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

Accountancy

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Higher Education Policy Commission

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Real Estate Commission

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NO NEW PROPOSED RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance	§9-306N	ERD by September 8, 2017	July 27, 2017

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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	1	ACCOUNTANCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	8	HEARING AID DEALERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
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	31	DIETITIANS
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	164	SCHOOL BUILDING AUTHORITY
TITLE	172	STATE RAIL AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
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	194	MASSAGE THERAPY LICENSURE BOARD
TITLE	199	EXPLOSIVES & BLASTING
TITLE	204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy, WV Bd. Of (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/23/2017	7/23/2017		7/28/2017				
Administration (148-03)	State Owned Vehicles Legislative	6/26/2017	7/26/2017		7/26/2017				
Administration (148-6)	Parking Legislative	6/21/2017	7/21/2017		7/25/2017				
Agriculture (61-01)	Animal Disease Control Legislative	6/28/2017	7/28/2017		7/28/2017				
Agriculture (61-1A)	Feeding of Untreated Garbage to Swine Legislative	6/22/2017	7/22/2017		7/27/2017				
Agriculture (61-2)	West Virginia Apiary Law Legislative	6/15/2017	7/16/2017		7/18/2017				
Agriculture (61-8B)	Schedule of Charges for Inspection Services: Fruit Legislative	6/15/2017	7/172017		7/19/2017				
Agriculture (61-11)	Public Markets Legislative	6/27/2017	7/27/2017		7/27/2017				
Agriculture (61-11B)	Auctioneers Legislative	6/26/2017	7/26/2017		7/28/2017				
Agriculture (61-14A)	Noxious Weeds Legislative	6/22/2017	7/22/2017		7/28/2017				
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/15/2017	7/16/2017		7/17/2017				
Agriculutre (61-23D)	Inspection of Nontraditional, Domesticated Animals Legislative	6/15/2017	7/16/2017		7/17/2017				
Air Quality (45-8)	Ambient Air Quality Standards Legislative	6/6/2017	7/11/2017		7/21/2017				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/6/2017	7/11/2017		7/21/2017				
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/7/2017	7/11/2017		7/21/2017				
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/7/2017	7/11/2017		7/21/2017				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/6/2017	7/11/2017		7/21/2017				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/6/2017	7/11/2017		7/21/2017				
Athletic Commission (177-1)	WV State Athletic Commission Legislative	6/16/2017	7/16/2017		7/27/2017				
Athletic Commission (177-2)	Regulation of Mixed Martial Arts Legislative	6/16/2017	7/16/2017		7/27/2017				
Comm. & Tech. College Education (135-35)	Correspondence, Business, Occupational and Trade Schools Legislative	12/12/2016	1/13/2017				HB 2706	7/19/2017	7/19/2017
Comm. & Tech. College Education (135-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	12/12/2016	1/13/2017				HB 2706	7/19/2017	7/19/2017
Crime Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	6/21/2017	7/24/2017		7/26/2017				
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/28/2017	7/28/2017		7/28/2017				
Dietitians (31-1)	Licensure and Renewal Requirements Legislative	6/8/2017	7/17/2017		7/24/2017				
Education (126-16)	Regulations for the Education of Students with Exceptionalities (2419) Legislative Exempt	4/13/2017	6/11/2017					7/13/2017	8/14/2017
Education (126-67)	Comprehensive School Counseling Programs (2315) Legislative Exempt	5/18/2017	6/19/2017					7/13/2017	8/14/2017
Education (126-81)	Attendance (4110) Legislative Exempt	7/13/2017	8/14/2017						
Education (126-86)	Standards for School Nutrition (Policy 4321.1) Legislative Exempt	6/15/2017	7/17/2017						
Education (126-099)	Expected Behavior in Safe and Supportive Schools (4373) Legislative Exempt	7/13/2017	8/14/2017						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) Legislative Exempt	7/13/2017	8/14/2017						
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification (5202) Legislative Exempt	7/13/2017	8/14/2017						
Environmental Protection – Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/5/2017	7/6/2017		7/11/2017				
Fire Commission (87-2)	Electrician Licensing Rules Legislative	6/16/2017	7/17/2017		7/25/2017				
Fire Commission (87-3)	Hazardous Substance Emergency Response Training Programs Legislative	6/19/2017	7/19/2017		7/25/2017				
Health (64-03)	Public Water Systems Legislative	6/27/2017	7/27/2017		7/28/2017				
Health (64-12)	Hospital Licensure Legislative	6/27/2017	7/27/2017		7/28/2017				
Health (64-17)	Food Establishments Legislative	6/27/2017	7/27/2017		7/28/2017				
Health (64-23A)	Technologically Enhanced Naturally Occurring Radioactive Material Legislative	6/27/2017	7/27/2017		7/28/2017				
Health (64-48)	Emergency Medical Services Legislative	6/27/2017	7/27/2017		7/28/2017				
Health (64-105)	Harm Reduction Programs Legislative	6/27/2017	7/27/2017		7/28/2017				
Health (64-106)	Home-Based Food Production Legislative	6/27/2017	7/27/2017	6/27/2017 Withdrawn 7/20/2017	7/28/2017				
Health (64-107)	Designation of Comprehensive, Primary and Acute Stroke-Ready Hospitals Legislative	6/27/2017	7/27/2017		7/28/2017				
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	6/26/2017	7/26/2017		7/27/2017				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health and Human Resources (69-13)	Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017	7/28/2017				
Health and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017	7/28/2017				
Health Care Authority (65-13)	Financial Disclosure Rule Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017	7/28/2017				
Hearing Aid Dealers (8-01)	WV Board of Hearing Aid Dealers Legislative	6/23/2017	7/24/2017		7/26/2017				
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		HB 2706	7/5/2017	8/5/2017
Higher Ed. Policy Commission (133-41)	Health Sciences Service Program Procedural	6/26/2017	7/26/2017					8/2/2017	9/2/2017
Higher Ed. Policy Commission (133-42)	WV Higher Education Grant Program Legislative	11/18/2016	12/18/2016		12/20/2016		HB 2706	7/5/2017	8/5/2017
Higher Ed. Policy Commission (133-48)	Research Trust Fund Legislative	11/18/2016	12/18/2016		12/21/2016		HB 2706	7/5/2017	8/5/2017
Higher Ed. Policy Commission (133-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	11/18/2016	12/18/2016		12/21/2016		HB 2706	7/5/2017	8/5/2017
Highways (157-2)	Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance Legislative	6/22/2017	7/24/2017		7/28/2017				
Human Services (78-01)	Child Care Licensing Legislative	6/26/2017	7/26/2017		7/27/2017				
Human Services (78-02)	Child Placing Agencies Licensing Legislative	6/26/2017	7/26/2017		7/27/2017				
Human Services (78-18)	Family Child Care Facility Licensing Requirements Legislative	6/27/2017	7/26/2017		7/28/2017				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-19)	Family Child Care Home Registration Requirements Legislative	6/26/2017	7/26/2017		7/27/2017				
Human Services (78-20)	Informal and Relative Family Child Care Home Registration Requirements Legislative	6/26/2017	7/26/2017		7/28/2017				
Human Services (78-21)	Out-of-School Time Child Care Center Legislative	6/26/2017	7/26/2017		7/28/2017				
Human Services (78-26)	Drug Screening of Applicants for Cash Assistance Under the Temporary Assistance for Needy Families Program (TANF) Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017 Amendment 7/28/2017 ERD by 9/8/2017	7/28/2017				
Labor (42-10)	Zipline and Canopy Tour Responsibility Act Legislative	6/15/2017	7/17/2017		7/27/2017				
Labor (42-12)	Bedding and Upholstered Furniture Legislative	6/15/2017	7/17/2017		7/27/2017				
Labor (42-17)	Amusement Rides and Amusement Attractions Safety Act Legislative	6/15/2017	7/17/2017		7/27/2017				
Labor (42-21)	Elevator Safety Act Legislative	6/21/2017	7/22/2017		7/27/2017				
Labor (42-33)	Employer Wage Bonds Legislative	6/15/2017	7/17/2017		7/27/2017				
Labor (42-35)	Registration of Service Persons and Service Agencies Legislative	6/15/2017	7/17/2017	6/16/2017 Approved 7/20/2017	7/27/2017				
Labor (42-36)	Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions Legislative	6/15/2017	7/17/2017	6/16/2017 Approved 7/20/2017	7/27/2017				
Licensed Practical Nurses (10-04)	Schedule of Fees for Services Rendered by the WV State Bd. Of Examiners for Licensed Practical Nurses Legislative	6/28/2017	7/28/2017		7/31/2017				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Lottery Commission (179-1)	State Lottery Rules Legislative	6/19/2017	7/21/2017		7/28/2017				
Massage Therapy Licensure Board (194-1)	General Provisions Legislative	6/19/2017	7/22/2017		7/26/2017				
Medicine (11-6)	Continuing Education for Physicians and Podiatrists Legislative	6/21/2017	7/21/2017		7/26/2017				
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	7/11/2017	8/10/2017						
Miners' Health, Safety and Training (56-23)	Operating Diesel Equipment in Underground Mines in WV Legislative	6/22/2017	7/24/2017	6/22/2017 Approved 7/20/2017	7/27/2017				
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Legislative	6/6/2017	7/18/2017		7/27/2017				
Natural Resources (58-02)	Rules Controlling the Public Land Corporations Sale, Lease, Exchange or Transfer of Land or Minerals Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-05)	Recycling Assistance Grant Program Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-11)	Hunting, Fishing and Other Outfitters and Guides Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-13B)	Special Waterfowl Hunting Areas Legislative Exempt	6/23/2017	7/24/2017					7/28/2017	7/28/2017
Natural Resources (58-25)	Boating Rule Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-28)	Special Requirements Concerning Boating Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-29)	Special Boating Rule for Jennings Randolph Lake Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-49)	General Hunting Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-56)	Special Migratory Bird Hunting Legislative	6/23/2017	7/24/2017		7/28/2017				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-64)	Miscellaneous Permits and Licenses Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/28/2017	7/28/2017		7/28/2017				
Optometry (14-01)	WV Board of Optometry Legislative	6/28/2017	7/28/2017		7/28/2017				
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	6/22/2017	7/24/2017		7/28/2017				
Pharmacy (15-2)	Uniform Controlled Substances Act Legislative	5/11/2017	6/12/2017		7/28/2017				
Pharmacy (15-7)	Registration of Pharmacy Technicians Legislative	5/12/2017	6/12/2017		7/28/2017				
Pharmacy (15-8)	Controlled Substances Monitoring Program Legislative	6/15/2017	7/17/2017	6/15/2017 Approved 7/20/2017	7/28/2017				
Pharmacy (15-10)	Pharmacist Recovery Networks Legislative	5/12/2017	6/12/2017		7/28/2017				
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/22/2017	7/24/2017		7/28/2017				
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/15/2017	7/17/2017		7/28/2017				
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 Bundled HB 2219	6/5/2017	9/1/2017
Psychologists (17-01)	Fees Legislative	6/28/2017	7/28/2017		7/28/2017				
Psychologists (17-02)	Organization and Procedures of the Board of Examiners of Psychologists Procedural	6/28/2017	7/28/2017						
Psychologists (17-03)	Requirements for Licensure as a Psychologist and/or a School Psychologist Legislative	6/28/2017	7/28/2017		7/28/2017				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Psychologists (17-06)	Code of Ethics Legislative	6/28/2017	7/28/2017		7/28/2017				
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 Bundled HB 2219	5/17/2017	8/1/2017
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2017	7/19/2017		7/27/2017				
Racing Commission (178-5)	Pari-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 SB 127	5/3/2017	8/1/2017
Real Estate Appraiser Licensing & Cert. Bd. (190-2)	Requirements for Licensure and Certification Legislative	6/14/2017	7/17/2017		7/28/2017				
Real Estate Appraiser Licensing & Cert. Bd. (190-4)	Investigative and Hearing Procedures Procedural	6/15/2017	7/17/2017						
THE ABOVE RULE WAS WITHDRAWN 7/31/2017									
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers and Salespersons and the Conduct of Brokerage Business Legislative	6/23/2017	7/24/2017		7/27/2017				
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/26/2017	7/26/2017		7/27/2017				
Real Estate Commission (174-03)	Requirements for Real Estate Courses, Course Providers and Instructors Legislative	6/26/2017	7/26/2017		7/27/2017				
School Building Authority of WV (164-1)	School Building Authority Policy and Procedures Handbook Procedural	12/22/2016	1/23/2017						
Secondary School Activities Comm. (127-2)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/18/2017	6/19/2017					7/13/2017	9/11/2017
Secondary School Activities Comm. (127-3)	Provisions Governing Contests Legislative Exempt	5/18/2017	6/19/2017					7/13/2017	9/11/2017

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-18)	Procedures for Canvassing Elections Legislative	6/28/2017	7/28/2017		7/28/2017				
Secretary of State (153-27)	Procedures for Handling Ballots and Counting Write-In Votes in Counties Using Optical Scan Ballots Legislative	6/28/2017	7/28/2017		7/28/2017				
Secretary of State (153-34)	Licensing of Private Investigators and Security Guards Legislative	6/26/2017	7/26/2017		7/27/2017				
Secretary of State (153-39)	Vote by Mail Pilot Project Phase 2: Voting by Mail – Repeal Legislative	6/27/2017	7/27/2017		7/28/2017				
Senior Services (76-3)	WV State Plan for Aging Programs Interpretive	7/7/2016	8/8/2016						
State Police (81-14)	WV Sex Offender Registration Act Procedural	7/20/2017	8/22/2017						
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/16/2017	7/17/2017		7/27/2017				
Tax (110-13DD)	Farm-To-Food Bank Tax Credit Legislative	6/16/2017	7/17/2017		7/27/2017				
Tax (110-22)	Property Transfer Tax Legislative	6/19/2017	7/20/2017		7/27/2017				
Tax (110-28)	Municipal Sales and Service and Use Tax Administration Legislative	6/16/2017	7/17/2016	6/13/2017 Approved 7/20/2017	7/28/2017				
Veterinary Medicine (26-1)	Organization and Operation and Licensing of Veterinarians Legislative	6/12/2017	7/13/2017		7/18/2017				
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians Legislative	6/12/2017	7/13/2017		7/18/2017				
Veterinary Medicine (26-6)	Schedule of Fees Legislative	6/12/2017	7/13/2017		7/18/2017				
Waste Mgmt., Div. of Water & Waste Mgmt (33-01A)	Disposal of Completion Waste Interpretive	3/16/2017	4/16/2017					6/23/2017	8/1/2017

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Waste Mgmt., Div. of Water & Waste Mgmt (33-20)	Hazardous Waste Management System Legislative	6/5/2017	7/6/2017		7/21/2017				
Waste Mgmt., Div. of Water & Waste Mgmt (33-30)	Underground Storage Tanks Legislative	6/5/2017	7/6/2017		7/25/2017				

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LEGISLATIVE

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

AGENCY: Accountancy TITLE-SERIES: 1-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 1-01 Board Rules and Rules of Professional Conduct

PRIMARY CONTACT

NAME: Brenda S Turley

ADDRESS: WV Board Of Accountancy
405 Capitol Street Suite 908
Charleston, WV 25301

EMAIL: wvboa@mail.wvnet.edu

PHONE NUMBER: 304-558-3255 7

CITE STATUTORY AUTHORITY: W.Va. Code § 30-9-4(8)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Per W.Va. Code 30-9-7(a)(5), passed by the legislature on March 7, 2016, the Board of Accountancy is required to perform criminal history background checks as a prerequisite for licensure. This Agency Approved Rule provides the procedures to implement this requirement.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/23/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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

AGENCY: Agriculture TITLE-SERIES: 61-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 61-01 Animal Disease Control

PRIMARY CONTACT

NAME: Jodee Martin

ADDRESS: WV Dept Of Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

EMAIL: jodeemartin@wvda.us

PHONE NUMBER: 304-558-3550

CITE STATUTORY AUTHORITY: §19-9-2

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§19-9-2 allows the Commissioner of Agriculture to make and enforce rules and regulations as may be necessary.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

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

AGENCY: Agriculture TITLE-SERIES: 61-11B

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 61-11B Auctioneers

PRIMARY CONTACT

NAME: Jodee Martin

ADDRESS: WV Dept Of Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

EMAIL: jodeemartin@wvda.us

PHONE NUMBER: 304-558-3550

CITE STATUTORY AUTHORITY: §19-2C-5

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§19-2C-5 give the Commissioner the authority to regulate rules as he/she sees fit to carry out the intent and the administration and enforcement.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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

AGENCY: Agriculture TITLE-SERIES: 61-14A

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 61-14A Noxious Weeds

PRIMARY CONTACT

NAME: Jodee Martin

ADDRESS: WV Dept Of Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

EMAIL: jodeemartin@wvda.us

PHONE NUMBER: 304-558-3550

CITE STATUTORY AUTHORITY: §19-12D-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§19-12D-4 allows the Commissioner of Agriculture to administer and enforce 61CSR14A

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/22/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

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

AGENCY: Athletic Commission TITLE-SERIES: 177-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 177-01 West Virginia State Athletic Commission

PRIMARY CONTACT

NAME: Sean M Whelan

ADDRESS: 1900 Kanawha Blvd E
Building 1 Room W 435
Charleston, WestVirginia 25305

EMAIL: sean.m.whelan@wvago.gov

PHONE NUMBER: 304-558-2522

CITE STATUTORY AUTHORITY: W. Va. Code § 29-5A-1, W. Va. Code § 29-5A-6, W. Va. Code § 29-5A-18, W. Va. Code § 29-5A-24(b)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The proposed amendment includes a $20.00 registration fee for amateur boxing contestants. This amendment is authorized by West Virginia Code § 29-5A-20 which expressly provides for this fee. The proposed rule also provides for a minimum $50.00 payment for a scorekeeper. This fee is also expressly authorized by West Virginia Code § 29-5A-6. The proposed amendment clarifies the responsibility for payment of medical testing for fighters who are forty years old and above. This amendment is authorized by West Virginia Code § 29-5A-8 governing the qualifications for licensure and West Virginia Code § 29-5A-3(b) requiring the Commission to follow requirements to enable he proper sanctioning of participants. The proposed amendment clarifies that the promoter is responsible for providing and paying for each examining physician; requires the physician to conduct a pre- and post-fight examination of boxing contestants; provides that contestants who participant in semiprofessional style two night tournaments are to be paired based on experience, height, weight, and conditioning; requires that corner men in semiprofessional style two night tournaments shall be provided and paid for by the promoter; and updates common terms within the industry to reflect current usage. These amendments are authorized under West Virginia Code § 29-5A-18 governing the provision and conduct of an examining physician and West Virginia Code § 29-5A-3(b) which mandates that the Commission follow requirements to enable to proper sanctioning of participants, referees, judges, matches and exhibitions.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/16/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/16/2017

COMMENTS RECEIVED: No

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

AGENCY: Athletic Commission TITLE-SERIES: 177-02

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 177-02 Regulation of Mixed Martial Arts

PRIMARY CONTACT

NAME: Sean M Whelan

ADDRESS: 1900 Kanawha Blvd E
Building 1 Room W 435
Charleston, WestVirginia 25305

EMAIL: sean.m.whelan@wvago.gov

PHONE NUMBER: 304-558-2522

CITE STATUTORY AUTHORITY: W. Va. Code § 29-5A-1, W. Va. Code § 29-5A-3a(f), W. Va. Code § 29-5A-6, W. Va. Code § 29-5A-18, W. Va. Code § 29-5A-24(b)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The proposed amendment includes a $20.00 registration fee for amateur mixed martial arts contestants. This amendment is authorized by West Virginia Code § 29-5A-20 which expressly provides for this fee. The proposed rule also provides for a minimum $50.00 payment for a scorekeeper. This fee is also expressly authorized by West Virginia Code § 29-5A-6. The proposed amendment clarifies the responsibility for payment of medical testing for fighters who are forty years old and above. This amendment is authorized by West Virginia Code § 29-5A-3a(f)(1) and (6) which gives the Commission authority to issue rules regarding the requirements for licensure and [l]imitations or restrictions necessary to guarantee the safety of participants. The proposed rule clarifies without substantive change the responsibility of the promoter to provide and pay for each examining physician. This clarification is authorized by West Virginia Code § 29-5A-3a(f)(8) which directs the Commission to adopt unified rules of mixed martial arts and [a]ny other rules necessary to effectuate the provisions of this section. The proposed rule requires a pre-fight and post-fight examination of mixed martial arts contestants. This change is authorized by West Virginia Code § 29-5A-3a(f)(6) which authorizes the Commission to issue rules imposing [l]imitations or restrictions necessary to guarantee the safety of participants. The proposed rule further updates common terms within the industry to reflect current usage. This is authorized under West Virginia Code § 29-5A-3a(f)(4) and (8) which authorizes the Commission to adopt unified rules of mixed martial arts and [a]ny other rules necessary to effectuate the provisions of this section.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/16/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/16/2017

COMMENTS RECEIVED: No

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LEGISLATIVE

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

AGENCY: Crime Delinquency And Correction TITLE-SERIES: 149-03

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 149-03 Protocol For Law Enforcement Response to Domestic Violence

PRIMARY CONTACT

NAME: Chuck Sadler

ADDRESS: Djcs Leps Program
1124 Smith St Suite 3100
Charleston, WV 25301

EMAIL: charles.a.sadler@wv.gov

PHONE NUMBER: 304-558-8814 53315

CITE STATUTORY AUTHORITY: 48-27-1102

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

WV Code provides statutory authority under 48-27-1102 as stated in preceding section. Governor's Committee on Crime, Prevention and Corrections, through the Law Enforcement Professional Standards (LEPS) Subcommittee, in conjunction with West Virginia Coalition Against Domestic Violence (WVCADV) work to insure rule is current

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 9:59:30 AM

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

AGENCY: Health TITLE-SERIES: 64-03

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 64-03 Public Water Systems

PRIMARY CONTACT

NAME: Brian J Skinner BPH General Counsel

ADDRESS: 350 Capitol Street Room 702

Charleston, WV 25301

EMAIL: brian.j.skinner@wv.gov

PHONE NUMBER: 304-356-4112

CITE STATUTORY AUTHORITY: 16-1-4; 16-1-9; 16-1-9a, 16-1-9c, 16-1-9d

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code § 16-1-4; 16-1-9; 16-1-9a, 16-1-9c, 16-1-9d. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 64-3 by the authority specifically found in W. Va. Code § 64-3.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 10:28:50 AM

LEGISLATIVE

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

AGENCY: Health TITLE-SERIES: 64-12

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 64-12 Hospital Licensure

PRIMARY CONTACT

NAME: M Kathy Lawson

ADDRESS: Building 6 Room 817 B
State Capitol Complex
Charleston, WV 25305

EMAIL: kathy.m.lawson@wv.gov

PHONE NUMBER: 304-558-2278

CITE STATUTORY AUTHORITY: 16-5b-8

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Department of Health and Human Resources shall have the power to promulgate rules and regulations as the agency may establish, not in conflict with any provisions of W. Va. Code §16-5B-1 et seq., as it finds necessary, or in the public interest, in order to protect patients in institutions required to be licensed under W. Va. Code §16-5B-1 et seq. from detrimental practices and conditions, or to ensure adequate provision for their accommodation and care.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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7/28/2017 10:08:51 AM

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

AGENCY: Health TITLE-SERIES: 64-17

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 64-17 Food Establishments

PRIMARY CONTACT

NAME: Brian J Skinner BPH General Counsel

ADDRESS: 350 Capitol Street Room 702

Charleston, WV 25301

EMAIL: brian.j.skinner@wv.gov

PHONE NUMBER: 304-356-4112

CITE STATUTORY AUTHORITY: 16-1-4, 16-6-2

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code § 16-1-4; 16-6-2. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 64-17 by the authority specifically found in W. Va. Code § 64-17.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

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

AGENCY: Health TITLE-SERIES: 64-23A

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 64-23A Technologically Enhanced Naturally Occurring Radioactive Material

PRIMARY CONTACT

NAME: Brian J Skinner BPH General Counsel

ADDRESS: 350 Capitol Street Room 702

Charleston, WV 25301

EMAIL: brian.j.skinner@wv.gov

PHONE NUMBER: 304-356-4112

CITE STATUTORY AUTHORITY: 16-1-6(n), 16-1-11

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code § 16-1-6(n), 16-1-11The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 64-23A by the authority specifically found in W. Va. Code § 16-1-6(n), 16-1-11

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 2:56:46 PM

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

AGENCY: Health TITLE-SERIES: 64-48

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 64-48 Emergency Medical Services

PRIMARY CONTACT

NAME: Brian J Skinner BPH General Counsel

ADDRESS: 350 Capitol Street Room 702

Charleston, WV 25301

EMAIL: brian.j.skinner@wv.gov

PHONE NUMBER: 304-356-4112

CITE STATUTORY AUTHORITY: 16-1-4,16-4C-14, 16-4c-14,16-4C-23

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code §16-1-4,16-4C-14, 16-4c-14,16-4C-23. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 64-48 by the authority specifically found in W. Va. Code §16-1-4,16-4C-14, 16-4c-14,16-4C-23

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WEST VIRGINIA SECRETARY OF STATE
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7/28/2017 2:54:28 PM

LEGISLATIVE

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

AGENCY: Health TITLE-SERIES: 64-105

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 64-105 Harm Reduction Programs

PRIMARY CONTACT

NAME: Brian J Skinner BPH General Counsel

ADDRESS: 350 Capitol Street Room 702

Charleston, WV 25301

EMAIL: brian.j.skinner@wv.gov

PHONE NUMBER: 304-356-4112

CITE STATUTORY AUTHORITY: 16-1-4, 16-3-1, 16-3C-8

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code § 16-1-4, 16-3-1, 16-3C-8. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 64-105 by the authority specifically found in W. Va. Code § 16-1-4, 16-3-1, 16-3C-8.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 10:54:56 AM

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

AGENCY: Health TITLE-SERIES: 64-106

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 64-106 Home-Based Food Production

PRIMARY CONTACT

NAME: Brian J Skinner BPH General Counsel

ADDRESS: 350 Capitol Street Room 702

Charleston, WV 25301

EMAIL: brian.j.skinner@wv.gov

PHONE NUMBER: 304-356-4112

CITE STATUTORY AUTHORITY: 16-1-4b2,5,8; 16-1-6m; 16-1-11

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code § 16-1-4b2,5,8; 16-1-6m; 16-1-11. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 64-17 by the authority specifically found in W. Va. Code § 64-106.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 2:26:06 PM

LEGISLATIVE

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

AGENCY: Health TITLE-SERIES: 64-107

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 64-107 Designation of Comprehensive, Primary and Acute Stroke-Ready Hospitals

PRIMARY CONTACT

NAME: Brian J Skinner BPH General Counsel

ADDRESS: 350 Capitol Street Room 702
Charleston, WV 25301

EMAIL: brian.j.skinner@wv.gov

PHONE NUMBER: 304-356-4112

CITE STATUTORY AUTHORITY: 16-1-4(b)(6); 16-5b-18

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code §16-1-4(b)(6), 16-5b-18. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 64-107 by the authority specifically found in W. Va. Code §.16-1-4(b)(6), 16-5b-18.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 3:33:48 PM

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

AGENCY: Health And Human Resources TITLE-SERIES: 69-13

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 69-13 Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State

PRIMARY CONTACT

NAME: Brian J Skinner BPH General Counsel

ADDRESS: 350 Capitol Street Room 702
Charleston, WV 25301

EMAIL: brian.j.skinner@wv.gov

PHONE NUMBER: 304-356-4112

CITE STATUTORY AUTHORITY: 16-53-3

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code §16-53-3. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 69-13 by the authority specifically found in W. Va. Code §16-53-3

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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7/28/2017 11:36:44 AM

LEGISLATIVE

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

AGENCY: Health And Human Resources TITLE-SERIES: 69-14

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 69-14 Collection and Exchange of Data Related to Overdoses

PRIMARY CONTACT

NAME: Brian J Skinner BPH General Counsel

ADDRESS: 350 Capitol Street Room 702

Charleston, WV 25301

EMAIL: brian.j.skinner@wv.gov

PHONE NUMBER: 304-356-4112

CITE STATUTORY AUTHORITY: 16-5T-5

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code § 16-5t-5.. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 69-14 by the authority specifically found in W. Va. Code § 16-5T-5.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 4:36:39 PM

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

AGENCY: Health Care Authority TITLE-SERIES: 65-13

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 65-13 Financial Disclosure Rule

PRIMARY CONTACT

NAME: Cynthia Dellinger

ADDRESS: 100 Dee Drive

Charleston, WV 25311

EMAIL: cdellinger@hcawv.org

PHONE NUMBER: 304-558-7000

CITE STATUTORY AUTHORITY: 16-29B-8(b)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code § 16-29B-8 (b). The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 64-13 by the authority specifically found in W. Va. Code § 16-29B-8(b).

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 4:24:33 PM

LEGISLATIVE

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

AGENCY: Highways TITLE-SERIES: 157-02

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 157-02 Disposal,Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance

PRIMARY CONTACT

NAME: Cheryl L Davis

ADDRESS: 1900 Kanawha Boulevard East

Charleston, WV 25305

EMAIL: cheryl.l.davis@wv.gov

PHONE NUMBER: 304-558-9312

CITE STATUTORY AUTHORITY: West Virginia Code § 17-2A-8, 9, 19 , 20

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This revised rule is promulgated under Chapter 17 which is the statutory framework under which the Commissioner of Highways operates.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/20/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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MAC WARNER
ADMINISTRATIVE LAW DIVISION

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7/28/2017 11:15:02 AM

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

AGENCY: Human Services TITLE-SERIES: 78-18

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 78-18 Family Child Care Facility Licensing Requirements

PRIMARY CONTACT

NAME: Linda Watts

ADDRESS: 350 Capitol Street Room 730

Charleston, WV 25301

EMAIL: linda.m.watts@wv.gov

PHONE NUMBER: 304-356-4527

CITE STATUTORY AUTHORITY: 49-2-121

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code § 49-2-121. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 78-18 by the authority specifically found in W. Va. Code § 49-2-121.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/27/2017 4:52:32 PM

LEGISLATIVE

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

AGENCY: Human Services TITLE-SERIES: 78-19

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 78-19 Family Child Care Home Registration Requirements

PRIMARY CONTACT

NAME: Linda Watts

ADDRESS: 350 Capitol Street Room 730
Charleston, WV 25301

EMAIL: linda.m.watts@wv.gov

PHONE NUMBER: 304-356-4527

CITE STATUTORY AUTHORITY: 49-2-121

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code §49-2-121 et seq. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 78- 19 by the authority specifically found in W. Va. Code §49-2-121.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 8:22:46 AM

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

AGENCY: Human Services TITLE-SERIES: 78-20

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 78-20 Informal and Relative Family Child Care Home Registration Requirments

PRIMARY CONTACT

NAME: Linda Watts

ADDRESS: 350 Capitol Street Room 730
Charleston, WV 25301

EMAIL: linda.m.watts@wv.gov

PHONE NUMBER: 304-356-4527

CITE STATUTORY AUTHORITY: 49-2-121

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code §49-2-121 et seq. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 78- 20 by the authority specifically found in W. Va. Code §49-2-121.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE
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7/28/2017 8:27:13 AM

LEGISLATIVE

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

AGENCY: Human Services TITLE-SERIES: 78-21

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 78-21 Out-of-School Time Child Care Center

PRIMARY CONTACT

NAME: Linda Watts

ADDRESS: 350 Capitol Street Room 730
Charleston, WV 25301

EMAIL: linda.m.watts@wv.gov

PHONE NUMBER: 304-356-4527

CITE STATUTORY AUTHORITY: 49-2-121

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code §49-2-121 et seq. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 78- 21 by the authority specifically found in W. Va. Code §49-2-121.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE
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7/28/2017 3:06:30 PM

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

AGENCY: Human Services TITLE-SERIES: 78-26

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 78-26 Pilot Program for Drug Screening of Applicants for Cash Assistance

PRIMARY CONTACT

NAME: Linda Watts

ADDRESS: 350 Capitol Street Room 730
Charleston, WV 25301

EMAIL: linda.m.watts@wv.gov

PHONE NUMBER: 304-356-4527

CITE STATUTORY AUTHORITY: 9-3-6N

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

STATUTORY AUTHORITY
The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with W. Va. Code §29A-3-1 et seq. to implement the all of the provisions of W. Va. Code § 9-3-6N. The Department of Health and Human Resources is empowered to enact each provision of W. Va. Code of State Rules 78-26-1 by the authority specifically found in W. Va. Code § 9-3-6N

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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ADMINISTRATIVE LAW DIVISION

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7/31/2017 5:07:02 PM

LEGISLATIVE

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

AGENCY: Licensed Practical Nurses TITLE-SERIES: 10-04

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 10-04 Schedule of Fees for Services Rendered by the West Virginia State Board of Examiners for Licensed Practical Nurses

PRIMARY CONTACT

NAME: Michelle Mayhew

ADDRESS: 101 Dee Drive Suite 100

Charleston, WV 25311

EMAIL: michelle.l.mayhew@wv.gov

PHONE NUMBER: 304-558-3572

CITE STATUTORY AUTHORITY: WV Code §30-7A-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

WV Code §30-7A-7

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 9:23:48 AM

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

AGENCY: Lottery Commission TITLE-SERIES: 179-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 179-01 State Lottery Rules

PRIMARY CONTACT

NAME: Danielle Boyd

ADDRESS: PO Box 2067

Charleston, WV 25327

EMAIL: dboyd@wvlottery.com

PHONE NUMBER: 304-558-0500 293

CITE STATUTORY AUTHORITY: W.Va. Code 29-22-5, 9(b), 10, 16, and 17

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The State Lottery Rule relates to the general powers and authority of the Lottery Commission and regulatory standards for traditional lottery game operations [i.e. Powerball, MEGAMillions, KENO, Instant Games]. The proposed changes would authorize the Lottery to enter into an MOU with the Division of Motor Vehicles to continue receiving DMV records for background checks, reduce the installation fee assessed for traditional lottery retailer licensure from $500 to $250, and revises the standards for minimum average weekly sales that licensed retailers are expected to maintain. This falls under the statutory authority of the Commission for rulemaking under sections 5 and 9(b) of the State Lottery Act.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/19/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WEST VIRGINIA SECRETARY OF STATE
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7/28/2017 1:29:20 PM

LEGISLATIVE

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

AGENCY: Natural Resources TITLE-SERIES: 58-02

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: 58-02 Rules Controlling the Public Land Corporations Sale, Lease, Exchange or Transfer of Land or Minerals

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-1A-1 - 20-1A-9

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

WV Code §20-1A-1 through §20-1A-9 granted Series 2 authority. WV Code sections §§20-1A-1 - 20-1A-6 and §§20-1A-8 - 20-1A-9 were repealed therefore this rule is obsolete and should be repealed.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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

AGENCY: Natural Resources TITLE-SERIES: 58-05

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: 58-05 Recycling Assistance Grant Program

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-11-5a(h)(1)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

WV Code §20-11-5a(h)(1) granted Series 5 authority. That WV Code section was repealed therefore this rule is obsolete and should be repealed.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 1:27:30 PM

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

AGENCY: Natural Resources TITLE-SERIES: 58-11

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 58-11 Hunting, Fishing and Other Outfitters and Guides

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(30) and 20-2-23

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§§ 20-1-7-(30) and 20-2-23 provide for promulgation of rules related to the licensing of outfitters and guides in WV. Series 58 reintroduces the Hunting, Fishing and Other Outfitters and Guides. An exempt rule was previously filed that mistakenly replaced 58CSR11. Following the corrected filing of the exempt rule, 58CSR11 was not refiled.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

LEGISLATIVE

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7/28/2017 1:33:28 PM
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 **Natural Resources**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-13B**
RULE NAME **Special Waterfowl Hunting Areas**

CITE AUTHORITY §§20-1-7(30), 29A-1-3(c)

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS
Friday, July 28, 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: 58-13B Rule Id: 16525 Document: 49706

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LEGISLATIVE

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

AGENCY: Natural Resources TITLE-SERIES: 58-25

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 58-25 Boating Rule

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-1-7(30), 20-7-13, 20-7-16, 20-7-22, 20-7-22a, 20-7-23

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§§20-1-7(30), 20-7-13, 20-7-16, 20-7-22, 20-7-22a, 20-7-23 provide for rule promulgation relating to the regulatation of boating activities on the waters of this State for the safety of the public.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 1:22:37 PM

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

AGENCY: Natural Resources TITLE-SERIES: 58-28

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 58-28 Special Requirements Concerning Boating

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(30), 20-7-13, 20-7-22

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(30), 20-7-13, 20-7-22 provide authority for promulgation of rules regarding special boating activities. Series 58-28 revises the current special requirements concerning boating rule. Revisions to this rule include language referencing personal flotation devices to model changes in Federal Code.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

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

AGENCY: Natural Resources TITLE-SERIES: 58-29

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 58-29 Special Boating Rule for Jennings Randolph Lake

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-1-7(30), 20-7-13, 20-7-22, 20-7-23, 29-1J-1

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§§20-1-7(30), 20-7-13, 20-7-22, 20-7-23, 29-1J-1 provides for the promulgation of rules for the purpose of this rule is to regulate boating activities on Jennings Randolph Lake for the safety of the public.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 2:03:13 PM

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

AGENCY: Natural Resources TITLE-SERIES: 58-49

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 58-49 General Hunting

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(30)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(30) provides for promulgation of general hunting rules that will provide for the safety of the hunter and the proper management of wildlife within the boundaries of this State.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

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

AGENCY: Natural Resources TITLE-SERIES: 58-56

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 58-56 Special Migratory Bird Hunting

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(30)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(30) provides for promulgation of rules to establish regulations when hunting migratory game birds in West Virginia.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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

AGENCY: Natural Resources TITLE-SERIES: 58-64

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 58-64 Miscellaneous Permits and Licenses

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-1-7(20) and 20-1-7(30).

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§§20-1-7(20) and 20-1-7(30) provides for the promulgation of rules to establish procedures concerning the application for and renewal of certain permits and licenses issued by the Division and the keeping of records, submission of reports and other terms and conditions associated with such permits and licenses.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

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

AGENCY: Natural Resources TITLE-SERIES: 58-69

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 58-69 Wildlife Disease Management

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(30)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(30) provides for the promulgation of rules to establish rules and procedures to manage, prevent, suppress, control and/or eradicate communicable diseases of wildlife.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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

AGENCY: Optometry TITLE-SERIES: 14-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 14-01 West Virginia Board of Optometry

PRIMARY CONTACT

NAME: Pamela Carper

ADDRESS: 179 Summers Street #231

Charleston, WV 25301

EMAIL: wvbdopt@frontier.com

PHONE NUMBER: 304-558-5901

CITE STATUTORY AUTHORITY: §30-1D-1(d) §30-8-1 et. seq.,

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The §14-1 rule amendment is made to comply with Lynette's Law, W.Va. Code,§30-1D-1(d),that adds a criminal background check requirement for new applicants to WV Code of State Rules, §14-1, in §14-1-4. This is the only change made to the rule along with the appropriate re-numbering of sections, etc. Our general rule making authority is contained in W.Va. Code, §30-8-1, et. seq.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 8:40:18 AM

LEGISLATIVE

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

AGENCY: Pharmacy TITLE-SERIES: 15-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 15-01 Licensure and Practice of Pharmacy

PRIMARY CONTACT

NAME: Michael L Goff

ADDRESS: 2310 Kanawha Blvd East
Charleston, WV 25311

EMAIL: michael.l.goff@wv.gov

PHONE NUMBER: 304-558-0558

CITE STATUTORY AUTHORITY: W. Va. Code §30-5-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §30-5-7(23) provides the Board authority tp propose rules regarding the regulation of pharmacies. The Board has proposed a new series, Title 15, Series 14, to allow for the central filling of prescriptions. As such, a proviso was added to § 15-1-14.7.5 to allow for the new language in Series 14.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/22/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 8:33:23 AM

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

AGENCY: Pharmacy TITLE-SERIES: 15-02

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 15-02 Uniform Controlled Substances Act

PRIMARY CONTACT

NAME: Michael L Goff

ADDRESS: 2310 Kanawha Blvd East
Charleston, WV 25311

EMAIL: michael.l.goff@wv.gov

PHONE NUMBER: 304-558-0558

CITE STATUTORY AUTHORITY: W. Va. Code §30-5-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §30-5-7(29)authorizes the Board to regulate wholesale drug distribution in this State. West Virginia Code of State Rules § 15-2-4.4 requires distributors of controlled substances, i.e., wholesale drug distributors, to design and operate systems to disclose suspicious orders of controlled substances, and to report those suspicious orders to the Board. The Board seeks to modify these provision to make the information received more meaningful, and add two categories of information to be reported, to proactively address these controlled substance orders.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/11/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/12/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 4:20:40 PM

LEGISLATIVE

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

AGENCY: Pharmacy TITLE-SERIES: 15-07

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 15-07 Registration of Pharmacy Technicians

PRIMARY CONTACT

NAME: Michael L Goff

ADDRESS: 2310 Kanawha Blvd East
Charleston, WV 25311

EMAIL: michael.l.goff@wv.gov

PHONE NUMBER: 304-558-0558

CITE STATUTORY AUTHORITY: W. Va. Code §30-5-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

House Bill 2846 (2017) created new Code § 30-5-11a which codified pharmacy technician trainees (PTTs). Up to that point, the Board of Pharmacy had relied upon rules referring to PTTs and interpreted statutes that they were a type of pharmacy technician (PT). Now that there is a specific code provision for PTTs, the Board seeks to clarify the Pharmacy Technician rules to add the term pharmacy technician trainee wherever pertinent. In addition, the Board seeks to clean up some old language that is no longer necessary.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/12/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/12/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/28/2017 12:43:54 PM

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

AGENCY: Pharmacy TITLE-SERIES: 15-08

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 15-08 Controlled Substances Monitoring Program

PRIMARY CONTACT

NAME: Michael L Goff

ADDRESS: 2310 Kanawha Blvd East
Charleston, WV 25311

EMAIL: michael.l.goff@wv.gov

PHONE NUMBER: 304-558-0558

CITE STATUTORY AUTHORITY: W. Va. Code §30-5-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

SB 333 (2017) made changes to the West Virginia Controlled Substances Monitoring Program (the CSMP), including creation of new Section 60A-9-9 which grants emergency rulemaking authority for the Board to designate substances as drugs of concern to be tracked by the CSMP

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/15/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/17/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/28/2017 4:32:42 PM

LEGISLATIVE

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

AGENCY: Pharmacy TITLE-SERIES: 15-10

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 15-10 Pharmacist Recovery Networks

PRIMARY CONTACT

NAME: Michael L Goff

ADDRESS: 2310 Kanawha Blvd East
Charleston, WV 25311

EMAIL: michael.l.goff@wv.gov

PHONE NUMBER: 304-558-0558

CITE STATUTORY AUTHORITY: W. Va. Code §30-5-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §30-5-7(a)(14) authorizes the Board to promulgate rules regarding pharmacist recovery networks. The Rules for Pharmacist Recovery Networks have not been updated for several years. The Board worked with the current vendor, which also does work for other licensing boards in this arena, to modify the rules to modernize them.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/12/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/12/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE
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ADMINISTRATIVE LAW DIVISION

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7/28/2017 3:20:27 PM

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

AGENCY: Pharmacy TITLE-SERIES: 15-12

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 15-12 Immunizations Administered By Pharmacists and Pharmacy Interns

PRIMARY CONTACT

NAME: Michael L Goff

ADDRESS: 2310 Kanawha Blvd East
Charleston, WV 25311

EMAIL: michael.l.goff@wv.gov

PHONE NUMBER: 304-558-0558

CITE STATUTORY AUTHORITY: W. Va. Code §30-5-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

West Virginia Code Section 30-5-7(d) and (e) requires rulemaking by the Board of Pharmacy with the advice and consent of the Board of Medicine and Board of Osteopathy for pharmacist administration of any immunizations beyond the influenza and pneumonia vaccines. The three boards have continued to work together over the past several years to amend the rules in Series 12 to provide for additional immunizations through joint rulemaking, and have done so here.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/22/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 2:52:22 PM

LEGISLATIVE

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

AGENCY: Pharmacy TITLE-SERIES: 15-14

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 15-14 Centralized Prescription Processing

PRIMARY CONTACT

NAME: Michael L Goff

ADDRESS: 2310 Kanawha Blvd East
Charleston, WV 25311

EMAIL: michael.l.goff@wv.gov

PHONE NUMBER: 304-558-0558

CITE STATUTORY AUTHORITY: W. Va. Code §30-5-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §30-5-7 authorizes the Board to propose rules for the regulation of pharmacies and the centralized filling of prescriptions. This rule would allow for central filling and processing of prescriptions by pharmacies licensed by the state, which would include non-resident pharmacies, and would move portions of 15-1-28 on remote data entry and remote order review to this series.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/15/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/17/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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ADMINISTRATIVE LAW DIVISION

eFILED
7/28/2017 2:18:27 PM

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

AGENCY: Psychologists TITLE-SERIES: 17-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 17-01 Fees

PRIMARY CONTACT

NAME: Kathy Lynch

ADDRESS: PO Box 3955
Charleston, WV 25339

EMAIL: kathy.g.lynch@wv.gov

PHONE NUMBER: 304-558-3040

CITE STATUTORY AUTHORITY: §30-21-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§30-21-6

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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ADMINISTRATIVE LAW DIVISION

eFILED
7/28/2017 3:03:19 PM

LEGISLATIVE

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

AGENCY: Psychologists TITLE-SERIES: 17-03

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 17-03 Requirements for Licensure as a Psychologist and/or a School Psychologist

PRIMARY CONTACT

NAME: Kathy Lynch

ADDRESS: PO Box 3955

Charleston, WV 25339

EMAIL: kathy.g.lynch@wv.gov

PHONE NUMBER: 304-558-3040

CITE STATUTORY AUTHORITY: §30-21-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§30-21-6

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS:

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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eFILED
7/28/2017 3:38:48 PM

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

AGENCY: Psychologists TITLE-SERIES: 17-06

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 17-06 Code of Ethics

PRIMARY CONTACT

NAME: kathy Lynch

ADDRESS: PO Box 3955

Charleston, WV 25339

EMAIL: kathy.g.lynch@wv.gov

PHONE NUMBER: 304-558-3040

CITE STATUTORY AUTHORITY: §30-21-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§30-21-6

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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eFILED
7/27/2017 4:44:50 PM

LEGISLATIVE

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

AGENCY: Racing Commission TITLE-SERIES: 178-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 178-01 Thoroughbred Racing

PRIMARY CONTACT

NAME: Kelli Talbott

ADDRESS: 812 Quarrier Street Second Floor

Charleston, W 25301

EMAIL: kelli.d.talbott@wvago.gov

PHONE NUMBER: 304-558-8989

CITE STATUTORY AUTHORITY: WV Code 19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-9, 19-23-13, 19-23-13b, 19-23-15

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The Code sections cited in the general statutory authority portion of this form give broad and plenary rulemaking authority to the Commission. Each of the proposed amendments are authorized by these Code provisions.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/19/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/19/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/28/2017 4:10:38 PM

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

AGENCY: Real Estate Appraiser Licensing And Certification Board TITLE-SERIES: 190-02

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 190-02 Requirements for Licensure and Certification

PRIMARY CONTACT

NAME: Real Estate Appraiser Licensing and Certification Board

ADDRESS: 405 Capitol Street Suite 906

Charleston, WV 25301

EMAIL: brenda.s.ashworth@wv.gov

PHONE NUMBER: 304-558-3919

CITE STATUTORY AUTHORITY: §§ 30-1-6b,30-38-4-30-38-5:30-38-6:30-38-7:30-38-9:30-38-11

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§§ WV Code 30-38-9 Gives the Real Estate Appraiser Licensing & Certification Board authority to propose legislative rules regarding licensure and certification requirements, registration requirements, fees for license and renewals, a fee schedule for registrations of appraisal management companies, surety bond requirements for registrations of appraisal management companies, requirements and procedures for appraisal management companies to maintain records and experience, education and continuing education requirements and approval of education courses.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/14/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/17/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

FILED

2017 JUL 31 A 11:16

State of West Virginia
West Virginia Real Estate Appraiser Licensing and Certification Board

OFFICE OF
SECRETARY OF STATE

July 28, 2017

State of West Virginia
Mac Warner Secretary of State
Attention: Judy Cooper
State Capitol Building
Charleston, WV 25305

Dear Ms. Cooper:

As per our conversation of this pm, the State of West Virginia Real Estate Appraiser Licensing & Certification Board voted at their regular scheduled Board Meeting on July 26, 2017 to withdraw the of 190-4 that was efiled on 6/15/17 Investigative and Hearing Procedures , Amendment to Existing Rule.

Please advise if additional information is required.

Sincerely,

Brenda S. Ashworth

Brenda S. Ashworth
Interim Executive Director
State of West Virginia
Real Estate Appraiser Licensing & Certification Board
405 Capitol Street, Suite 906
Charleston, WV 25301

405 Capitol Street, Suite 906, Charleston, West Virginia 25301
Telephone 304-558-3919, Fax 304-558-3983, www.appraiserboard.wv.gov

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/28/2017 11:52:18 AM

LEGISLATIVE

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

AGENCY: Secretary Of State TITLE-SERIES: 153-18

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 153-18 Procedures for Canvassing Elections

PRIMARY CONTACT

NAME: Donald Kersey

ADDRESS: Secretary Of States Office State Capitol
Charleston, WV 25305

EMAIL: dkersey@wvsos.gov

PHONE NUMBER: 304-558-6000

CITE STATUTORY AUTHORITY: 3-1A-6; 64-9-14

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The Secretary of State has the authority to amend legislative rules pertaining to elections under W. Va. Code 3-1A-6. The amended Rule amends the existing rule to correct outdated language, typos and inaccurate numbering.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/28/2017 12:23:14 PM

LEGISLATIVE

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

AGENCY: Secretary Of State TITLE-SERIES: 153-27

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 153-27 Procedures for Handling Ballots and Counting Write-In Votes in Counties Using Optical Scan Ballots

PRIMARY CONTACT

NAME: Donald Kersey

ADDRESS: Secretary Of States Office State Capitol
Charleston, WV 25305

EMAIL: dkersey@wvsos.gov

PHONE NUMBER: 304-558-6000

CITE STATUTORY AUTHORITY: 3-1A-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The Secretary of State has the authority to amend legislative rules under W. Va. Code 3-1A-6. In this instance, the existing Rule was updated to remove antiquated language, correct typos, and update the Rule in accordance with subsequent law passage and W. Va. Supreme Court decisions.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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eFILED
7/27/2017 8:14:09 AM

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

AGENCY: Secretary Of State TITLE-SERIES: 153-34

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 153-34 Licensing of Private Investigators and Security Guards

PRIMARY CONTACT

NAME: Kim Mason Investigative Analyst

ADDRESS: Office Of The Secretary Of State
State Capitol Building
Charleston, WV 25305

EMAIL: kmason@wvsos.gov

PHONE NUMBER: 877

CITE STATUTORY AUTHORITY: 30-18-10(b)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The statutory authority for this rule states, "The Secretary of State may propose for promulgation in accordance with the provisions of chapter twenty-nine-a of this code legislative rules necessary for the administration and enforcement of this article and for the issuance, suspension and revocation of licenses issued under the provisions of this article." The language largely mirrors the statutory language of 30-18-1 et seq. However, the rule clarifies many provisions relating to issuance, renewal, and appeal.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2017

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/28/2017 12:02:57 PM

LEGISLATIVE

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

AGENCY: Secretary Of State TITLE-SERIES: 153-39

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: 153-39 Vote by Mail Pilot Project Phase 2: Voting by Mail - Repeal

PRIMARY CONTACT

NAME: Donald Kersey

ADDRESS: Secretary Of States Office State Capitol

Charleston, WV 25305

EMAIL: dkersey@wvsos.gov

PHONE NUMBER: 304-558-6000

CITE STATUTORY AUTHORITY: 3-3A-3

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This Rule was promulgated in 2012, with a termination effective date of January 1, 2014. The Legislature has not proscribed any new laws that would allow for this Rule to continue to be in effect. As such, this filing is an all-encompassing repeal of the existing Rule.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/27/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/27/2017 4:35:26 PM

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

AGENCY: Tax TITLE-SERIES: 110-10F

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 110-10F Payment of Taxes by Electronic Funds Transfer

PRIMARY CONTACT

NAME: Mark Morton

ADDRESS: PO Box 1005

Charleston, WestVirginia 25324

EMAIL: taxlegal@wv.gov

PHONE NUMBER: 304-558-5330

CITE STATUTORY AUTHORITY: §11-10-5t

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Pursuant to W. Va. Code §11-10-5t (a) and (b) identifies "electronic funds transfers" as a means for payment of taxes. and grants the Tax Commissioner rule making authority regarding same. Pursuant to §11-10-5t(c) the rule shall set forth: what indicates timely payment; permissible electronic filing methods; types of taxes to which electronic filing requirements apply; applicable dollar amount thresholds for tax requiring electronic payments; exceptions; how voluntary electronic payments may be made; provisions needed to impose civil penalties; and, any other provisions needed to effectuate electronic funds transfers. §11-10-5t(d) imposes a civil penalty for not complying the rule and sets a penalty based on a percentage of the tax. §11-10-5t(f) directs the State Treasurer and Tax Commissioner to confer to avoid conflicting rules addressing electronic funds transfers.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/16/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/17/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-13DD

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 110-13DD Farm-To-Food Bank Tax Credit

PRIMARY CONTACT

NAME: Mark Morton

ADDRESS: PO Box 1005
Charleston, WestVirginia 25324

EMAIL: taxlegal@wv.gov

PHONE NUMBER: 304-558-5330

CITE STATUTORY AUTHORITY: §11-13DD-5(a) and (b)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Tax is required to promulgate rules and Agriculture has chosen to do so through Tax's rule.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/16/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/17/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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

AGENCY: Tax TITLE-SERIES: 110-22

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 110-22 Property Transfer Tax

PRIMARY CONTACT

NAME: Mark Morton

ADDRESS: PO Box 1005
Charleston, WestVirginia 25324

EMAIL: taxlegal@wv.gov

PHONE NUMBER: 304-558-5330

CITE STATUTORY AUTHORITY: §11-10-5 and 11-22-5

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Section 3.1.2 of the Rule incorporates the new rate of the fee counties may charge for recordation of deeds or other defined documents, as authorized by the statutory enactment.
Sections 4.6, 5.2, and 7.1 of the Rule updates the rule to indicate that the State Tax Commissioner is no longer the Chief Inspector, in accordance with W. Va. Code section 6-9-11a, enacted in 1999.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/19/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/20/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/28/2017 8:25:14 AM

LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-28

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 110-28 Municipal Sales and Service and Use Tax Administration

PRIMARY CONTACT

NAME: Mark Morton

ADDRESS: PO Box 1005

Charleston, WestVirginia 25324

EMAIL: taxlegal@wv.gov

PHONE NUMBER: 304-558-5330

CITE STATUTORY AUTHORITY: § 11-10-11c

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Pursuant to W. Va. Code §11-10-11c the Tax Commissioner may asses a fee, to be established by Legislative Rule, to be retained from collections of the municipal sales tax. Further, the Tax Commissioner has rule making authority regarding the schedule and manner for deposits of moneys into the Local Sales Tax and Excise Tax Administration Fund and any other administrative and procedural requirements as may be useful or necessary for the management and handling of the fund. W. Va. Code § 11-10-11c also provides that the Tax Commissioner has the exclusive responsibility for administering, collecting and enforcing all local sales and use taxes and, pursuant to W. Va. Code §11-10-5, the Tax Commissioner may make all rules necessary for taxes under Article 10, Chapter 11.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/16/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/17/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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8/2/2017 11:17:43 AM

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 **Higher Education Policy Commission**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-41**
RULE NAME **Health Sciences Service Program**

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
Saturday, September 02, 2017

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.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/28/2017 3:31:30 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

EMERGENCY

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

AGENCY **Human Services**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **78-26**
RULE NAME **Pilot Program for Drug Screening of Applicants for Cash Assistance**

CITE AUTHORITY **9-3-6N**

DATE EMERGENCY RULE WAS ORIGINALLY FILED
Tuesday, June 27, 2017
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
Melanie A Pagliaro -- 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.

Orders Report

Docket Number	Agency	Respondent	Date Rendered
17-1/2/3/4/6/7/8/10-11091-P	**Health Care Authority**	Lifetree Medical Services LLC	7/28/2017
C-17-015	**Real Estate Commission, West Virginia**	Harley F Jeffries Jr	7/26/2017

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

A PROCLAMATION

By the Governor

WHEREAS, a severe storm event beginning on the twenty-eighth day of July, Two Thousand Seventeen, brought significant rainfall and wind to Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tucker and Wetzel Counties, West Virginia; and

WHEREAS, this severe storm event has caused rockslides, mudslides, and flooding, and has damaged homes, businesses, roads, and bridges; and

WHEREAS, certain portions of these counties have been rendered inaccessible because of public infrastructure damage; and

NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as Governor of the State of West Virginia, and in view of the foregoing, do hereby **FIND AND DECLARE** that a State of Emergency exists in Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tucker and Wetzel Counties of West Virginia, said State of Emergency to remain in effect for thirty days unless terminated by subsequent Proclamation. In response to this State of Emergency, I have **INVOKED** the emergency powers set forth in section six, article five, chapter fifteen of the Code of West Virginia; **UTILIZED** the Emergency Operations Plan, as necessary; **ORDERED** appropriate personnel and resources to mobilize and respond to the emergency; and **DELEGATED** certain administrative powers to the Director of the West Virginia Division of Homeland Security and Emergency Management, as necessary, to facilitate the provision of essential emergency services.

PROCLAMATION

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol, in the City of Charleston, State of West Virginia, this the twenty-ninth day of July, in the year of our Lord, Two Thousand Seventeen, in the One Hundred Fifty-Fifth year of the State.

GOVERNOR

By the State

Mac Warner

SECRETARY OF STATE

FILED
2017 JUL 29 P 12:27
OFFICE OF
SECRETARY OF STATE

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

FILED
2017 AUG -1 A 8:55
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

July 31, 2017

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **July 28, 2017.**

LETTERS OF INTENT RECEIVED

July 24, 2017 – Kanawha County Emergency Ambulance Authority, Charleston, Kanawha County, CON File #17-3-11147-P, for the development of an ambulatory health care facility in Charleston, Kanawha County, through the provision of primary care services; capital expenditure: $255,000.

July 25, 2017 – Stonerise Reliable Healthcare LLC, Charleston, Kanawha County, CON File #17-6/10-11150-A, for the acquisition of the home health agency operated by Monongahela Valley Association of Health Centers, Inc. d/b/a MVA Home Health Service. MVA Home Health Services provides services in Monongalia, Taylor, Marion, Harrison and Wetzel counties; capital expenditure: $335,000.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

July 24, 2017 - Stonerise Reliable Healthcare, LLC, Charleston, Kanawha County, CON File #17-1/2/4/5/10/11-11136-A, for the acquisition of the home health agencies operated by subsidiaries of Medical Services of America, Inc. The acquisition includes Medi Home Health Agency, Inc. with a subunit office in New Martinsville serving Brooke, Hancock, Marshall, Ohio, and Wetzel counties; Medi Home Health Agency, Inc. with a subunit office in Barboursville serving Cabell, Jackson, Lincoln, Mason, Putnam, Wayne, and Wood counties; and Mountaineer Home Nursing, Inc. with an agency office in Bluefield serving Greenbrier, McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming counties; capital expenditure: $5,640,000.

July 27, 2017 – First Center LLC and Citenik Properties LLC, Charleston, Kanawha County, CON File #17-2-11142-NH, for the development of a 97 bed nursing home in Cabell County; capital expenditure: $20,000,000.

APPLICATIONS FOR EXEMPTION RECEIVED

July 26, 2017 – Thomas Memorial Hospital, South Charleston, Kanawha County, CON File #17-3-11151-X, for the conversion of ten (10) psychiatric beds to medical-surgical beds.

July 26, 2017 – Braley & Thompson, Inc., Dunbar, Kanawha County, CON File #17-3-11152-X, for the provision of rehabilitation services to residents of its adolescent group home, ACTT House, located in St. Albans, Kanawha County.

CERTIFICATE OF NEED APPROVAL ISSUED

July 28, 2017 – Lifetree Medical Services, LLC, Cabin Creek, Kanawha County, CON File #17-1/2/3/4/6/7/8/10-11091-P, for the development of ambulatory health care services through the provision of mid-level practitioner services at nursing homes located in the following counties: Boone, Braxton, Cabell, Clay, Fayette, Greenbrier, Hardy, Harrison, Lincoln, Marshall, McDowell, Mercer, Summers, Wayne, Webster and Wyoming; capital expenditure: $10,000.

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

Jim Justice
Governor

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

OTHER

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

August 1, 2017

NEWS ITEM

FILED
2017 AUG -1 P 4:
SECRETARY OF STATE

The Health Care Authority (Authority), pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited application referenced below:

July 27, 2017 – Stonerise Reliable Healthcare, LLC, Charleston, Kanawha County, CON File #17-1/2/4/5/10/11-11136-A, for the acquisition of the home health agencies operated by subsidiaries of Medical Services of America, Inc. The acquisition includes Medi Home Health Agency, Inc. with a subunit office in New Martinsville serving Brooke, Hancock, Marshall, Ohio, and Wetzel counties; Medi Home Health Agency, Inc. with a subunit office in Barboursville serving Cabell, Jackson, Lincoln, Mason, Putnam, Wayne, and Wood counties; and Mountaineer Home Nursing, Inc. with an agency office in Bluefield serving Greenbrier, McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming counties; capital expenditure: $5,640,000.

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 **July 31, 2017**.

On or before **August 30, 2017**, any affected person has the right to request that the Authority hold a public hearing on the project 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 **September 5, 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 Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case file of the project, 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 Decision will be issued on or before **September 29, 2017**.

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

8/1/17
Date

Barbara Skeen
Barbara Skeen, Director, Certificate of Need
Health Care Authority