12/2016
16-4-10857-X	Health Care Authority	Rainelle Medical Center	8/19/2016
16-10-10858-X	Health Care Authority	Reynolds Memorial Hospital Inc	8/19/2016
16-3-10860-X	Health Care Authority	Roy's Care Home LLC	8/19/2016
14-1/2/3/4/5/6/7/8/9/11-10300-A	Health Care Authority	Skilled HealthCare Group Inc	8/19/2016
14-1/2/3/4/5/6/7/8/9/11-10300-A	Health Care Authority	Sun Healthcare Group Inc	8/19/2016
14-1/2/3/4/5/6/7/8/9/11-10300-A	Health Care Authority	Genesis Holdings LLC	8/19/2016
16-2-10812-X	Health Care Authority	Southeastern Emergency Physicians LLC	8/15/2016
16-2-10812-X	Health Care Authority	Southeastern Medical Group PC	8/15/2016
16-2-10859-X	Health Care Authority	St. Mary's Medical Center	8/19/2016
15-5-10478-R	Health Care Authority	Total Renal Care Inc	8/19/2016

8/25/2016 2:39:09 PM

16-AP-PRLC-02002	**Insurance Commission**	Mikhail Rasner	8/15/2016
15-THP-02123/15-AP-THP-02126	**Insurance Commission**	Atlantic Specialty Insurance Company	8/19/2016
03-FY-2016	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Dawneda Miller	5/24/2016
01-FY-2016	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Danielle Moore	5/23/2016

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

(304) 558-2021
Fax (304) 558-0140

AG OPINION

August 12, 2016

The Honorable Patrick I. Via
Prosecuting Attorney
Office of the Greenbrier County Prosecuting Attorney
200 North Court Street
Lewisburg, WV 24901

Dear Prosecutor Via:

You have asked for an Opinion of the Attorney General regarding the transfer of property from a municipality to an area economic development corporation and subsequently to a charitable 501(c)(3) organization. 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 upon the factual assertions set forth in your correspondence with the Office of the Attorney General.

According to your letter, the Greenbrier Valley Economic Development Corporation ("GVEDC"), a multi-county economic development authority serving Greenbrier, Monroe, and Pocahontas counties, has been approached by the municipality of White Sulphur Springs to transfer land owned by the municipality to the GVEDC. You further state that subsequent to this gift transfer, the GVEDC will transfer the land to a charitable 501(c)(3) organization for the purpose of building homes, at a discounted rate, for residents of White Sulphur Springs who were displaced by the June 23, 2016, floods.

Your letter raises the following legal question:

May White Sulphur Springs transfer land owned by the municipality to an area economic development corporation, which in turn will transfer the property to a charitable 501(c)(3) corporation for the construction of housing for citizens who have been displaced by unprecedented flooding?

Under the facts you provided, we believe that nothing in the state code would prohibit either of these transfers. The law permits a municipality, such as White Sulphur Springs, to transfer property to an area development corporation for use in economic development. And as you explain the transfers, they appear to be intended for use in economic development.

First, under West Virginia Code § 8-32-2, a municipality is authorized to "transfer and convey to such area development corporation property of any kind heretofore acquired by such municipality . . . for or adaptable to use in industrial and economic development." The GVEDC is an area development corporation as contemplated by West Virginia Code § 8-32-2, having been organized pursuant to West Virginia Code § 31-14-1 *et seq*. In turn, as an area development corporation, the GVEDC is authorized to "purchase, receive, hold, lease, or otherwise acquire and to sell, convey, transfer, lease, or otherwise dispose of real and personal property." W. Va. Code § 31-14-5(d). The statute further provides that such acquisition of real property may be "by gift or purchase." W. Va. Code § 31-14-5(e). Accordingly, White Sulphur Springs is empowered to "transfer and convey" land owned by the municipality to the GVEDC so long as the land is "for or adaptable to use in . . . economic development." W. Va. Code § 8-32-2.

Second, though you have not provided specifics regarding the proposed project and the identity of all individuals or entities that may ultimately become involved, the proposal appears on its face to satisfy the "economic development" requirement. Economic development is not defined in West Virginia Code § 8-32-2. But based upon definitions and language found elsewhere in the code, it appears the Legislature intends the term to be given a broad definition. *See Daniel v. Simms*, 49 W. Va. 554, 39 S.E. 690, 695 (1901) (noting the importance of related statutory provision to the task of statutory interpretation). One such definition of economic development is found in West Virginia Code § 11-13A-20a(h)(3)(A), which provides that an "[e]conomic development project" is "a project in the state which is likely to foster economic growth and development in the area in which the project is developed for commercial, industrial, community improvement or preservation or other proper purposes." That definition is consistent with the stated purpose of development authorities and corporations like the GVEDC. Such entities are created to:

> promote, develop and advance the business prosperity and economic welfare of the State of West Virginia and its citizens; . . . to stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development and maintain economic stability of the state[;] [to] provide maximum opportunities for employment[;] . . . and [to] improve the living of the citizens of the state.

W. Va. Code § 31-14-2(3); *see also* W. Va. Code § 7-12-7(a)(3) (noting the role of county development authorities in "promoting, developing and advancing the business prosperity and economic welfare of the area embraced").

The proposal appears to meet this understanding of "economic development." Given the utter devastation that has befallen wide parts of the State, including White Sulphur Springs, projects that will provide affordable housing to citizens of White Sulphur Springs will

AG OPINION

undoubtedly foster economic growth, maintain economic stability, and promote the economic welfare of the State and its citizens.

In sum, based upon the facts provided in your letter, we find no legal prohibition to the proposed transfers. We believe the contemplated construction of affordable housing for citizens displaced by the June 2016 floods constitutes "economic development" within the meaning of West Virginia Code § 8-32-2 and is consistent with the statutory purpose of the GVEDC. We stress, however, that this Opinion is based solely upon the facts as they have been presented. Any different and additional facts could implicate other federal, state, or local laws, including but not limited to those regarding conflict of interest prohibitions and governmental transparency.

Sincerely,

Patrick Morrisey
Attorney General

Elbert Lin
Solicitor General

Steven A. Travis
Assistant Attorney General

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

FILED
2016 AUG 22 A 9:30

August 22, 2016

OTHER

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **August 19, 2016**.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

August 16, 2016 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #16-5/6/7-10869-Z, for the provision of home health services in Braxton, Gilmer, Pleasants, Preston, Randolph, Tucker and Tyler counties; capital expenditure: $60,000.

APPLICATION FOR EXEMPTION RECEIVED

August 15, 2016 – Camden-Clark Memorial Hospital Corporation d/b/a Camden-Clark Medical Center and Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #16-5-10868-X, for the acquisition of Mid-Ohio Valley Medical Group located in Vienna, Wood County; capital expenditure: $9,800,000.

REQUESTS FOR EXEMPTIONS DECLARED COMPLETE

August 18, 2016 – Addixxion Recovery of Kentucky, LLC d/b/a SelfRefind, Danville, Kentucky, CON File #16-5-10862-X, for the establishment of a behavioral and physical health physicians' office focusing on treatment of patients diagnosed with an opiate-use disorder through counseling & prescription of medication-assisted treatment; capital expenditure: $50,000.

August 18, 2016 – Camden-Clark Memorial Hospital Corporation d/b/a Camden-Clark Medical Center and Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #16-5-10868-X, for the acquisition of Mid-Ohio Valley Medical Group located in Vienna, Wood County; capital expenditure: $9,800,000.

PROJECT DETERMINED REVIEWABLE

August 15, 2016 – Southeastern Emergency Physicians, LLC and Southeastern Medical Group, PC, Huntington, Cabell County, CON File #16-2-10812-X, for the restructuring of the employment of SEP's physicians and other practitioners in West Virginia; no capital expenditure.

PROJECT DETERMINED NOT REVIEWABLE

August 19, 2016 – St. Mary's Medical Center, Huntington, Cabell County, CON File #16-2-10859-X, for the renovation of an existing physician office, including renovation of a minor procedure room at SMMC's Outpatient Center. The physician offices are located off the hospital campus at 2825 5th Avenue, Huntington, Cabell County; capital expenditure: $50,000.

PROJECTS EXEMPT FROM REVIEW

August 19, 2016 – Rainelle Medical Center, Rainelle, Greenbrier County, CON File #16-4-10857-X, for a new clinic location in White Sulphur Springs, Greenbrier County; no capital expenditure.

August 19, 2016 – Reynolds Memorial Hospital, Inc., Glen Dale, Marshall County, CON File #16-10-10858-X, for the development of an infusion center along with the related renovation of a building on its campus; capital expenditure: $550,000.

August 19, 2016 – Roy's Care Home, LLC, Cross Lanes, Kanawha County, CON File #16-3-10860-X, for the development of a five (5) bed assisted living facility to be located at 816 Cross Lanes Drive, Cross Lanes, Kanawha County; capital expenditure: $50,000.

EXTENSION GRANTED

August 19, 2016 – Total Renal Care, Inc., Denver, Colorado, CON File #15-5-10478-R, for the development of an eleven (11) station (plus one isolation station) outpatient renal dialysis facility in Wood County; capital expenditure: $1,533,890.

Extension granted through January 21, 2017.

RENEWAL GRANTED

August 19, 2016 – Skilled HealthCare Group, Inc., Foothill Ranch, California, Sun Healthcare Group, Inc. and Genesis Holdings, LLC, Kennett Square, Pennsylvania, CON File #14-1/2/3/4/5/6/7/8/9/11-10300-A, to (i) restructure the indirect parent entities of Genesis to add three applicants, SHCG, Sun HCG and GHL as indirect parents; and (ii) through a series of indirect interest transfers, obtain new indirect investor entities and shareholders; capital expenditure: $63,691,000.

Renewal granted through August 31, 2017.

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

Secretary of State
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

Natalie E. Tennant
Secretary Of State
State Of West Virginia

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OTHER

NOTICE
August 1, 2016

Effective September 15, 2016, pursuant to West Virginia Code §46-9-516, the West Virginia Secretary of State's Office will require ALL Uniform Commercial Code filings to be processed only through the West Virginia Secretary of State's online services at www.wvsos.com.

After September 15, 2016 no paper filings will be accepted. The only exception will be if the filer does not have access to internet within the area that they work. If this is the case the filer will have to sign a sworn affidavit to that affect.

Question regarding this notice may be sent to Penney Barker at pbarker@wvsos.com

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