



# WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXIV

Issue 8

February 24, 2017

A Weekly Publication

Administrative Law Division  
Judy Cooper, Manager

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

(304) 558-6000  
www.wvsos.com

## CONTENTS

Chronological Index

Rule Monitor

Notices

- a. Legislative Rules
- b. Interpretive Rules
- c. Procedural Rules
- d. Emergency Rules
- e. Legislative Rule-Making Review Committee

Legislative Interims

Orders

Ethics Commission Opinions

Office of Tax Appeal Decisions

Other Documents or Information Filed

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

Grievances Report

Health Care Authority

Justice and Community Services

Natural Resources

**CHRONOLOGICAL INDEX, VOLUME XXXIV ISSUE 8**

**NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK**

| <b>AGENCY</b>                          | <b>RULE/TYPE</b>   | <b>AUTHORITY</b> | <b>HEARING/COMMENT PERIOD/LOCATION</b>  |
|--|--|------------------|---|
| Justice and Community Services (224-1) | William R. Laird IV Second Chance Driver's License Program Legislative | §17B-7-10        | Written Comments Only<br>March 20, 2017, 5:00 pm<br>Retired Captain Chuck Sadler<br>DJCS<br>1124 Smith Street, Suite 3100<br>Charleston, WV 25301 |

**NEW EMERGENCY RULES FILED THIS WEEK**

| <b>AGENCY</b>                          | <b>RULE/TYPE</b>   | <b>AUTHORITY</b> | <b>EFFECTIVE DATE</b> | <b>DATE NOTICE FOR HEARING</b> |
|--|--|------------------|-----------------------|--------------------------------|
| Justice and Community Services (224-1) | William R. Laird IV Second Chance Driver's License Program | §17B-7-10        | ERD by March 31, 2017 | March 20, 2017                 |



Secretary of State  
State Capitol Building  
Charleston, WV 25305

**Mac Warner**  
Secretary of State  
State of West Virginia

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

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

|        |  |
|--------|--|
| Column | 1. Agency Name, (Title and Series Number)  |
| Column | 2. Rule Title, Price and Type  |
| Column | 3. Date Notice of Public Hearing or Comment Period Filed   |
| Column | 4. Date of Public Hearing or Last Date Comments Will Be Received   |
| Column | 5. Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)   |
| Column | 6. Date Agency Approved Legislative Rules Filed.   |
| Column | 7. Date Review by the Legislative Rule-Making Review Committee & Action Taken <b>**Please Note**</b> 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

| <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            | 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 |           | 8/23/2016 | Modified & Approved 9/21/2016<br>Filed 9/23/2016 | SB 82<br>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<br>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<br>HB 2219                       |            |           |
| Agriculture (61-34) | Captive Cervid Legislative  | 7/27/2016 | 8/26/2016 |           | 8/26/2016 | Modified & Approved 9/21/2016<br>Filed 9/23/2016 | SB 85<br>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<br>HB 2221<br>Bundled<br>SB 113 |            |           |
| Air Quality (45-8)  | Ambient Air Quality Standards Legislative   | 6/29/2016 | 8/1/2016  |           | 8/26/2016 | Approved 12/6/2016                               | SB 111<br>HB 2222<br>Bundled<br>SB 113 |            |           |
| 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<br>HB 2223<br>Bundled<br>SB 113 |            |           |
| 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<br>HB 2224<br>Bundled<br>SB 113 |            |           |
| 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<br>HB 2225<br>Bundled<br>SB 113 |            |           |
| 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<br>HB 2226<br>Bundled<br>SB 113 |            |           |

**RULE MONITOR**

| AGENCY/SERIES NO                 | RULE  | NOTICE    | HEARING   | EMER RULE | SEC/STATE | LRMRC-ACTION  | LEGIS                                  | FINAL FILE | EFFECTIVE |
|----------------------------------|---|-----------|-----------|-----------|-----------|---|--|------------|-----------|
| Air Quality (45-34)              | Emission Standards for Hazardous Air Pollutants Legislative   | 7/1/2016  | 8/1/2016  |           | 8/26/2016 | Approved<br>12/6/2016   | SB 110<br>HB 2227<br>Bundled<br>SB 113 |            |           |
| Architects (2-1)                 | Registration of Architect Legislative   | 7/7/2016  | 8/8/2016  |           | 8/26/2016 | Modified & Approved<br>9/21/2016<br>Filed<br>10/5/2016                      | SB 86<br>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<br>12/6/2016<br>Filed<br>12/20/2016                     | SB 87<br>HB 2236                       |            |           |
| Athletic Commission (177-2)      | Regulation of Mixed Martial Arts Legislative  | 7/13/2016 | 8/12/2016 |           | 8/24/2016 | Modified & Approved<br>12/6/2016<br>Filed<br>12/20/2016                     | SB 88<br>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<br>9/21/2016<br>Filed<br>9/21/2016 | SB 89<br>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<br>9/21/2016<br>Filed<br>9/21/2016                      | SB 90<br>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<br>1/10/2017<br>Filed<br>1/25/2017                      | SB 95<br>HB 2239                       |            |           |
| Barbers and Cosmetologists (3-3) | Licensing Schools for Barbering, Cosmetology, Nail Technology and Aesthetics Legislative                              | 6/29/2016 | 8/1/2016  |           | 8/19/2016 | Approved<br>1/10/2017   | SB 96<br>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<br>1/10/2017<br>Filed<br>1/26/2017                      | SB 91<br>HB 2240                       |            |           |

**RULE MONITOR**

| AGENCY/SERIES NO                         | RULE  | NOTICE     | HEARING   | EMER RULE | SEC/STATE | LRMRC-ACTION  | LEGIS             | FINAL FILE | EFFECTIVE |
|--|---|------------|-----------|-----------|-----------|---|-------------------|------------|-----------|
| 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<br>1/10/2017<br>Filed<br>1/19/2017                      | SB 92<br>HB 2241  |            |           |
| Barbers and Cosmetologists (3-6)         | Schedule of Fees Legislative  | 7/6/2016   | 8/8/2016  |           | 8/24/2016 | Modified & Approved<br>1/10/2017<br>Filed<br>1/19/2017                      | SB 98<br>HB 2242  |            |           |
| Barbers and Cosmetologists (3-11)        | Continuing Education Legislative  | 7/5/2016   | 8/8/2016  |           | 8/24/2016 | Modified w/Certain Amendments & Approved<br>1/10/2017<br>Filed<br>1/19/2017 | SB 93<br>HB 2298  |            |           |
| Barbers and Cosmetologists (3-13)        | Barber Apprenticeship Legislative   | 7/5/2016   | 8/8/2016  |           | 8/24/2016 | Modified & Approved<br>1/10/2017<br>Filed<br>1/19/2017                      | SB 94<br>HB 2243  |            |           |
| Barbers and Cosmetologists (3-14)        | Waxing Specialist Legislative   | 7/6/2016   | 8/8/2016  |           | 8/24/2016 | Recommendations<br>Rejection<br>1/10/2017                                   | SB 91<br>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<br>1/10/2017<br>Filed<br>1/25/2017                      | SB 100<br>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<br>1/10/2017<br>Filed<br>1/25/2017                      | SB 101<br>HB 2245 |            |           |
| Counseling (27-9)                        | Marriage and Family Therapist Fees Legislative  | 7/26/2016  | 8/25/2016 |           | 8/26/2016 | Modified & Approved<br>1/10/2017<br>Filed<br>1/25/2017                      | SB 102<br>HB 2246 |            |           |



RULE MONITOR

| AGENCY/SERIES NO                                   | RULE  | NOTICE    | HEARING   | EMER RULE | SEC/STATE | LRMRC-ACTION                                   | LEGIS                                  | FINAL FILE | EFFECTIVE |
|--|---|-----------|-----------|-----------|-----------|--|--|------------|-----------|
| 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<br>HB 2247                       |            |           |
| Crime, Delinquency and Correction (149-2)          | Law Enforcement Training and Certification Standards Legislative  | 7/22/2016 | 8/24/2016 |           | 8/26/2016 | Modified & Approved 12/7/2016 Filed 12/20/2016 | SB 118<br>HB 2252<br>Bundled<br>SB 116 |            |           |
| Dangerous Wild Animal Board (74-1)                 | Dangerous Wild Animals Legislative  | 1/11/2016 | 2/10/2016 |           | 2/11/2016 |  | SB 103<br>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<br>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 |           |           |  |  |            |           |
| 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<br>HB 2228<br>Bundled<br>SB 113 |            |           |

RULE MONITOR

| AGENCY/SERIES NO                   | RULE   | NOTICE    | HEARING   | EMER RULE  | SEC/STATE | LRMRC-ACTION                                   | LEGIS                                  | FINAL FILE | EFFECTIVE |
|------------------------------------|--|-----------|-----------|--|-----------|--|--|------------|-----------|
| 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<br>HB 2250<br>Bundled<br>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<br>HB 2251<br>Bundled<br>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<br>HB 2254<br>Bundled<br>SB 125 |            |           |
| 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<br>HB 2255<br>Bundled<br>SB 125 |            |           |
| 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<br>HB 2256<br>Bundled<br>SB 125 |            |           |
| 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<br>HB 2257<br>Bundled<br>SB 125 |            |           |
| 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<br>HB 2258<br>Bundled<br>SB 125 |            |           |



**RULE MONITOR**

| 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<br>HB 2230                      |            |           |
| Justice and Community Services (224-1) | William R. Laird IV Second Chance Driver's License Program Legislative   | 2/17/2017  | 3/20/2017  | 2/17/2017 ERD by 3/31/2017   |            |   |  |            |           |
| 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<br>HB 2263<br>Bundled<br>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<br>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<br>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<br>HB 2266                      |            |           |

**RULE MONITOR**

| AGENCY/SERIES NO                           | RULE   | NOTICE    | HEARING   | EMER RULE  | SEC/STATE | LRMRC-ACTION                                     | LEGIS                                  | FINAL FILE | EFFECTIVE |
|--|--|-----------|-----------|--|-----------|--|--|------------|-----------|
| 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<br>6/7/2016 Approved<br>6/9/2016 | 7/6/2016  | Modified & Approved 8/25/2016<br>Filed 9/6/2016  | SB 132<br>HB 2267<br>Bundled<br>SB 134 |            |           |
| 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<br>Filed 1/3/2017  | SB 133<br>HB 2268<br>Bundled<br>SB 134 |            |           |
| 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<br>HB 2231<br>Bundled<br>SB 134 |            |           |
| Natural Resources (58-58)                  | Special Waterfowl Hunting Legislative  | 7/25/2016 | 8/26/2016 |  | 8/26/2016 | Modified & Approved 12/6/2016<br>Filed 1/3/2017  | SB 135<br>HB 2269<br>Bundled<br>SB 134 |            |           |
| Natural Resources (58-60)                  | Fishing Regulations Legislative Exempt   |           |           |  |           |  |  | 2/21/2017  | 2/21/2017 |
| Natural Resources (58-63)                  | Commercial Sale of Wildlife Legislative  | 7/25/2016 | 8/26/2016 |  | 8/26/2016 | Modified & Approved 12/6/2016<br>Filed 1/3/2017  | SB 136<br>HB 2270<br>Bundled<br>SB 134 |            |           |
| Natural Resources (58-64)                  | Miscellaneous Permits and Licenses Legislative   | 7/25/2016 | 8/26/2016 |  | 8/26/2016 | Modified & Approved 12/6/2016<br>Filed 1/3/2017  | SB 137<br>HB 2271<br>Bundled<br>SB 134 |            |           |
| Optometry (14-10)                          | Continuing Education Legislative   | 7/19/2016 | 8/22/2016 |  | 8/26/2016 | Modified & Approved 9/21/2016<br>Filed 10/3/2016 | SB 138<br>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<br>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<br>HB 2274                      |            |           |

RULE MONITOR

| AGENCY/SERIES NO                      | RULE   | NOTICE    | HEARING   | EMER RULE                        | SEC/STATE | LRMRC-ACTION                                      | LEGIS                                  | FINAL FILE | EFFECTIVE |
|---------------------------------------|--|-----------|-----------|----------------------------------|-----------|---|--|------------|-----------|
| Pharmacy (15-1)                       | Licensure and Practice of Pharmacy Legislative   | 7/1/2016  | 8/4/2016  |                                  | 8/18/2016 | Modified & Approved 12/7/2016<br>Filed 12/19/2016 | SB 141<br>HB 2275                      |            |           |
| Pharmacy (15-6)                       | Mari-Order and Non-Resident Pharmacies Legislative   | 7/1/2016  | 8/4/2016  |                                  | 8/18/2016 | Modified & Approved 12/7/2016<br>Filed 12/19/2016 | SB 142<br>HB 2276                      |            |           |
| Pharmacy (15-7)                       | Registration of Pharmacy Technicians Legislative   | 1/18/2016 | 2/20/2017 | 1/19/2017 Approved<br>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<br>Filed 12/19/2016 | SB 143<br>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<br>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<br>Filed 12/13/2016 | SB 145<br>HB 2278                      |            |           |
| Racing Commission (178-1)             | Thoroughbred Racing Legislative  | 7/13/2016 | 8/12/2016 |                                  | 8/18/2016 | Modified & Approved 9/21/2016<br>Filed 9/19/2016  | SB 146<br>HB 2279<br>Bundled<br>SB 127 |            |           |
| Racing Commission (178-5)             | Pari-Mutuel Wagering Legislative   | 7/13/2016 | 8/12/2016 |                                  | 8/18/2016 | Modified & Approved 9/21/2016<br>Filed 9/19/2016  | SB 147<br>HB 2280<br>Bundled<br>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<br>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<br>9/23/2016 | 8/2/2016  | Modified & Approved 8/22/2016                     | SB 149<br>HB 2282                      |            |           |

**RULE MONITOR**

| AGENCY/SERIES NO                             | RULE   | NOTICE     | HEARING   | EMER RULE  | SEC/STATE | LRMRC-ACTION                                   | LEGIS                                  | FINAL FILE | EFFECTIVE |
|--|--|------------|-----------|--|-----------|--|--|------------|-----------|
| 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<br>HB 2283<br>Bundled<br>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<br>HB 2284<br>Bundled<br>SB 151 |            |           |
| 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<br>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<br>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 1/17/2017  | SB 154<br>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<br>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<br>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<br>HB 2290                      |            |           |

RULE MONITOR

| AGENCY/SERIES NO                                | RULE  | NOTICE    | HEARING   | EMER RULE | SEC/STATE | LRMRC-ACTION  | LEGIS                                  | FINAL FILE | EFFECTIVE |
|---|---|-----------|-----------|-----------|-----------|---|--|------------|-----------|
| Treasurer (112-6)                               | Selection of State Depositories for Disbursement Accounts through Competitive Bidding<br>Legislative      | 7/27/2016 | 8/26/2016 |           | 8/26/2016 | Modified & Approved<br>9/21/2016<br>Filed<br>10/21/2016 | SB 160<br>HB 2291                      |            |           |
| Treasurer (112-7)                               | Selection of State Depositories for Receipt Accounts<br>Legislative                                       | 7/27/2016 | 8/26/2016 |           | 8/26/2016 | Modified & Approved<br>9/21/2016<br>Filed<br>10/21/2016 | SB 161<br>HB 2292                      |            |           |
| Treasurer (112-8)                               | Procedures for Processing Payments from the State Treasury<br>Legislative                                 | 7/27/2016 | 8/26/2016 |           | 8/26/2016 | Modified & Approved<br>9/21/2016<br>Filed<br>10/21/2016 | SB 162<br>HB 2293                      |            |           |
| Treasurer (112-12)                              | Procedure for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment<br>Legislative | 7/27/2016 | 8/26/2016 |           | 8/26/2016 | Modified & Approved<br>9/21/2016<br>Filed<br>10/21/2016 | HB 2294                                |            |           |
| Treasurer (112-13)                              | Procedures for Providing Services to Political Subdivisions<br>Legislative                                | 7/27/2016 | 8/26/2016 |           | 8/26/2016 | Modified & Approved<br>9/21/2016<br>Filed<br>10/21/2016 | HB 2295                                |            |           |
| Veterinary Medicine (26-4)                      | Standards of Practice<br>Legislative  | 3/10/2016 | 4/11/2016 |           | 6/15/2016 | Modified & Approved<br>9/21/2016<br>Filed<br>9/28/2016  | SB 163<br>HB 2296                      |            |           |
| Waste Mgmt., Div. of Water & Waste Mgmt (33-41) | Awarding of Matching Grants for Local Ltr Control Program<br>Legislative                                  | 6/29/2016 | 8/11/2016 |           | 8/25/2016 | Approved<br>12/6/2016                                   | SB 113<br>HB 2229<br>Bundled<br>SB 113 |            |           |



WEST VIRGINIA  
SECRETARY OF STATE  
MAC WARNER



ADMINISTRATIVE LAW DIVISION

cFILED

2/17/2017 2:32:53 PM

OFFICE OF THE  
WEST VIRGINIA SECRETARY OF STATE  
LEGISLATIVE

WEST VIRGINIA  
SECRETARY OF STATE  
MAC WARNER



ADMINISTRATIVE LAW DIVISION

cFILED

2/21/2017 3:46:56 PM

OFFICE OF THE  
WEST VIRGINIA SECRETARY OF STATE

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

AGENCY Justice and Community Services  
RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 224-01  
RULE NAME William R. Laird IV Second Chance Driver's License Program

CITE AUTHORITY 17B-7J0

COMMENTS LIMITED TO  
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
Monday, March 20, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO  
Retired Captain Chuck Sadler  
DJCS  
1124 Smith St, Suite 3100  
Charleston, W.V. 25301

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

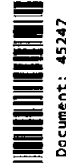
Yes  
Charles A Sadler -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 224-01 Document: 45247



Rule Id: 13405



Document: 45247

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

AGENCY Natural Resources  
RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 58-60  
RULE NAME Fishing Regulations

CITE AUTHORITY §§20-1-60 and 20-1-17(7)

RULE IS LEGISLATIVE EXEMPT  
Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
§§20-1-7(30) and 20-1-17(7)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE  
EFFECTIVE DATE OF THIS RULE IS  
Tuesday, February 21, 2017

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

Yes  
Patricia J White -- 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: 58-60



Rule Id: 14405



Document: 46247



**WEST VIRGINIA  
SECRETARY OF STATE  
MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

eFILED

2/17/2017 2:27:47 PM

WEST VIRGINIA SECRETARY OF STATE EMERGENCY

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

AGENCY Justice and Community Services  
 RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 224-01  
 RULE NAME William R. Laird IV, Second Chance Driver's License Program

CITE AUTHORITY 17B-7-10

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:

This is a program operating since June 2016 as a result of passage of SB 634 during the 2016 Legislative Session. Previously approved as emergency rule under 149-9. Determined to have been filed under wrong agency. Re-filing as 224-1 and running during 2017 session. Rule required to be in place while program operating

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

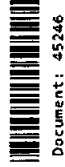
Yes  
 Charles A Sadler -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 224-01



Rule Id: 13405



Document: 45246

# Orders Report

| Docket Number | Agency                | Respondent                        | Date Rendered |
|---------------|-----------------------|-----------------------------------|---------------|
|               | Health Care Authority | Cabell Huntington Hospital Inc    | 2/17/2017     |
|               | Health Care Authority | Care Capital Properties Inc       | 2/17/2017     |
|               | Health Care Authority | Highland Companies                | 2/17/2017     |
|               | Health Care Authority | The Heritage Center at Lesage Inc | 2/14/2017     |
|               | Health Care Authority | Total Renal Care Inc              | 2/13/2017     |

# Grievances Report

| Docket Number | Grievants Name      | Respondents Name  | Date Decision                                   |
|---------------|---------------------|---|---|
|               | Lee Harper, et al.  | Corrections<br>Mount Olive Correctional Complex                   | 2/1/2017  |
|               | Carl Redman         | Corrections<br>Martinsburg Correctional Center                    | 2/1/2017  |
|               | Amy Gerrard, et al. | Brooke County Board Of Education                                  | 2/2/2017  |
|               | Lorie Leonard       | Highways  | 2/3/2017  |
|               | Jennifer Hall       | Health And Human Resources  | 2/7/2017  |
|               | Michael Andy Powell | Highways  | 2/8/2017  |
|               | Jeffrey T. Huffman  | Marshall University   | 2/10/2017                                       |
|               | Lan Deyerle         | Health And Human Resources  | 2/14/2017                                       |
|               | Julia Anne Jackson  | Public Health<br>Auditor  | 2/14/2017                                       |
|               | Vanessa Johnson     | Auditor<br>Health And Human Resources<br>Welch Community Hospital | 2/6/2017<br>2/15/2017<br>2/23/2017<br>2/23/2017 |

Jim Justice  
Governor

Bill J. Crouch, Cabinet Secretary  
West Virginia Department of  
Health and Human Resources



**FILED**  
Sonia D. Chambers, Chair  
Marilyn G. White, Board Member  
2017 FEB 22 A 10 20

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

OTHER

Notice of Review  
Page 2  
February 16, 2017

On or before **March 17, 2017**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **March 22, 2017**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the application.

The Decisions on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decisions will be issued on or before **April 17, 2017**.

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

*Sonia D. Chambers*  
Sonia D. Chambers, Chair  
Health Care Authority

*2/16/17*  
Date

**NOTICE OF REVIEW**

FOR IMMEDIATE RELEASE

February 16, 2017

NEWS ITEM

The Health Care Authority (Authority), Sonia D. Chambers, Chair, pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

February 2, 2017 – United Physicians Care, Inc., Shinnston, Harrison County, CON File #17-10-10998-P, for the development of ambulatory health care facilities in Marshall and Wetzel counties, through the acquisition of two physician practices; capital expenditure: \$228,750.

February 13, 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.

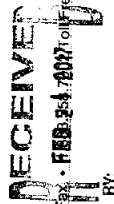
February 15, 2017 – Alecto Healthcare Services Wheeling LLC and Alecto Healthcare Services Ohio Valley LLC, Irvine, California, CON File #17-10-11007-A, for the acquisition of Ohio Valley Medical Center; capital expenditure: \$36,000,000.

February 15, 2017 – LHCG LXXXIX, LLC and LHCG XC, LLC, Lafayette, Louisiana, CON File #17-5-11015-A, for the acquisition and joint venture of Pleasant Valley Hospital, Inc.'s home health and hospice agency providing services in West Virginia and Ohio; capital expenditure: \$1,150,000.

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

The review cycle begins on **February 15, 2017**.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.7000 TDD • 304.558.7000 FAX • FEB 22 2017  
www.hca.wv.gov



**WEST VIRGINIA HEALTH CARE AUTHORITY** **FILED**  
**CERTIFICATE OF NEED**

100 Dee Drive  
Charleston, West Virginia 25311-1600

2017 FEB 21 P 2:19

OTHER

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

February 21, 2017

**LEGAL NOTICE**

Sonia D. Chambers, Chair, West Virginia Health Care Authority, announce the following Certificate of Need activities for the week ending **February 17, 2017**.

**EXPEDITED APPLICATIONS RECEIVED**

February 13, 2017 – LHCG LXXXIX, LLC and LHCG XC, LLC, Lafayette, Louisiana, CON File #17-5-11015-A, for the acquisition and joint venture of Pleasant Valley Hospital, Inc.'s home health and hospice agency providing services in West Virginia and Ohio; capital expenditure: \$1,150,000.

February 16, 2017 – United Physicians Care, Inc., Bridgeport, 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, Pediatric Associates; capital expenditure: \$1,115,000.

**APPLICATIONS FOR EXEMPTION RECEIVED**

February 13, 2017 – Youth Advocate Programs, Inc., Harrisburg, Pennsylvania, CON File #17-9-11020-X, to provide community-based behavioral health care services to adults in the Eastern Panhandle, specifically Berkeley, Morgan, and Jefferson counties.

February 13, 2017 – Genesis Youth Crisis Center, Inc., Clarksburg, Harrison County, CON File #17-11021-X, for the establishment of an emergency crisis shelter in Tucker County to be located at 413 Chestnut Street, Parsons, West Virginia.

February 15, 2017 – Partnership of African American Churches, Charleston, Kanawha County, CON File #17-3-11023-X, to add licensed professional counselors to further their comprehensive and collaborative effort by private foundations, state, local and community mental health agencies to be responsive to the unique needs of individuals at risk for the co-occurrence of substance abuse and mental health disorders. Licensed professional counselor will provide services at 1514 Kanawha Boulevard West, Charleston, West Virginia.

February 15, 2017 – Solutions Positive Behavior Strategies, South Charleston, Kanawha County, CON File #17-3-11024-X, to provide and begin billing Medicaid for Applied Behavior Analysis therapy for children on the autism spectrum. Services will be provided at 325 6<sup>th</sup> Avenue, South Charleston, West Virginia.

**APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW**

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

**EXPEDITED APPLICATIONS**

February 2, 2017 – United Physicians Care, Inc., Shinnston, Harrison County, CON File #17-10-10998-P, for the development of ambulatory health care facilities in Marshall and Wetzel counties, through the acquisition of two physician practices; capital expenditure: \$228,750.

February 13, 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.

February 15, 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: \$36,000,000.

February 15, 2017 – LHCG LXXXIX, LLC and LHCG XC, LLC, Lafayette, Louisiana, CON File #17-5-11015-A, for the acquisition and joint venture of Pleasant Valley Hospital, Inc.'s home health and hospice agency providing services in West Virginia and Ohio; capital expenditure: \$1,150,000.

The review cycle for the above-referenced projects is as follows:

February 15, 2017 – Review cycle begins;

March 17, 2017 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

March 22, 2017 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

April 17, 2017 – Decision on the project will be issued by the Authority.

**PROJECT DETERMINED REVIEWABLE**

February 17, 2017 – Care Capital Properties, Inc., Princeton, Wood County, CON File #17-5-11016-X, regarding the licensed operations of Worthington Nursing and Rehabilitation Center and Nicholas County Nursing and Rehabilitation Center; no capital expenditure.

**PROJECT DETERMINED NOT REVIEWABLE**

OTHER

February 17, 2017 – Highland Companies, Charleston, Kanawha County, CON File #17-3-11018-X, for the addition of an Intensive Outpatient Program for eating disorders at its Highland Behavioral Health Services, Inc. location; capital expenditure: less than \$20,000.

**DECISION ON REMAND**

February 13, 2017 – Total Renal Care, Inc., El Segundo, California, CON File #15-5-10457-R, for the development of a seven (7) station (and one isolation station) outpatient dialysis facility in Monongalia County; capital expenditure: \$1,600,000.

**EXTENSIONS GRANTED**

February 14, 2017 – The Heritage Center at Lesage, Inc., Lesage, Cabell County, CON File #15-2-10403-X/BH, for the development of a non-medical post detox residential drug and alcohol rehabilitation and recovery treatment program for adults over the age of twenty-one (21) to be located at 6300 Ohio River Road, Lesage, Cabell County; capital expenditure: \$465,000.

Extension granted through September 1, 2017.

February 17, 2017 – Cabell Huntington Hospital, Inc., Huntington, Cabell County, CON File #14-2-10375-A, for the acquisition of the ownership interests of St. Mary's Medical Center, Inc.; capital expenditure: \$18-5,000,000.

Extension granted through September 16, 2017.

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