



# WEST VIRGINIA REGISTER

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

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Education

Health and Human Resources

Health Care Authority

Natural Resources

Registered Professional Nurses, WV Bd. Of Exam. for

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NO NEW PROPOSED RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>EFFECTIVE DATE</u>	<u>DATE NOTICE FOR HEARING</u>

Secretary of State  
State Capitol Building  
Charleston, WV 25305

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

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- 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

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
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	WORKERS COMPENSATION 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 HIGHWAYS
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		8/23/2016	Modified & Approved 9/21/2016 Filed 9/23/2016	SB 82 HB 2223		
Agriculture (61-30)	Dangerous Wild Animal (repeal) Legislative	7/19/2016	8/19/2016		8/23/2016	Approved 9/21/2016	SB 83 HB 2218		
Agriculture (61-31)	Livestock Care Standards-Repeal Legislative	7/19/2016	8/19/2016		8/23/2016	Approved 9/21/2016	SB 84 HB 2219		
Agriculture (61-34)	Captive Cervid Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 9/23/2016	SB 85 HB 2234		
Air Quality (45-1)	Alternative Emission Limitations During Startup, Shutdown and Maintenance Operations Legislative	6/29/2016	8/1/2016		8/26/2016	Approved 12/6/2016	SB 105 HB 2221		
Air Quality (45-8)	Ambient Air Quality Standards Legislative	6/29/2016	8/1/2016		8/26/2016	Approved 12/6/2016	SB 111 HB 2222		
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		8/26/2016	Approved 12/6/2016	SB 106 HB 2223		
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		8/26/2016	Approved 12/6/2016	SB 107 HB 2224		
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/29/2016	8/1/2016		8/26/2016	Approved 12/6/2016	SB 108 HB 2225		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/29/2016	8/1/2016		8/26/2016	Approved 12/6/2016	SB 109 HB 2226		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	7/1/2016	8/1/2016		8/26/2016	Approved 12/6/2016	SB 110 HB 2227		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Architects (2-1)	Registration of Architect Legislative	7/7/2016	8/8/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/5/2016	SB 86 HB 2235		
Athletic Commission (177-1)	Administrative Rules of the WV State Athletic Commission Legislative	7/13/2016	8/12/2016		8/24/2016	Modified & Approved 12/6/2016 Filed 12/20/2016	SB 87 HB 2236		
Athletic Commission (177-2)	Regulation of Mixed Martial Arts Legislative	7/13/2016	8/12/2016		8/24/2016	Modified & Approved 12/6/2016 Filed 12/20/2016	SB 88 HB 2237		
Auditor (155-1)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/27/2016	8/26/2016		8/26/2016	Modified w/certain amendments & Approved 9/21/2016 Filed 9/21/2016	SB 89 HB 2297		
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		8/26/2016	Modified & Approved 9/21/2016 Filed 9/21/2016	SB 90 HB 2238		
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	Modified & Approved 1/10/2017 Filed 1/25/2017	SB 95 HB 2239		
Barbers and Cosmetologists (3-3)	Licensing Schools fo Barbering, Cosmetology, Nail Technology and Aesthetics Legislative	6/29/2016	8/1/2016		8/19/2016	Approved 1/10/2017	SB 96 HB 2220		
Barbers and Cosmetologists (3-4)	Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail Technology and Aesthetics Legislative	6/29/2016	8/1/2016		8/24/2016	Modified & Approved 1/10/2017 Filed 1/26/2017	SB 91 HB 2240		
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	Modified & Approved 1/10/2017 Filed 1/19/2017	SB 92 HB 2241		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Barbers and Cosmetologists (3-6)	Schedule of Fees Legislative	7/6/2016	8/8/2016		8/24/2016	Modified & Approved 1/10/2017 Filed 1/19/2017	SB 98 HB 2242		
Barbers and Cosmetologists (3-11)	Continuing Education Legislative	7/5/2016	8/8/2016		8/24/2016	Modified w/Certain Amendments & Approved 1/10/2017 Filed 1/19/2017	SB 93 HB 2298		
Barbers and Cosmetologists (3-13)	Barber Apprenticeship Legislative	7/5/2016	8/8/2016		8/24/2016	Modified & Approved 1/10/2017 Filed 1/19/2017	SB 94 HB 2243		
Barbers and Cosmetologists (3-14)	Waxing Specialist Legislative	7/6/2016	8/8/2016		8/24/2016	Recommends Rejection 1/10/2017	SB 91 HB 2229		
Comm. & Tech. College Education (135-35)	Correspondence, Business, Occupational and Trade Schools Legislative	12/12/2016	1/13/2017						
Comm. & Tech. College Education (135-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	12/12/2016	1/13/2017						
Counseling (27-2)	Licensed Professional Counselor Fees Legislative	7/26/2016	8/25/2016		8/26/2016	Modified & Approved 1/10/2017 Filed 1/25/2017	SB 100 HB 2244		
Counseling (27-3)	Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements Legislative	7/26/2016	8/25/2016		8/26/2016	Modified & Approved 1/10/2017 Filed 1/25/2017	SB 101 HB 2245		
Counseling (27-9)	Marriage and Family Therapist Fees Legislative	7/26/2016	8/25/2016		8/26/2016	Modified & Approved 1/10/2017 Filed 1/25/2017	SB 102 HB 2246		
Counseling (27-10)	Marriage and Family Therapist License Renewal and Continuing Professional Education Legislative	7/26/2016	8/25/2016		8/26/2016	Modified & Approved 1/10/2017 Filed 1/25/2017	SB 99 HB 2247		



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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Crime, Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	7/22/2016	8/24/2016	7/22/2016 Approved 8/12/2016	8/26/2016	Modified & Approved 12/7/2016 Filed 12/20/2016	SB 118 HB 2252 Bundled SB 116		
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	8/26/2016	Modified & Approved 12/7/2016 Filed 12/20/2016	SB 117 HB 2253		
<b>THE ABOVE RULE HAS BEEN WITHDRAWN 2/16/2017</b>									
Dangerous Wild Animal Board (74-1)	Dangerous Wild Animals Legislative	1/11/2016	2/10/2016		2/11/2016		SB 103 HB 2248		
Dentistry (5-1)	Rule for the WV Bd of Dentistry Legislative	6/16/2016	7/18/2016		7/26/2016	Modified & Approved 8/22/2016 Filed 9/2/2016	SB 104 HB 2249		
Education (126-14)	WV Measures of Academic Progress (2340) Legislative Exempt	1/11/2017	2/10/2017					2/16/2017	3/20/2017
Education (126-44N)	21 <sup>st</sup> Century Learning Skills & Tech. Tools Content Standards & Objectives for WV Schools (2520.14) Legislative Exempt	1/11/2017	2/10/2017						
Education (126-44U)	WV College and Career Readiness Dispositions and Standards for Student Success for Grades K-12 (2520.19) Legislative Exempt	1/11/2017	2/10/2017						
Education (126-81)	Attendance (4110) Legislative Exempt	1/11/2017	2/10/2017						
Education (126-126)	Procedures for Designated Hiring and Transfer of School Personnel (5000) Legislative Exempt	1/11/2017	2/10/2017						
Education (126-161)	Alternative Certification Programs for the Education of Teachers (5901) Legislative Exempt	1/11/2017	2/10/2017						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Environmental Protection-Secretary's Office (60-3)	Voluntary Remediation and Redevelopment Rule Legislative	6/27/2016	7/28/2016		8/25/2016	Approved 12/6/2016	SB 112 HB 2228		
Ethics Commission (158-6)	Private Gain Legislative	5/17/2016	6/16/2016		8/23/2016	Modified & Approved 12/7/2016 Filed 12/19/2016	SB 114 HB 2250 Bundled SB 151		
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	8/26/2016	Modified & Approved 12/7/2016 Filed 12/21/2016	SB 115 HB 2251 Bundled SB 116		
Forestry (22-5)	Procedure for the WV Forest Legacy Program Procedural	7/29/2016	8/31/2016					2/1/2017	3/1/2017
Health (64-57)	Clinical Laboratory Technician & Technologists Licensure and Certification Legislative	7/8/2016	8/7/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/6/2016	SB 119 HB 2254		
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	7/8/2016	8/7/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/11/2016	SB 120 HB 2255		
Health (64-103)	Expedited Partner Therapy Legislative	7/8/2016	8/7/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/6/2016	SB 118 HB 2256		
Health and Human Resources (69-11)	Medication-Assisted Treatment-Opioid Treatment Programs Legislative	7/8/2016	8/7/2016	8/31/2016 Approved 9/14/2016	8/26/2016	Modified & Approved 1/10/2017 Filed 1/25/2017	SB 121 HB 2257		
Health and Human Resources (69-12)	Medication-Assisted Treatment-Office-Based Medication Assisted Treatment Legislative	7/8/2016	8/7/2016	8/31/2016 Approved 9/14/2016 Amendment 1/26/2017 ERD by 3/9/2017	8/26/2016	Modified & Approved 1/10/2017 Filed 1/25/2017	SB 122 HB 2258		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health Care Authority (65-29)	Exemption From Certificate of Need Legislative	6/8/2016	7/11/2016	6/8/2016 Approved	8/22/2016	Modified & Approved 12/6/2016	SB 123		
				6/10/2016 Amendment		Filed 1/6/2017	HB 2259		
				8/22/2016 Approved					
				9/14/2016 Approved					
				12/19/2016 Amendment					
				12/29/2016 Approved					
				12/29/2016 Amendment					
				1/6/2017 Approved					
				1/6/2017 Approved					
				1/6/2017 Approved					
Health Care Authority (65-30)	Rural Health Systems Grant Program Legislative	6/9/2016	7/11/2016	6/7/2016 Approved	8/24/2016	Modified & Approved 12/6/2016	SB 124		
				6/17/2016 Amendment		Filed 12/16/2016	HB 2260		
				8/24/2016 Approved					
				9/14/2016 Approved					
				12/16/2016 Amendment					
				12/16/2016 Approved					
				12/29/2016 Approved					
				6/7/2016 Approved					
				6/10/2016 Amendment					
				8/24/2016 Approved					
Health Care Authority (65-31)	Hospital Assistance Grant Program Legislative	6/7/2016	7/11/2016	6/7/2016 Approved	8/24/2016	Modified & Approved 12/6/2016	SB 125		
				6/10/2016 Amendment		Filed 12/16/2016	HB 2261		
				8/24/2016 Approved					
				9/14/2016 Approved					
				12/16/2016 Amendment					
				12/16/2016 Approved					
				12/29/2016 Approved					
				6/7/2016 Approved					
				6/10/2016 Amendment					
				8/24/2016 Approved					
Health Care Authority (65-32)	Certificate of Need Rule Legislative	6/8/2016	7/11/2016	6/8/2016 Approved	8/23/2016	Modified & Approved 12/6/2016	SB 126		
				6/10/2016 Amendment		Filed 12/19/2016	HB 2262		
				8/23/2016 Approved					
				9/29/2016 Approved					
				12/19/2016 Amendment					
				12/19/2016 Approved					
				12/29/2016 Approved					
				6/8/2016 Approved					
				6/10/2016 Amendment					
				8/23/2016 Approved					

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Ed. Policy Commission (133-7)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	11/18/2016	12/18/2016		12/20/2016				
Higher Ed. Policy Commission (133-42)	WV Higher Education Grant Program Legislative	11/18/2016	12/18/2016		12/20/2016				
Higher Ed. Policy Commission (133-48)	Research Trust Fund Legislative	11/18/2016	12/18/2016						
Higher Ed. Policy Commission (133-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	11/18/2016	12/18/2016		12/21/2016				
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	Approved 9/21/2016	SB 127 HB 2230		
Lottery (179-5)	Limited Video Lottery Legislative	7/18/2016	8/17/2016		8/22/2016	Modified & Approved 12/6/2016 Filed 12/7/2016	SB 128 HB 2263 Bundled SB 127		
Medicine (11-1A)	Licensing and Disciplinary Procedures: Physicians, Podiatrists Legislative	6/1/2016	6/30/2016		7/12/2016	Modified & Approved 8/22/2016 Filed 9/1/2016	SB 129 HB 2264		
Medicine (11-1B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	5/31/2016	6/30/2016		7/12/2016	Modified & Approved 8/22/2016 Filed 9/1/2016	SB 130 HB 2265		
Medicine (11-5)	Dispensing of Legend Drugs by Practitioners Legislative	7/12/2016	8/11/2016		8/24/2016	Modified & Approved 9/21/2016 Filed 9/26/2016	SB 131 HB 2266		
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	Modified & Approved 8/25/2016 Filed 9/6/2016	SB 132 HB 2267		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	7/26/2016	8/26/2016		8/29/2016	Modified & Approved 12/6/2016 Filed 1/3/2017	SB 133 HB 2268		
Natural Resources (58-24)	Point System for the Revocation of Hunting – Repeal Legislative	7/26/2016	8/26/2016		8/29/2016	Approved 12/6/2016	SB 134 HB 2231		
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/25/2016	8/26/2016		8/26/2016	Modified & Approved 12/6/2016 Filed 1/3/2017	SB 135 HB 2269		
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	7/25/2016	8/26/2016		8/26/2016	Modified & Approved 12/6/2016 Filed 1/3/2017	SB 136 HB 2270		
Natural Resources (58-64)	Miscellaneous Permits and Licenses Legislative	7/25/2016	8/26/2016		8/26/2016	Modified & Approved 12/6/2016 Filed 1/3/2017	SB 137 HB 2271		
Optometry (14-10)	Continuing Education Legislative	7/19/2016	8/22/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/3/2016	SB 138 HB 2272		
Osteopathic Medicine (24-1)	Licensing Procedures for Osteopathic Physicians Legislative	7/22/2016	8/22/2016		8/26/2016	Modified & Approved 9/21/2016	SB 139 HB 2273		
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative	7/25/2016	8/25/2016		8/29/2016	Modified & Approved 9/21/2016	SB 140 HB 2274		
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	7/1/2016	8/4/2016		8/18/2016	Modified & Approved 12/7/2016 Filed 12/19/2016	SB 141 HB 2275		
Pharmacy (15-6)	Mail-Order and Non-Resident Pharmacies Legislative	7/1/2016	8/4/2016		8/18/2016	Modified & Approved 12/7/2016 Filed 12/19/2016	SB 142 HB 2276		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-7)	Registration of Pharmacy Technicians Legislative	1/18/2016	2/20/2017	1/19/2017 Approved 1/23/2017					
Pharmacy (15-8)	Controlled Substances Monitoring Program Legislative	7/1/2016	8/4/2016		8/18/2016	Modified & Approved 12/7/2016 Filed 12/19/2016	SB 143 HB 2277		
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	3/16/2016	4/18/2016		4/22/2016	Approved 9/1/2016	SB 144 HB 2232		
Public Service Commission (150-37)	Telephone Conduit Occupancy Legislative	6/7/2016	7/15/2016		8/26/2016	Modified & Approved 12/7/2016 Filed 12/13/2016	SB 145 HB 2278		
Racing Commission (178-1)	Thoroughbred Racing Legislative	7/13/2016	8/12/2016		8/18/2016	Modified & Approved 9/21/2016 Filed 9/19/2016	SB 146 HB 2279 Bundled SB 127		
Racing Commission (178-5)	Part-Mutuel Wagering Legislative	7/13/2016	8/12/2016		8/18/2016	Modified & Approved 9/21/2016 Filed 9/19/2016	SB 147 HB 2280 Bundled 127		
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	Modified & Approved 8/22/2016	SB 148 HB 2281		
Registered Professional Nurses (19-8)	Limited Prescriptive Authority for Nurses in Advanced Practice Legislative	6/15/2016	7/22/2016	8/12/2016 Effective 9/23/2016	8/2/2016	Modified & Approved 8/22/2016	SB 149 HB 2282		
Risk and Insurance Management (115-1)	Mine Subsidence Insurance Legislative	6/13/2016	7/14/2016	6/13/2016 ERD by 7/25/2016 Withdrawn 7/1/2016 9/15/2016 Approved 9/29/2016	8/22/2016	Modified & Approved 12/6/2016 Filed 12/12/2016	SB 150 HB 2283 Bundled SB 151		
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	Modified & Approved 12/6/2016	SB 151 HB 2284 Bundled SB 151		

**RULE MONITOR**

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Sanitarians (20-4)	Practice of Public Health Sanitation Legislative	7/1/2016	8/1/2016		8/11/2016	Modified & Approved 9/21/2016 Filed 10/3/2016	SB 152 HB 2285		
School Building Authority of WV (164-1)	School Building Authority Policy and Procedures Handbook Procedural	12/22/2016	1/23/2017						
Secretary of State (153-3)	Voter Registration at the Div. of Motor Vehicles Legislative	7/22/2016	8/22/2016		8/24/2016	Modified & Approved 1/10/2017 Filed 1/17/2016	SB 153 HB 2286		
Secretary of State (153-5)	Voter Registration List Maintenance by the Secretary of State Legislative	7/22/2016	8/22/2016		8/24/2016	Modified & Approved 1/10/2017 Filed 1/17/2016	SB 154 HB 2287		
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		8/26/2016	Modified & Approved 9/21/2016	SB 155 HB 2288		
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology and Audiology Legislative	7/15/2016	8/18/2016		8/22/2016	Modified & Approved 1/10/2017 Filed 1/23/2017	SB 156 HB 2289		
Treasurer (112-4)	Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016	SB 159 HB 2290		
Treasurer (112-6)	Selection of State Depositories for Disbursement Accounts through Competitive Bidding Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016	SB 160 HB 2291		
Treasurer (112-7)	Selection of State Depositories for Receipt Accounts Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016	SB 161 HB 2292		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer (112-8)	Procedures for Processing Payments from the State Treasury Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016	SB 162 HB 2293		
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		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016	HB 2294		
Treasurer (112-13)	Procedures for Providing Services to Political Subdivisions Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016	HB 2295		
Veterinary Medicine (26-4)	Standards of Practice Legislative	3/10/2016	4/11/2016		6/15/2016	Modified & Approved 9/21/2016 Filed 9/28/2016	SB 163 HB 2296		
Waste Mgmt., Div. of Water & Waste Mgmt (33-41)	Awarding of Matching Grants for Local Litter Control Program Legislative	6/29/2016	8/11/2016		8/25/2016	Approved 12/6/2016	SB 113 HB 2229		



ORDER OF THE WEST VIRGINIA  
ALCOHOL BEVERAGE CONTROL COMMISSIONER


175 CSR 6

LEGISLATIVE TABLE 1

I, Ronald M. Moats, West Virginia Alcohol Beverage Control Administration Commissioner (the "Commissioner") duly appointed by the Governor of the State of West Virginia, orders the WVABCA Spirits Division and Warehouse to change the current wholesale markup percentage of 28% on liquor and West Virginia products to a 32% wholesale markup percentage on liquor and West Virginia products in order to yield the requisite net profit for the General Fund of the State of West Virginia and in accordance with Chapter 60 of the West Virginia Code, more specifically as authorized in W. Va. Code §60-3A-17 and the West Virginia legislative rules at 175 CSR 5 §20, more specifically, §20.1.a., effective May 1, 2017.

Based on the above, it is hereby **ORDERED** that the wholesale markup percentage on liquor and West Virginia products is 32%, effective May 1, 2017.

ENTERED THIS 16 DAY OF FEBRUARY, 2017



RONALD M. MOATS, COMMISSIONER  
W.Va. Alcohol Beverage Control Administration

SERVICE	CHARGE*
Recouping damaged cases	\$2.00 per case
Supplying cartons for damaged cases	Cost of materials
Relabeling or recoding cases	\$1.00 per case
Restacking or hand unloading pallets	\$15.00 per pallet
Loading cases for return to supplier	\$10.00 per pallet + \$.80 per case minimum charge of \$50
Return of cases from stores to ABCC Warehouse	\$2.30 per case
Destruction of cases	\$2.30 per case
Repacking cases	\$1.00 per case
Out of stock (inventory level as required by WVABCA)	32% of Vendor's Delivered Case Cost for each backordered case

\* Note: Charges are subject to change with ninety (90) days' notice by ABCC, such notice to be filed in the State Register. (See 175 CSR 6, specifically §§8.5., 11.1. and 11.2.)

Filed: February 16, 2017

Published: February 17, 2017

Effective from: May 22, 2017

FILED  
2017 FEB 16 P 3 48  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

FILED  
2017 FEB 16 P 3 48  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Jim Justice, Governor



Department of Military Affairs & Public Safety

Jeff S. Sandy, CFE, CAMS  
Cabinet Secretary  
W. Richard Statton, Director



WEST VIRGINIA  
SECRETARY OF STATE  
MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

2/16/2017 4:15:22 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

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

AGENCY Education  
RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-014  
RULE NAME West Virginia Measures of Academic Progress (Policy 2340)

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechtler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechtler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE EFFECTIVE DATE OF THIS RULE IS  
Monday, March 20, 2017

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

Yes

Jill M Newman -- 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: 126-014



Rule Id: 10380



Document: 43247

FILED  
2017 FEB 16 10 31 18  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

February 16, 2017

The Honorable M. Warner  
Secretary of State  
Building 1, Suite 157K  
1900 Kanawha Boulevard East  
Charleston, WV 25305

Re: Legislative Rule §149-9  
Second Chance License Program

Dear Secretary Warner:

During the process of running SB116, the legislation addressing the approval of the legislative rule 149-9 which is the William R. Laird IV Second Chance Driver's License Program (SCDL), it was determined that this rule had been filed under the wrong agency sponsorship.

It had been filed under series 149 with the sponsoring agency as the Governor's Committee on Crime, Delinquency and Correction (GCCDC). While the GCCDC is directly related to the Division of Justice and Community Services (DJCS) the statutory authority to promulgate the rule concerning SCDL is only with DJCS.

As such I am requesting the 149-9 be withdrawn. We will be working with Ms. Cooper and Ms. Lewis of your Administrative Law Section to have the rule filed under the proper series, 224, which has been assigned to DJCS.

Sincerely,

W. Richard Statton  
Director

1124 Smith Street, Ste. 3100  
Charleston, WV 25301-1323  
Phone: (304) 558-8814  
Fax: (304) 558-0391

**West Virginia  
Secretary of State  
Mac Warner  
Administrative Law Division**

Do Not Mail 

LEGISLATIVE

2017 FEB 14 P 1:33

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**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: Z8-5

Change Number: Chapter Z

Revision existing manual: Yes  X No

Please archive the Adult Services Legal Requirements and Processes and *replace* it with the revised Adult Services Legal Requirements and Processes Policy with an effective date of March 1, 2017.

I have enclosed two copies; please file one (1), and send one (1) stamped back to the Bureau of Children and Families.

Please send to:  
Megan Mason  
Health and Human Resource Specialist, Senior  
350 Capitol Street, Room 691  
Charleston, WV 25301-3704

# Orders Report

Docket Number	Agency	Respondent	Date Rendered
17-1691	Alcohol Beverage Control Administration	Wholesale Markup Percentage	2/16/2017
17-310037	Health Care Authority	Bio-Medical Applications of West Virginia Inc	1/31/2017
16-310071	Health Care Authority	Charleston Area Radiation Therapy Centers LLC	1/31/2017
17-3110037	Health Care Authority	Charleston Area Radiation Therapy Centers LLC	1/31/2017
16-310942X	Health Care Authority	Charleston Treatment Center LLC	1/31/2017
16-11-16967A	Health Care Authority	Prime Healthcare Foundation - East Liverpool LLC	2/2/2017
16-3110037	Health Care Authority	Renal Treatment Centers-Northeast Inc	1/31/2017
17-4110037	Health Care Authority	Greenbrier Health Care Center LLC	2/10/2017
17-4110037	Health Care Authority	Grayleaf Holdings LLC	2/10/2017
17-4110037	Health Care Authority	Evergreen LLC	2/10/2017
17-4110037	Health Care Authority	Greenbrier Health Care Center LLC	2/10/2017
17-4110037	Health Care Authority	Vandalla Acq. LLC	2/10/2017
17-6310037	Health Care Authority	Harrison County Day Report Center	2/10/2017
16-510071	Health Care Authority	Monongalia County General Hospital Company	2/10/2017
17-5110037	Health Care Authority	St. Mary's Medical Center Inc	2/10/2017
17-5110037	Health Care Authority	Thomas Memorial Hospital	2/10/2017
17-5110037	Health Care Authority	United Physicians Care Inc	2/10/2017
17-5110037	Health Care Authority	WomenCare Inc	2/10/2017
17-5110037	Health Care Authority	Terry Ann May	2/7/2017
17-5110037	Registered Professional Nurses, West Virginia Board Of Examiners For		

**WEST VIRGINIA HEALTH CARE AUTHORITY**  
**CERTIFICATE OF NEED** **FILED**  
100 Dee Drive

Charleston, West Virginia 25311-1600  
FEB 13 P 2 05

February 13, 2017

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**OTHER**

property and equipment of Greenbrier County Nursing Home Association d/b/a Greenbrier Manor located at 1115 Maplewood Avenue, Lewisburg, Greenbrier County, West Virginia.

February 10, 2017 – Greenbrier Health Care Center, LLC and Vandallia Acq., LLC, Lewisburg, Greenbrier County, CON File #17-4-11012-X, for the acquisition of the licensed operations of Greenbrier County Nursing Home Association d/b/a Greenbrier Manor, located at 1115 Maplewood Avenue, Lewisburg, Greenbrier County, West Virginia.

February 10, 2017 – Harrison County Day Report Center, Clarksburg, Harrison County, CON File #17-6-11002-X, for the development of an alcohol and drug outpatient treatment facility providing behavioral health/substance abuse treatment needs to court ordered offenders in the judicial system, located at 215 S. 3<sup>rd</sup> St. Chase Tower West, Suite 600, Clarksburg, Harrison County, West Virginia.

February 10, 2017 – St. Mary's Medical Center, Inc., Huntington, Cabell County, CON File #17-2-10997-X, for the replacement of a cardiac catheterization laboratory and related renovation.

February 10, 2017 – WomenCare, Inc. d/b/a FamilyCare Health Centers, Hurricane, Putnam County, CON File #17-3-11014-X, for the addition of medical services to women recovering from addictions at Recovery Point of Charleston located at 501 Stockton Street, Charleston, Kanawha County, West Virginia.

**CERTIFICATE OF NEED APPROVALS ISSUED**

February 10, 2017 – Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #16-6-10964-P, for the establishment of an ambulatory care facility through the acquisition of the assets of Suncrest Obstetrics and Gynecology, PLLC located at 1272 Suncrest Towne Centre Drive, Morgantown, Monongalia County, and the employment of Kern George Hall, M.D.; capital expenditure: \$225,000.

February 10, 2017 – United Physicians Care, Inc., Shinnston, Harrison County, CON #16-9-10953-P, for the development of an ambulatory care facility in Berkeley County, through the acquisition of an existing physician practice, Internal Medicine of WV, located in Martinsburg, Berkeley County, West Virginia; capital expenditure: \$75,000.

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

Sonia D. Chambers, Chair, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **February 10, 2017**.

**LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED**

February 6, 2017 – United Physicians Care, Inc., Shinnston, Harrison County, CON File #17-6-11017-P, for the development of an ambulatory health care facility in Harrison County, through the acquisition of a physician practice; capital expenditure: \$1,115,000.

**EXPEDITED APPLICATIONS RECEIVED**

February 6, 2017 – Alecto Healthcare Services Wheeling LLC and Alecto Healthcare Services Ohio Valley LLC, Irvine, California, CON File #17-10-11007-A, for the acquisition of Ohio Valley Medical Center; capital expenditure: \$34,080,000.

February 9, 2017 – BayMark Health Services of West Virginia, Inc., Lewisville, Texas, CON File #17-6-11008-A, for the acquisition of substantially all the assets of Valley-Alliance Treatment Services, Inc., located in Morgantown, Monongalia County; capital expenditure: \$3,320,000.

**APPLICATION FOR EXEMPTION RECEIVED**

February 6, 2017 – Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #17-1-11019-X, for the renovation of a portion of the existing hospital facility.

**PROJECT DETERMINED NOT REVIEWABLE**

February 10, 2017 – Thomas Memorial Hospital, South Charleston, Kanawha County, CON File #17-3-11006-X, for the relocation of one of its fixed magnetic resonance imaging (MRI) units located at Ashton Place in Charleston, Kanawha County to an existing TMH health care facility located at 4004 State Route 34, Hurricane, Putnam County; capital expenditure: less than the expenditure minimum of \$5.1 million.

**PROJECTS EXEMPT FROM REVIEW**

February 10, 2017 – Greenbrier Health Care Center, LLC, Lewisburg, Greenbrier County; Grayleaf Holdings, LLC, Lewisburg, Greenbrier County; and Evergreen, LLC, Charleston, Kanawha County, CON File #17-4-11013-X, for the acquisition of the real



FILED

DIVISION OF NATURAL RESOURCES 2017 FEB 15 A 10:04

OTHER

Wildlife Resources Section  
324 4th Avenue  
South Charleston, West Virginia 25303-1228  
Telephone (304) 558-2771  
Fax (304) 558-3147  
TDD 1-800-354-6087

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Stephen S. McDaniel  
Director

Jlm Justice  
Governor

February 15, 2017

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Blvd., E.  
Charleston, West Virginia 25305

ATTENTION STATE REGISTER

Re: Publication of Notice to the Public

The Division of Natural Resources Wildlife Resources Section is scheduling a series of public informational meetings for the agency's proposed hunting and fishing regulations at the following locations, dates and times.

Monday, March 13, 2017 6:00 p.m. - 8:00 p.m.

- Martinsburg - James Rumsey Technical Institute (Cafeteria)
- Flatwoods - Braxton County High School
- Mullens - Twin Falls State Park
- Milton - West Virginia Pumpkin Park (Office Building)
- Harrisville - North Bend State Park
- Fairmont - East Fairmont High School (Commons Area)

Tuesday, March 14, 2017 6:00 p.m. - 8:00 p.m.

- Glen Dale - John Marshall High School (Commons)
- Moorefield - South Branch Inn (Rt. 220)
- Elkins - DNR Operation Center
- Lewisburg - WYU Building at the State Fair Grounds
- Logan - Chief Logan State Park Conference Center
- Parkersburg - City Building (Lobby)