

WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXIV

Issue 42

October 20, 2017

A Weekly Publication

Administrative Law Division
Judy Cooper, Manager

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

(304) 558-6000
www.wvsos.com

CONTENTS

Chronological Index

Rule Monitor

Notices

a. Legislative Rules

b. Interpretive Rules

c. Procedural Rules

d. Emergency Rules

e. Legislative Rule-Making Review Committee

Legislative Interims

Orders

Ethics Commission Opinions

Office of Tax Appeal Decisions

Other Documents or Information Filed

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

Governor's Executive Order

Health

Health and Human Resources

Health Care Authority

Insurance Commission

Massage Therapy Licensure Board

Osteopathic Medicine

Public Works, WV Board of

Real Estate Commission

CHRONOLOGICAL INDEX, VOLUME XXXIV ISSUE 42			
NO NEW PROPOSED RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Mac Warner
Secretary of State
State of West Virginia

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

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	Modified & Approved 9/20/2017 Filed 9/29/2017			
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	Approved 8/29/2017			
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	Modified & Approved 8/29/2017 Filed 9/18/2017			
Agriculture (61-11)	Public Markets Legislative	6/2 7/2017	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	Modified & Approved 8/29/2017 Filed 9/18/2017			
Agriculutre (61-23D)	Inspection of Nontraditional, Domesticated Animals Legislative	6/15/2017	7/16/2017		7/17/2017	Modified & Approved 9/20/2017 Filed 9/29/2017			
Air Quality (45-8)	Ambient Air Quality Standards Legislative	6/6/2017	7/11/2017		7/21/2017	Approved 8/29/2017			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/6/2017	7/11/2017		7/21/2017	Approved 8/29/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/7/2017	7/11/2017		7/21/2017	Modified & Approved 8/29/2017 Filed 8/24/2017			
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/7/2017	7/11/2017		7/21/2017	Approved 8/29/2017			
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	Approved 8/29/2017			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/6/2017	7/11/2017		7/21/2017	Approved 8/29/2017			
Athletic Commission (177-1)	WV State Athletic Commission Legislative	6/16/2017	7/16/2017		7/27/2017	Modified & Approved 9/20/2017 Filed 10/3/2017			
Athletic Commission (177-2)	Regulation of Mixed Martial Arts Legislative	6/16/2017	7/16/2017		7/27/2017	Modified & Approved 9/20/2017 Filed 10/3/2017			
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				
Culture and History (82-6)	Archives and History Library Services and Fee Guidelines Procedural	8/24/2017	10/2/2017						
Dietitians (31-1)	Licensure and Renewal Requirements Legislative	6/8/2017	7/17/2017		7/24/2017				
Education (126-25A)	Standards for Basic and Specialized Health Care Procedures (2422.7) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	11/13/2017
Education (126-28)	West Virginia's Universal Access to a Quality Early Education System (2525) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-44G)	WV College and Career Readiness Standards for World Languages (2520.7) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018
Education (126-44M)	WV College and Career Readiness Programs of Study/Standards for Career and Technical Education (2520.13) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018
Education (126-44O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Education (126-44P)	WV Alternate Academic Achievement Standards (2520.16) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018
Education (126-73)	School Calendar (3234) Legislative Exempt	9/7/2017	10/10/2017						
Education (126-81)	Attendance (4110) Legislative Exempt	7/13/2017	8/14/2017					10/12/2017	11/13/2017
Education (126-86)	Standards for School Nutrition (Policy 4321.1) Legislative Exempt	6/15/2017	7/17/2017					8/10/2017	1/2/2018
Education (126-92)	WV School Bus Transportation Policy and Procedures Manual (4336) Legislative Exempt	8/10/2017	9/11/2017						
Education (126-099)	Expected Behavior in Safe and Supportive Schools (4373) Legislative Exempt	7/13/2017	8/14/2017					10/12/2017	11/13/2017
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) Legislative Exempt	7/13/2017	8/14/2017					10/12/2017	11/13/2017
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification (5202) Legislative Exempt	7/13/2017 9/7/2017	8/14/2017 10/10/2017						
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				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 10/18/2017			
Health (64-12)	Hospital Licensure Legislative	6/27/2017	7/27/2017		7/28/2017	Modified & Approved 8/29/2017 Filed 8/30/2017			
Health (64-17)	Food Establishments Legislative	6/27/2017	7/27/2017		7/28/2017	Modified & Approved 10/18/2017			
Health (64-23A)	Technologically Enhanced Naturally Occurring Radioactive Material Legislative	6/27/2017	7/27/2017		7/28/2017				
THE ABOVE RULE WAS WITHDRAWN 9/12/17									
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				
THE ABOVE RULE WAS WITHDRAWN 9/12/17									
Health (64-106)	Home-Based Food Production Legislative	6/27/2017	7/27/2017	6/27/2017 Withdrawn 7/20/2017	7/28/2017				
THE ABOVE RULE WAS WITHDRAWN 9/12/17									
Health (64-107)	Designation of Comprehensive, Primary and Acute Stroke-Ready Hospitals Legislative	6/27/2017	7/27/2017		7/28/2017				
Health (64-108)	Local Board of Health Plans of Combination Procedure Procedural	9/11/2017	10/11/2017						
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	6/26/2017	7/26/2017		7/27/2017	Approved 8/29/2017			

RULE MONITOR

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 Amendment 7/28/2017 ERD by 9/21/2017	7/28/2017	Modified & Approved 10/18/2017			
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 Amendment 7/28/2017 ERD by 9/21/2017	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	Modified & Approved 10/18/2017			
Hearing Aid Dealers (8-01)	WV Board of Hearing Aid Dealers Legislative	6/23/2017	7/24/2017		7/26/2017	Approved 8/29/2017			
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	Modified & Approved 9/20/2017 Filed 10/4/2017			
Human Services (78-02)	Child Placing Agencies Licensing Legislative	6/26/2017	7/26/2017		7/27/2017	Modified & Approved 9/20/2017			
Human Services (78-18)	Family Child Care Facility Licensing Requirements Legislative	6/27/2017	7/26/2017		7/28/2017	Modified & Approved 9/20/2017 Filed 10/4/2017			
Human Services (78-19)	Family Child Care Home Registration Requirements Legislative	6/26/2017	7/26/2017		7/27/2017	Modified & Approved 9/20/2017			
Human Services (78-20)	Informal and Relative Family Child Care Home Registration Requirements Legislative	6/26/2017	7/26/2017		7/28/2017				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-21)	Out-of-School Time Child Care Center Legislative	6/26/2017	7/26/2017		7/28/2017	Approved 9/20/2017			
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	Approved 9/20/2017			
Labor (42-12)	Bedding and Upholstered Furniture Legislative	6/15/2017	7/17/2017		7/27/2017	Approved 9/20/2017			
Labor (42-17)	Amusement Rides and Amusement Attractions Safety Act Legislative	6/15/2017	7/17/2017		7/27/2017	Approved 9/20/2017			
Labor (42-21)	Elevator Safety Act Legislative	6/21/2017	7/22/2017		7/27/2017	Approved with Amendments			
Labor (42-33)	Employer Wage Bonds Legislative	6/15/2017	7/17/2017		7/27/2017	Approved 9/20/2017			
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	Approved 9/20/2017			
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	Approved 9/20/2017			
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				
Lottery Commission (179-1)	State Lottery Rules Legislative	6/19/2017	7/21/2017		7/28/2017				
Lottery Commission (179-7)	Lottery Interpretive Rule Interpretive	9/5/2017	10/2/2017					10/4/2017	11/4/2017
Massage Therapy Licensure Board (194-1)	General Provisions Legislative	6/19/2017	7/22/2017		7/26/2017				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
THE ABOVE RULE HAS BEEN WITHDRAWN 10/16/2017									
Medicine (11-6)	Continuing Education for Physicians and Podiatrists Legislative	6/21/2017	7/21/2017		7/26/2017	Approved 8/29/2017			
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	7/11/2017	8/10/2017	9/11/2017 ERD by 10/23/2017	8/29/2017				
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	Approved 8/29/2017			
Natural Resources (58-11)	Hunting, Fishing and Other Outfitters and Guides Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-49)	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				
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	Approved 8/29/2017			
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative	9/12/2017	10/12/2017		10/17/2017				
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	6/22/2017	7/24/2017		7/28/2017	Approved 9/20/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-2)	Uniform Controlled Substances Act Legislative	5/11/2017	6/12/2017		7/28/2017	Approved & Modified 9/20/2017			
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 9/19/2017	7/28/2017	Approved & Modified 9/20/2017			
Pharmacy (15-10)	Pharmacist Recovery Networks Legislative	5/12/2017	6/12/2017		7/28/2017	Approved & Modified 9/20/2017			
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/22/2017	7/24/2017		7/28/2017	Approved & Modified 9/20/2017			
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/15/2017	7/17/2017		7/28/2017				
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				
Psychologists (17-06)	Code of Ethics Legislative	6/28/2017	7/28/2017		7/28/2017				
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2017	7/19/2017		7/27/2017				
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 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				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
Secretary of State (153-1)	Electronic Filing and Formatting of Rules Procedural	8/25/2017	9/29/2017					10/11/2017	11/11/2017
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	Approved 8/29/2017			
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	Approved 8/29/2017			
Tax (110-13DD)	Farm-To-Food Bank Tax Credit Legislative	6/16/2017	7/17/2017		7/27/2017	Modified & Approved 8/29/2017 Filed 9/1/2017			
Tax (110-22)	Property Transfer Tax Legislative	6/19/2017	7/20/2017		7/27/2017	Approved 8/29/2017			
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	Modified & Approved 8/29/2017 Filed 9/8/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-1)	Organization and Operation and Licensing of Veterinarians Legislative	6/12/2017	7/13/2017		7/18/2017	Modified & Approved 8/29/2017 Filed 8/29/2017			
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians Legislative	6/12/2017	7/13/2017		7/18/2017	Approved & Modified 9/20/2017			
Veterinary Medicine (26-6)	Schedule of Fees Legislative	6/12/2017	7/13/2017		7/18/2017	Modified & Approved 8/29/2017 Filed 8/29/2017			
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				

FILED

2017 OCT 16 A 8:2

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

179 Summers Street, Suite 711
Charleston, WV 25301

304-558-1060 phone
304-558-1061 fax

~State of West Virginia~
Massage Therapy Licensure Board

October 13, 2017

Judy Cooper
WV Secretary of State
Suite 157-K
19 Kanawha Blvd. East
Charleston, WV 25305-0770

Dear Judy,

The WV Massage Therapy Licensure Board has decided it is necessary to withdraw the rules for 194-CSR 01. This was determined in a meeting with the attorney, James Bailey, when reviewing the rules for the upcoming Legislative Rule-Making Review Committee meeting. Some of the rule revisions are in conflict with the WV State Code §30-37-6. The rules will be submitted at a later date upon passage of a legislative bill to update the statute.

Sincerely,
Linda Lyter
Executive Director

cc: Jared Wyrick
WV Legislative Rule-Making Review Committee

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/17/2017 10:46:07 AM

LEGISLATIVE

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

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-02

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

RULE NAME: 24-02 Osteopathic Physician Assistants

PRIMARY CONTACT

NAME: Diana Shepard

ADDRESS: 405 Capitol Street
Suite 402
Charleston, WV 25301

EMAIL: diana.k.shepard@wv.gov

PHONE NUMBER: 304-558-6095

CITE STATUTORY AUTHORITY: 30-1-7(a) & 30-3E-3(a)(1) - 10

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:

These legislative rule changes have been requested to authorize the West Virginia Board of Osteopathic Medicine to enforce those regulations outlined in SB 1014, passed during the special session of the 2017 Legislature. These include change of word "supervision" to "collaboration;" Allow for 30 day renewal of controlled substances; Deletion of NCCPA re-certification requirement for license renewal; authorize Physician Assistants to sign documents such as orders, medical certificates such as death certificates, Scope of Treatment orders, DNR, disability medical evaluations and utility company forms requiring maintenance of utilities regardless of ability to pay.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 9/12/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 10/12/2017

COMMENTS RECEIVED: No

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

PUBLIC HEARING:

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

RELEVANT FEDERAL STATUTES OR REGULATIONS:

FILED
2017 OCT 19 A
OFFICE WEST VIRGINIA
SECRETARY OF STATE
Jared Wyrick, Director
LRMRC

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

October 18, 2017

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Melanie Pagliaro, melanie.a.pagliaro@wv.gov
Health
Office of Inspector General
State Capitol Complex
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Public Water Systems, 64CSR3

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

FILED
2017 OCT 19 A
OFFICE WEST VIRGINIA
SECRETARY OF STATE
Jared Wyrick, Director

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

October 18, 2017

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Melanie Pagliaro, melanie.a.pagliaro@wv.gov
Health
Office of Inspector General
State Capitol Complex
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Food Establishments, 64CSR17

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached, ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

FILED
2017 OCT 19 A 9:2
LRMRC
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

October 18, 2017

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brian Skinner brian.j.skinner@wv.gov
Health and Human Resources
350 Capitol St.
Room 702
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State, 69CSR13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

FILED
2017 OCT 19 A 9:5
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

October 18, 2017

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Cynthia Dellinger, cdellinger@hcawv.org
Health Care Authority
100 Dee Drive
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Financial Disclosure Rule, 65CSR13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

Orders Report

Docket Number	Agency	Respondent	Date Rendered
17-3-11147-P	Health Care Authority	Kanawha County Emergency Ambulance Authority	10/12/2017
17-6-11177-X	Health Care Authority	PACE Enterprises Inc	10/11/2017
17-7-11061-X	Health Care Authority	Valley Health Care Inc	10/11/2017
17-2-11142-NH	Health Care Authority	First Center LLC	10/17/2017
17-2-11142-NH	Health Care Authority	Citenik Properties LLC	10/17/2017
17-AP-FINCON-02012	Insurance Commission	Serb National Federation	9/13/2017
16-FINCON-02020	Insurance Commission	Affinity Insurance Services	9/14/2017
C-17-023	Real Estate Commission, West Virginia	Marcella Cantatore	10/18/2017

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

CHARLESTON

EXECUTIVE ORDER NO. 9-17

AND DECLARATION

BY THE GOVERNOR

AND

BY THE WEST VIRGINIA COMMISSIONER OF HIGHWAYS

WHEREAS, the Legislature of the State of West Virginia (the "State") enacted and re-enacted chapter seventeen, article seventeen-a of the Code of West Virginia, 1931, as amended (the "Act"), relating to authorizing the Commissioner of Highways (the "Commissioner") to pay the cost of any surface transportation improvements through the issuance of special obligation notes not to exceed five hundred million dollars ($500,000,000), and such notes to be described in a written declaration executed by the governor (the "Governor") and the Commissioner and filed with the Secretary of State (hereinafter, the "Declaration"); and

WHEREAS, the State has selected certain surface transportation projects the accelerated construction of which will improve highway safety and enhance economic development, and which surface transportation projects are eligible for federal highway reimbursement; and

WHEREAS, the Commissioner has entered into a Memorandum of Understanding by and between the State and the Federal Highway Administration dated October 11, 2017 (the "Agreement"), which Agreement provides for the advance construction of the designated surface transportation projects and the reimbursement for the debt service on notes issued to fund the construction of said projects; and

EXECUTIVE ORDER

WHEREAS, pursuant to the Act, it is necessary and desirable for the State to issue its $219,985,000 State of West Virginia (Commissioner of Highways) Surface Transportation Improvements Special Obligation Notes, Series 2017 A (the "2017 A Notes"); and

WHEREAS, pursuant to the Act, it is in the best interest of the State for the 2017 A Notes to be sold to Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated and Crews & Associates, Inc. (collectively, the "Underwriters"); and

WHEREAS, the proceeds of the sale of the 2017 A Notes to the Underwriters (net of original issue premium/discount and costs of issuance associated with the sale of the 2017 A Notes) shall be deposited into a project fund (the "Surface Transportation Notes Project Fund"), created and established pursuant to the Master Trust Indenture dated December 22, 2016 (the "Indenture"), between the Commissioner and The Bank of New York Mellon, Woodland Park, New Jersey, as Trustee (the "Trustee"), to be supplemented by the 2017 series indenture to be dated the date of closing (the "2017 Series Indenture") and shall be used solely for the payment of the cost of the surface transportation improvements approved herein; and

WHEREAS, certain action is required of me, as Governor, and of me, as Commissioner, in order for the 2017 A Notes to be issued and sold.

NOW, THEREFORE, I, JAMES C. JUSTICE, II, GOVERNOR, pursuant to and by the authority vested in me as the Chief Executive Officer of this State, do hereby **FIND, DETERMINE, DECLARE** and **ORDER** that and **I, THOMAS J. SMITH**, Commissioner of Highways, do hereby **FIND, DETERMINE, DECLARE** and **ORDER** that:

Section 1. Findings. A. The issuance of the 2017 A Notes as herein provided will enable the State to acquire and construct bridge replacements, widening and interstate pavement rehabilitation, as is more fully described in the project documents and Attachment A, attached hereto and incorporated herein by reference, commonly referred to as the 2017 Projects (the "Projects"), and is in the best interests of the people of, and business and industry in, the State.

B. The estimated cost of the Projects, based on actual bids and a reasonable contingency, is $272,553,688. The costs will be paid from proceeds of the 2017 A Notes, federal highway funds and monies in the State Road Fund.

C. The Commissioner has verified said costs, as required by Section 3 of the Act.

D. Under the Act, the Commissioner has issued State of West Virginia (Commissioner of Highways) Surface Transportation Improvements Special Obligation Notes, Series 2016 A, dated December 22, 2016, in the aggregate principal amount of $53,380,000 and currently outstanding in the amount of $44,865,000 (the "Prior Notes"). The 2017 A Notes will be issued on parity with the Prior Notes. The aggregate principal amount of the outstanding Prior Notes ($44,865,000) and the 2017 A Notes do not exceed $500,000,000.

E. The manner of sale, prices or price and the terms and conditions of the 2017 A Notes have been approved by and do not exceed the maximums set by the Five Member Transportation Advisory Group, as required by Section 4 of the Act.

Section 2. Issuance of the 2017 A Notes. The issuance of the 2017 A Notes on behalf of the State in the aggregate principal amount of $219,985,000 and dated as of the issue date, is hereby authorized and approved. The 2017 A Notes shall be designated "State of West Virginia (Commissioner of Highways) Surface Transportation Improvements Special Obligation Notes, Series 2017 A," and shall be numbered AR-1 upward. The 2017 A Notes shall be issued in denominations of $5,000 or any integral multiple thereof, in fully-registered form, and initially issued in book-entry form and registered to Cede & Co. as nominee for The Depository Trust Company. Interest on the 2017 A Notes is payable on each March 1 and September 1 (each an "Interest Payment Date"), commencing March 1, 2018. The interest rate per annum and the maturity schedule and provisions for payment or redemption are set forth in Exhibit A hereto and incorporated herein by reference. The form of the 2017 A Notes attached to the Indenture is hereby approved, subject to appropriate insertions and variations as are approved by me, as Governor, and by me, as Commissioner; the 2017 A Notes shall be executed by the manual or facsimile signatures of the Governor and the Commissioner and attested by the manual or facsimile signature of the Secretary of the State, and the great seal of the State of West Virginia shall be impressed or imprinted thereon; and the 2017 A Notes shall be delivered to the Trustee, as Registrar and Authenticating Agent (the "Registrar"), for registration, authentication and delivery as provided herein. The validity of any Note so executed shall not be affected by the fact that one or more of the officers whose signatures appear on such Note have ceased to hold office at the time of issuance or authentication or at any time thereafter.

Section 3. The 2017 A Notes. The 2017 A Notes shall contain a recital that they are issued pursuant to the Act and shall be secured by the pledge set forth in the Indenture

and the Act on parity with the Prior Notes. The 2017 A Notes, together with the interest thereon, are special obligations of the State and shall not constitute a debt or pledge of the faith and credit or taxing power of the State or of any county, municipality or any political subdivision of the State, and the holders or owners thereof shall have no right to have taxes levied by the legislature of the State or the taxing authority of any county, municipality or any other political subdivision of the State for the payment of the principal thereof or interest thereon, but the 2017 A Notes and any refunding notes thereof shall be payable solely from the revenues and funds pledged for their payment as provided in said Indenture.

Section 4. 2017 Series Indenture.

The form of the 2017 Series Indenture to be dated the date of closing (the "2017 Series Indenture"), between the Commissioner and The Bank of New York Mellon, as Trustee, attached as Exhibit B hereto and incorporated herein by reference, and its execution and delivery by the Commissioner, shall be and hereby is approved, with such changes, insertions and omissions as may be approved by the Commissioner. The execution of the 2017 Series Indenture by the Commissioner shall be conclusive evidence of such approval.

Section 5. Note Purchase Agreement. The Note Purchase Agreement, as attached hereto as Exhibit C and made a part of this Declaration as though set forth in full herein, providing for the sale of the 2017 A Notes to the Underwriters pursuant to the terms thereof, shall be and the same hereby is approved with such changes, insertions and omissions as shall be consistent with the Act. Execution of said document by me, as Commissioner, shall be conclusive evidence of my approval of any such changes, insertions and omissions. The 2017 A Notes shall be sold to the Underwriters for the purchase price of $259,271,203.39, which reflects original issue premium of $39,884,406.65, less Underwriters' discount of $598,203.26.

Section 6. Official Statement. The Preliminary Official Statement, which is attached hereto as Exhibit D, and the distribution of such Preliminary Official Statement by the Underwriter, are hereby ratified, confirmed and approved. The final Official Statement of the Commissioner is hereby deemed final within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, with such changes, omissions, insertions and revisions as the Commissioner shall deem advisable, such signature to evidence approval thereof, and is hereby authorized, and the Commissioner shall sign and deliver two copies of such final Official

Statement to the Underwriters for distribution to prospective purchasers thereof and other interested persons.

Section 7. Disclosure Dissemination Agent Agreement. The Disclosure Dissemination Agent Agreement (the "Disclosure Agreement") between the State and Digital Assurance Certification, L.L.C., dated the date of closing is hereby ratified, confirmed and approved.

Section 8. Closing Date. As Governor, I shall, and as Commissioner, I shall, and other proper officers of the State are hereby authorized and directed to, execute and deliver any and all papers and instruments and to do and cause to be done any and all action and things necessary or proper for carrying out the transactions contemplated by this Declaration, including but not limited to, the execution of the 2017 Series Indenture and Disclosure Agreement, on or about October 26, 2017.

Section 9. Use of Note Proceeds. From the net proceeds of the 2017 A Notes, $258,936,378.39 are hereby ordered to be deposited in the Series 2017 A Project Fund to pay a portion of the costs of the Projects, as provided in the 2017 Series Indenture, and $334,825.00 shall be deposited in or credited to the Series 2017 A Costs of Issuance Fund to pay Costs of Issuance.

Section 10. Cost of Issuance. Pursuant to the Act, all necessary and reasonable expenses incident to the issuance of the 2017 A Notes, including, but not limited to, mailing and delivery of the 2017 A Notes, the Official Statement, any amendment or supplement to the Official Statement, including the mailing and delivery thereof by the printer, fees and expenses of the Underwriters, fees and expenses of Bond Counsel, fees and expenses of a financial advisor for the 2017 A Notes, any fee charged by rating agencies for the rating of the 2017 A Notes, fees and expenses of the Trustee, Registrar and Authenticating Agent, fees and expenses of the Trustee's Counsel, fees and expenses of the Disclosure Counsel and any other cost, charge or fee incurred in the issuance of the 2017 A Notes, shall be paid from proceeds of the 2017 A Notes deposited in the Costs of Issuance Fund. The list of approved cost of issuance is attached as Exhibit E.

Section 11. Effective Date. This Declaration shall take effect on the date hereof.

EXECUTIVE ORDER

IN WITNESS WHEREOF, We have hereunto set our hands 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 eighteenth day of October, in the year of our Lord, Two Thousand Seventeen, and in the One Hundred Fifty-Fifth year of the State.

GOVERNOR

BY THE GOVERNOR

COMMISSIONER OF HIGHWAYS

BY THE COMMISSIONER

Mac Warner

SECRETARY OF STATE

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

FILED
2017 OCT 16 P 2:0
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

October 16, 2017

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **October 13, 2017**.

LETTER OF INTENT RECEIVED

October 13, 2017 – Kayla Butcher and Dianna Springer, Ripley, Jackson County, CON File #17-5-11200-A, for the acquisition of Ohio Valley Sleep Diagnostics, LLC; capital expenditure: $50,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

October 12, 2017 - Stonerise Reliable Healthcare, LLC, Charleston, Kanawha County, CON File #17-5-11187-Z, for the provision of home health services in Pleasants and Tyler counties; capital expenditure: $10,000.

October 12, 2017 - Stonerise Reliable Healthcare, LLC, Charleston, Kanawha County, CON File #17-5-11188-A, for the acquisition of Medi Home Health Agency, Inc., located in Gilmer, Ritchie and Wirt counties; capital expenditure: $10,000.

October 12, 2017 – Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #17-3-11189-P, for the development of an ambulatory health care facility at 467 Main Street, Suite 1, Madison, Boone County, through the transfer of the practice from Integrated Health Care Providers, Inc. to Charleston Area Medical Center; no capital expenditure.

October 12, 2017 – Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #17-3-11190-P, for the development of an ambulatory health care facility at 508 New Hope Road, Suite 107, Princeton, Mercer County, through the transfer of the practice from Integrated Health Care Providers, Inc. to Charleston Area Medical Center; no capital expenditure.

October 12, 2017 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #17-3-11191-P, for the development of an ambulatory health care facility at 400 Fairview Heights Road, Suite 202, Summersville, Nicholas County, through the transfer of the practice from Integrated Health Care Providers, Inc. to Charleston Area Medical Center; no capital expenditure.

October 12, 2017 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #17-3-11192-P, for the development of an ambulatory health care facility at 50 Veres Drive, Chapmanville, Logan County, through the transfer of the practice from Integrated Health Care Providers, Inc. to Charleston Area Medical Center; no capital expenditure.

APPLICATION FOR EXEMPTION RECEIVED

October 10, 2017 – Bridgeport Behavioral Clinic, Bridgeport, Harrison County, CON File #17-6-11197-X, for the development of a substance abuse center and an associated crisis stabilization center to be located at 2048 VIP Way, Pleasant Valley, Marion County.

October 11, 2017 – Hope Drug Rehabilitation Center LLP, Cross Lanes, Kanawha County, CON File #17-3-11198-X, for the development of a facility located at 5257 Big Tyler Road, Cross Lanes, that will provide drug detoxification, rehabilitation and counseling services to youth and adults.

October 13, 2017 – Mountaineer Mental Health LLC, Springfield, Hampshire County, CON File #17-8-11201-X, for the provision of behavioral health services at 285 W. Birch Lane, Romney, Hampshire County.

PROJECTS DETERMINED NOT REVIEWABLE

October 11, 2017 – PACE Enterprises, Inc., Fairmont, Marion County, CON File #17-6-11177-X, for the complete relocation from 102 Benoni Avenue to 1224 Country Club Road, Fairmont, Marion County; no capital expenditure.

CERTIFICATE OF NEED APPROVALS ISSUED

October 12, 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.

AMENDED DECISION

October 11, 2017 – Valley Health Care, Inc., Mill Creek, Randolph County, CON File #17-7-11061-X, for the addition of a school-based health center within North Elementary School located at Route 2, Box 320, Elkins, Randolph County. An amended decision was requested due to the applicant having an error in the application with regard to the address.

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

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

October 17, 2017

NEWS ITEM

FILED
2017 OCT 11 P 3:42
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

October 16, 2017 - Stonerise Reliable Healthcare, LLC, Charleston, Kanawha County, CON File #17-5-11187-Z, for the provision of home health services in Pleasants and Tyler counties; capital expenditure: $10,000.

October 16, 2017 - Stonerise Reliable Healthcare, LLC, Charleston, Kanawha County, CON File #17-5/7-11188-A, for the acquisition of Medi Home Health Agency, Inc., located in Gilmer, Ritchie and Wirt counties; capital expenditure: $10,000.

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 **October 16, 2017**.

On or before **November 15, 2017**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **November 20, 2017**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decisions will be issued on or before **December 15, 2017**.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.4775/Fax • 1.888.558.7002/Toll Free
www.hca.wv.gov

OTHER

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

10/17/17
Date

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

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Mac Warner
Secretary of State
State of West Virginia

FILED
2017 OCT 17 P 12:06
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

OTHER

NOTICE OF PUBLIC HEARING

To: **Public Utilities**

From: **The Honorable Mac Warner, Secretary of State**

Date: **October 16, 2017**

Re: **Public Hearing for Tentative Tax Assessments**

Pursuant to West Virginia Code §11-6-11, the Board of Public Works will hold a public hearing Thursday, November 16, 2017 at 2:00 p.m. in the Governor's Cabinet and Conference Room, Building 1 Suite 10 of the State Capitol Complex. The main purpose of the hearing is to provide an opportunity for public utilities to comment concerning the Notices of Tentative Assessed Values for tax year 2018 that were distributed by the State Tax Department on September 12, 2017.

If you have any questions concerning this hearing, please contact Maureen Lewis at the Secretary of State's office at (304) 558-6000. You may also email her at mlewis@wvsos.com. Thank you.