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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

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Registered Professional Nurses, Bd. Of Exam. for

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NO NEW PROPOSED RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK

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

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

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



Mac Warner
Secretary of State
State of West Virginia

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

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

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
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	WORKERS-COMPENSATION BY THE INSURANCE COMMISSION
TITLE 86	VETERANS AFFAIRS
TITLE 87	FIRE COMMISSION
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE 96	WORKFORCE WEST VIRGINIA
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 113	HEALTH INSURANCE PLAN
TITLE 114	INSURANCE
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTION
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 157	DIVISION OF HIGHWAYS
TITLE 158	ETHICS COMMISSION
TITLE 162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE 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 198	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LEMRC-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 9/28/2017			
Administration (148-03)	State Owned Vehicles Legislative	6/26/2017	7/26/2017		7/26/2017	Modified & Approved 12/1/2017 Filed 12/11/2017			
Administration (148-6)	Parking Legislative	6/21/2017	7/21/2017		7/25/2017	Approved 8/25/2017			
Agriculture (61-01)	Animal Diseases Control Legislative	6/29/2017	7/28/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/19/2017			
Agriculture (61-2)	West Virginia Apairy Law Legislative	6/15/2017	7/16/2017		7/18/2017	Modified & Approved 8/23/2017 Filed 9/18/2017			
Agriculture (61-8B)	Schedule of Charges for Inspection Services Fruit Legislative	11/1/2017	12/1/2017	11/13/2017 Effective 12/26/2017	12/1/2017	Modified & Approved 12/2/2017 Filed 12/18/2017			
Agriculture (61-11B)	Auctioneers Legislative	6/26/2017	7/26/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/18/2017			
Agriculture (61-14A)	Noxious Weeds Legislative	6/22/2017	7/22/2017 Hearing 11/3/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/19/2017			
Agriculture (61-15)	Inspection of Meat and Poultry Legislative	6/15/2017	7/16/2017		7/17/2017	Modified & Approved 8/29/2017 Filed 9/19/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (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			
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	12/19/2017	1/18/2018	12/18/2017 ERD by 1/28/2018					
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			
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 9/29/2017 Filed 9/29/2017			
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			
Board of Review (84-1)	Procedural Rule Board of Review Procedural	12/12/2017	1/16/2018						
Comm. & Tech. College Education (135-12)	Capital Project Management Legislative	4/11/2017	4/16/2018						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LR/MRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Comm. & Tech. College Education (135-55)	Human Resources Administration Legislative	12/8/2017	1/10/2018		7/26/2017	Modified & Approved 12/2/2017 Filed 12/13/2017			
Crime Delinquency and Correction (148-2)	Law Enforcement Training and Certification Standards Legislative	6/21/2017	7/24/2017		7/26/2017	Modified & Approved 12/2/2017 Filed 12/13/2017			
Crime Delinquency and Correction (148-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/14/2017			
Culture and History (162-6)	Archives and History Library Services and Fee Guidelines Procedural	8/24/2017	10/2/2017						
Distilleries (31-1)	Licensure and Renewal Requirements Legislative	6/8/2017	7/17/2017		7/24/2017	Modified & Approved 12/3/2017 Filed 12/4/2017			
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
Education (126-41)	Safe and Accessible Use of the Internet by Students and Educators (2460) Legislative Exempt	11/9/2017	12/11/2017						
Education (126-42)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	11/8/2017	12/11/2017						
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 (126-446)	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

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LMRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-44P)	WV Alternate Academic Achievement Standards (25320.16) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018
Education (126-92)	WV School Bus Transportation Policy and Procedures Manual (4036) Legislative Exempt	8/10/2017	9/11/2017					12/6/2017	1/9/2018
Environmental Protection - Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/5/2017	7/6/2017		7/11/2017	Approved 12/1/2017			
Fire Commission (87-2)	Electrician Licensing Rules Legislative	6/16/2017	7/17/2017		7/25/2017	Modified & Approved 12/2/2017 Filed 12/13/2017			
Fire Commission (87-3)	Hazardous Substance Emergency Response Training Programs Legislative	8/19/2017	7/19/2017		7/25/2017	Modified & Approved 12/2/2017 Filed 12/13/2017			
Fire Marshal (103-S)	Electricians Licensing Rules Legislative	12/21/2017	1/20/2018						
Health (64-03)	Public Water Systems Legislative	6/27/2017	7/27/2017		7/28/2017	Modified & Approved 10/18/2017 Filed 10/25/2017			
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 Filed 10/25/2017			
Health (64-48)	Emergency Medical Services Legislative	6/27/2017	7/27/2017		7/28/2017	Modified & Approved 12/1/2017 Filed 12/11/2017			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC STATE	LBMRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health and Human Resources (89-14)	WV Clearance for Access: Registry and Employment Screening Legislative	6/26/2017	7/26/2017	6/27/2017 Approved	7/27/2017	Approved 8/29/2017			
Health and Human Resources (69-13)	Development of Methodologies to Examine Needs for Substantial Use Disorder Treatment Facilities within the State Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017 Amendment 7/26/2017 Effective 8/21/2017 9/21/2017 Amendment 10/25/2017 Effective 12/8/2017	7/26/2017	Modified & Approved 10/18/2017 Filed 10/25/2017			
Health and Human Resources (89-14)	Collection and Exchange of Data Related to Overbores Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017 Amendment 7/28/2017 Effective 9/21/2017 Amendment 12/11/2017 ERD by 1/22/2018	7/28/2017	Modified & Approved 12/1/2017 Filed 12/11/2017			
Health Care Authority (65-13)	Financial Disclosure Rule Legislative	6/27/2017	7/27/2017	Approved 7/20/2017	7/28/2017	Modified & Approved 10/18/2017 Filed 10/25/2017			
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			
Higher Education Policy Comm. (133-12)	Capital Project Management Legislative	11/20/2017	12/20/2017						
Higher Education Policy Comm. (133-22)	Grade Point Average for Associate and Baccalaureate Degrees Procedural	11/20/2017	12/20/2017					12/21/2017	1/21/2018
Higher Education Policy Comm. (133-32)	Tuition and Fee Policy Legislative	11/20/2017	12/20/2017						
Higher Education Policy Comm. (133-33)	Anatomical Board Interpretive	11/20/2017	12/20/2017					12/21/2017	1/21/2018

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LMRRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Comm. (133-55)	Human Resources Administration Legislative	11/21/2017	12/21/2017						
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	Modified & Approved 12/2/2017 Filed 12/13/2017			
Highways (157-12)	Employment Procedures Legislative	11/2/2017	12/2/2017	11/1/2017 Effective	12/13/2017				
Human Services (78-01)	Child Care Licensing Legislative	6/28/2017	7/26/2017		7/27/2017	Modified & Approved 9/20/2017 Filed 10/4/2017			
Human Services (78-02)	Child Pricing Agencies Licensing Legislative	6/26/2017	7/26/2017		7/27/2017	Modified & Approved 9/20/2017 Filed 10/4/2017			
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	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	Modified & Approved 12/1/2017 Filed 12/11/2017			
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			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LM/RC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (76-26)	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 Effective 9/8/2017 Amendment 12/11/2017 ERD by 1/22/2018	7/28/2017	Modified & Approved 12/1/2017 Filed 12/11/2017			
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 9/21/2017			
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 Amendment 12/8/2017 ERD by 1/19/2018	7/27/2017	Approved 9/20/2017 Modified & Approved 12/1/2017 Filed 12/8/2017			
Labor (42-37)	Jobs Act Procedures Procedural	12/21/2017	1/22/2018						
Lottery Commission (179-1)	State Lottery Rules Legislative	6/19/2017	7/21/2017		7/28/2017	Modified & Approved 12/1/2017 Filed 12/11/2017			
Medicine (11-6)	Continuing Education for Physicians and Podiatrists Legislative	6/21/2017	7/21/2017		7/26/2017	Approved 8/29/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	7/11/2017	8/10/2017	9/11/2017 Approved 10/20/2017	8/29/2017	Modified & Approved 12/3/2017 Filed 12/6/2017			
Miners' Health, Safety and Training (56-23)	Operating Diesel Equipment in Underground Mines in WV Legislative	6/22/2017	7/24/2017	8/22/2017 Approved 7/20/2017	7/27/2017	Approved 12/2/2017			
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Legislative	6/6/2017	7/18/2017		7/27/2017	Modified & Approved 12/1/2017 Filed 12/5/2017			
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	Modified & Approved 12/2/2017 Filed 12/18/2017			
Natural Resources (58-49)	General Hunting Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017			
Natural Resources (58-56)	Special Migratory Bird Hunting Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017			
Natural Resources (58-64)	Miscellaneous Permits and Licenses Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017			
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/28/2017	7/28/2017		7/28/2017	Modified w/certain amendments & Approved 12/2/2017 Filed 12/11/2017			
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	8/12/2017	10/12/2017	11/6/2017 Effective 12/18/2017	10/17/2017	Modified & Approved 12/3/2017 Filed 12/6/2017			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LSMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-1)	Licenses and Practice of Pharmacy Legislative	6/22/2017	7/24/2017		7/28/2017	Approved 9/20/2017			
Pharmacy (15-2)	Uniform Controlled Substances Act Legislative	5/11/2017	6/12/2017		7/28/2017	Modified & Approved 9/20/2017 Filed 11/8/2017			
Pharmacy (15-7)	Registration of Pharmacy Technicians Legislative	5/12/2017	6/12/2017		7/28/2017	Modified & Approved 12/3/2017 Filed 12/18/2017			
Pharmacy (15-8)	Controlled Substances Monitoring Program Legislative	6/15/2017	7/17/2017	6/15/2017 Approved 8/13/2017	7/28/2017	Modified & Approved 9/20/2017 Filed 11/7/2017			
Pharmacy (15-10)	Pharmacist Recovery Networks Legislative	5/12/2017	6/12/2017		7/28/2017	Modified & Approved 9/20/2017 Filed 11/7/2017			
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/22/2017	7/24/2017		7/28/2017	Modified & Approved 9/20/2017 Filed 11/6/2017			
Pharmacy (15-14)	Controlled Prescription Processing Legislative	6/15/2017	7/17/2017		7/28/2017	Modified & Approved 9/20/2017 Filed 12/3/2017			
Psychologists (17-01)	Fees Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/1/2017 Filed 12/13/2017			
Psychologists (17-02)	Organization and Procedures of the Board of Examiners of Psychologists Procedural	6/28/2017	7/28/2017					12/14/2017	1/31/2018
Psychologists (17-03)	Requirements for Licensure as a Psychologist and/or a School Psychologist Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 12/1/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LSMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Psychologists (17-06)	Code of Ethics Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 12/1/2017			
Public Service Commission (150-3)	Government of Electric Utilities Legislative Exempt	11/08/2017	12/11/2017						
Public Service Commission (150-4)	Government of Gas Utilities and Gas Pipeline Safety Legislative Exempt	11/08/2017	12/11/2017						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2017	7/19/2017		7/27/2017	Approved w/certain amendments 12/1/2017			
Real Estate Appraiser Licensing & Cert. Bd. (180-2)	Requirements for Licensure and Certification Legislative	6/14/2017	7/17/2017		7/28/2017	Approved 12/1/2017			
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	Modified & Approved 12/1/2017 Filed 12/6/2017			
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/26/2017	7/26/2017		7/27/2017	Approved 12/1/2017			
Real Estate Commission (174-03)	Requirements for Real Estate Counselors, Course Providers and Instructors Legislative	6/26/2017	7/26/2017		7/27/2017	Modified w/ certain amendments & Approved 12/1/2017 Filed 12/6/2017			
Secretary of State (193-18)	Procedures for Conmissing Elections Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/12/2017			
Secretary of State (193-27)	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	Modified & Approved 12/2/2017 Filed 12/12/2017			
Secretary of State (193-38)	Vote by Mail Pilot Project Phase 2: Voting by Mail - Recall Legislative	6/27/2017	7/27/2017		7/28/2017	Approved 8/28/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LR/RC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Senior Services (76-3)	WV State Plan for Aging Programs Infractive	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			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 9/18/2017			
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	6/18/2017	7/17/2016	6/13/2017 Approved 7/20/2017	7/28/2017	Modified & Approved 8/29/2017 Filed 9/8/2017			
Tax (110-41)	Railroad Diesel Locomotive Reducible Emission Incentive Variable Rate Component of the Motor Fuel Excise Tax Procedural	12/26/2017	1/26/2018						
Tax (110-42)	Personal Rule for the Tax Division Legislative	12/6/2017	1/5/2018	12/6/2017 ERD by 1/17/2018					
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 9/20/2017			
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians Legislative	6/12/2017	7/13/2017		7/18/2017	Approved & Modified 9/20/2017 Filed 9/20/2017			
Veterinary Medicine (26-8)	Schedule of Fees Legislative	6/12/2017	7/13/2017		7/18/2017	Modified & Approved 8/29/2017 Filed 8/29/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LSMRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Waste Mgmt., Div. of Water & Waste Mgmt (33-29)	Hazardous Waste Management System Legislative	6/5/2017	7/6/2017		7/21/2017	Approved 12/1/2017			
Waste Mgmt., Div. of Water & Waste Mgmt (33-30)	Underground Storage Tanks Legislative	6/5/2017	7/6/2017		7/25/2017	Modified & Approved 9/2/2017 Filed 12/6/2017			

Orders Report

Docket Number

Agency

Health Care Authority

Respondent

Hometown Care, LLC

Date Rendered

1/2/2018

FILED
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AG OPINION

State of West Virginia
Office of the Attorney General

December 20, 2017

OFFICE OF THE ATTORNEY GENERAL
STATE OF WEST VIRGINIA

CHARLES TOWN, WEST VIRGINIA
201-528-3031
Fax (304) 538-6440



Patrick Morley
Attorney General

Blair M. Taylor
Executive Director
Municipal Pension Oversight Board
301 Eagle Mountain Road
Suite 251
Charleston, WV 25311

Dear Mr. Taylor:

You have asked for an Opinion of the Attorney General regarding what steps the Metropolitan Police and Relief Fund ("Fund") must take to comply with West Virginia Code § 8-22-27a. The Fund is a municipal pension fund established for the administration of municipal pensions, in light of the Fund's long-standing pension awards. This Opinion is being issued pursuant to West Virginia Code § 5-3-3, which provides that the Attorney General "shall give written opinions and advice upon questions of law . . . whenever required to do so, in writing, by . . . any . . . state officer, board or commission." To the extent this Opinion refers to facts, it is based solely on the factual assertions set forth in your correspondence with the Office of the Attorney General.

In your letter, you explain that for almost three decades the Fund has used internal procedures to determine pensions for police officers and firefighters that violate West Virginia law. In particular, you explain that the Fund has used an internal calculation pension retrofits using the definition of "salary or compensation" contained in West Virginia Code § 8-22-16(d). In relevant part, Section 8-22-16(d) provides that the amount of "salary or compensation" received by the member during any twelve-consecutive-month period, "except that any amount which is in excess of an amount which is twenty percent greater than the 'average adjusted salary' received by the member in the two consecutive twelve-consecutive-month periods" immediately prior to the calculation period "shall be disregarded." *Id.* In other words, for purposes of calculating a pension, the statute caps "salary or compensation" at 120% of the member's average salary for the two-year period immediately prior to the member's total contribution to their pension. For example, where a member "cashes in" unused leave in their final year of active employment),

Mr. Blair M. Taylor
December 20, 2017
Page 2

This statutory provision—the "twenty-percent rule"—became effective on July 14, 1981. The Fund admittedly did not comply with the twenty-percent rule for almost thirty years. Instead, at that time, the City of Morgantown ("City") learned of the twenty-percent rule sometime during 2008. At that time, the City of Morgantown ("City") retained outside counsel to review the Fund's existing practices and advise the Fund concerning its responsibilities with respect to Section 8-22-16. The City received written advice from outside counsel in 2009. Although this advice specifically advised the City and the Fund to seek a formal Attorney General's opinion regarding its statutory duties, neither the City nor the Fund sought an Attorney General's opinion at that time. In response to the advice of outside counsel, the City and the Fund entered into an oral agreement not to apply the twenty-percent rule to "anyone hired prior to January 1, 2010." According to your letter, the Fund's Trustees also adopted measures that appear intended "to potentially offset some of the impact of member pensions that exceed the 20% limit." First, the Trustees capped the amount of unused leave that members may apply toward their last year's total "salary or compensation." Second, in 2014, the Trustees passed a resolution to increase member contributions to the fund from 7% to 9.5% for 2014, for members hired before January 1, 2010.¹

Earlier this year, the Legislature passed HB2660, now codified at West Virginia Code Section 8-22-27a, which became effective on July 7, 2017. Section 8-22-27a expressly provides that a municipal police or firefighter pension fund "shall" correct any over- or underpayment to or from a pension plan "in a timely manner" after the error is discovered. W. Va. Code § 8-22-27a(d). The statute is modeled on West Virginia Code § 5-10-44, which contains similar error-correction provisions for pension plans operated by the Consolidated Public Retirement Board.

On June 26, 2017, the Fund contacted the Municipal Pension Oversight Board ("Oversight Board") under West Virginia Code § 8-22-27a. Specifically, the Fund asked whether it must apply the twenty-percent rule to all future pensions and retrofits, all current pensions consistent with that rule, or whether its oral agreement with the City in 2009 could be considered as sufficient to comply with the law. Consistent with the Oversight Board's responsibility to monitor and improve performance for municipal police and firefighter pension funds—as well as authority under Section 8-22-27a to order noncompliance pension funds to correct errors—the Oversight Board requested this Opinion.

You letter raises the following specific legal question:

Whether Section 8-22-27a requires the Fund to apply the twenty-percent rule to all pensions, including existing pensions and future pensions, and including pensions for members hired both before and after January 1, 2010?

We conclude that Section 8-22-27a requires the Fund to apply the twenty-percent rule to all current and future pensions, regardless of a member's date of hire. The Fund is therefore required to calculate all new pensions consistent with the twenty-percent rule. The Fund must also

¹ The Fund's assets are comprised of member contributions, municipal contributions, interest on assets, and a yearly allocation from the State.

reschedule all existing pensions that were calculated under the incorrect standard to ensure that future payments are correct. We also conclude that Section 8-22-27a does not intend to have retroactive effect, and thus the Fund is not required to correct historic over- or underpayments made before the statute was enacted.

Discussion

Section 8-22-27a(1)(b)(i) provides that, "[u]pon learning of errors, the municipal pensioners' pensions and related fund balances shall be corrected to the correct amount." W. Va. Code § 8-22-27a(1)(b). This rule applies "whether the individual, municipal, or board of trustees was at fault for the error." *Id.* The "intent" of correcting errors is to "place[] the affected individual, municipality and pension board of trustees in the position each would have been in had the error not occurred." *Id.* If the Fund's board of trustees "fail[s] to correct discovered errors," the statute gives the Oversight Board "authority to order the pension fund board of trustees to correct such errors," and provides that "fully order issued by the Municipal Pensions Oversight Board shall be enforceable by an action at law." *Id.*

The statute also details four types of errors—over- or underpayments to pension plans, and over- and underpayments from pension plans, W. Va. § 8-22-27a(b)(1)(i)—and instructs funds how to correct each type of error. For over- or underpayments to a member, the statute provides that the "board of trustees after learning of the error shall correct the error in a timely manner." *Id.* § 8-22-27a(b)(1)(i). Where "correction of the error occurs after annuity payments to a retiree or beneficiary have commenced, the board of trustees shall prospectively adjust the payment of the benefit to the correct amount." *Id.* The statute also provides that, in the case of underpayments, "the board of trustees shall pay the amount of such underpayment to the member, retiree, or beneficiary in a lump sum or other manner." *Id.* § 8-22-27a(b)(1)(ii). In the case of overpayments, "the member or retiree or beneficiary shall be required to return the overpayment to the pension plan shall repay the amount of any overpayment to the municipal pensioners' pensions fund in any manner permitted by the board of trustees of that fund. Interest shall not accumulate on any corrective payment made to the plan pursuant to this subsection." *Id.* § 8-22-27a(b)(1)(iii).

Section 8-22-27a thus contains two distinct requirements: First, in subsection (a), it requires a fund's board of trustees to timely correct errors after they are discovered. Second, in subsection (b)(1)(i)-(iii), it requires correction of over- or underpayments made to or from the plan as a result of any error described in subsection (a).

Correcting Erroneous Pension Amounts

With respect to the first requirement to correct errors in a plan, under the plain language of Section 8-22-27a, a fund's board of trustees is required to correct any and all errors after the Plan learns of the error or errors. As applied to the specific facts your letter raises, we conclude that the Oversight Board is not immediately required to recalculate any member's pension amount that does not comply with the twenty-percent rule, regardless of the member's date of hire.

AG OPINION

As an initial matter, "[u]nder the language of a statute it is free from ambiguity, its plain meaning is to be ascertained and applied without resort to interpretation." *Syl. 11, 2, Stone et al. v. DeCruyzer v. Dent No. 17-0572, 2017 WL 5559339 (W. Va. Nov. 17, 2017)*. Subsection (a) states that "[u]pon learning of errors" the Fund "shall correct errors in the plan in a timely manner." W. Va. § 8-22-27a(a) (emphasis added). "[S]hall" is nondiscretionary. Where, as here, the Legislature uses the term "shall" without "bargaine" in the statute showing a contrary intent, the term "should" be afforded a mandatory construction." *Syl. 11, 2, Payne v. City of Lewisburg, 182 W. Va. 297, 313 S.E.2d 532 (1980)* (citation omitted). Subsection (b)'s emphasis that funds issue correct errors "in a timely manner" and regardless "whether the individual, municipality or board of trustees was at fault for the error" further buttresses the Legislature's intent that all errors be corrected as soon after their discovery as possible, without regard to when the error occurred. Thus, that you described, it is apparent that the Fund knows that "errors" exist in every year, whether the twenty-percent rule was set applied when calculating the member's final year "salary or compensation." The Fund must timely correct those errors.

We further conclude that under Section 8-22-27a the Fund may not decline to correct errors in some pensions based on the date a particular member was hired. You explained that in 2009, funds at least in part on the advice of outside counsel, the Fund made an oral agreement with the Oversight Board that the Fund would not correct errors in the plan until January 1, 2010. Regardless of the merits of the legal advice the Fund received in 2009 under those circumstances, Section 8-22-27a makes clear that the Fund may not continue to pay pensions it knows were calculated inconsistent with the twenty-percent rule.

We reach this conclusion even though the Fund has taken measures that may have mitigated, in part, the consequences of its failure to comply with the twenty-percent rule for members hired before 2010 (i.e., for some members, capping the amount of unused leave that can be used for pension plans, and the resulting member contributions to the Fund from 7% to 9.5%). Section 8-22-27a's requirements apply to all members of the Fund, regardless of their hire date. Further, we are aware of no cases where a court approved failure to comply with a nondiscriminatory statute on the basis that the regulated party took other steps than those the Legislature directed, even if those alternate measures could be viewed as achieving rough compliance with the statute's goals.

Neither is a court likely to determine that potential equitable concerns, if any, alter the Fund's duty under Section 8-22-27a. In at least two cases, the Supreme Court of Appeals has determined that equitable considerations do not limit the statutory remedy. *Code § 5-10-14*, and *W. Va. Code § 20-2-10*. In *W. Va. Code § 20-2-10*, the Supreme Court of Appeals held that the Supreme Court of Appeals' decision of the Consolidated Public Retirement Board ("Board") not to reinstate two months of service credits that had been awarded to an employee in error. *Id.* at 754, 704 S.E.2d at 754. The Court reached this result even though the employee "may have relied on the Board's erroneous representation that he would receive service credit for those two months," because the Board was "statutorily bound" by Section 5-10-44 to correct errors. *Id.* at 770 n.17, 704 S.E.2d at 754 n.17. Specifically, the Court held that "[t]he statute does not limit this [error-correction] requirement for equitable reasons." *Id.* at 754 n.17, 704 S.E.2d at 754 n.17.

Similarly, in *Lambert v. W. Va. Canal, Pub. Res. Bd.*, No. 11-0778, 2017 WL 2948358 (W. Va. Dec. 6, 2017), the Supreme Court of Appeals upheld the Board's failure to issue an order directing the grant of service credit to an employee whose employee was not eligible for the credit. Because the employee "was not entitled to service credit," because he did not meet the statutory eligibility requirements, "the Board was accordingly 'required to correct its error' under Section 5-1-644. *Id.* at *2. Notably, the Court reached this conclusion even though the employee had a contract with the Board regarding the initial (nonvested) grant of service credit. *Id.*

Based on these decisions, we conclude that the Fund may not refuse to correct errors in pension for a past bond. In *W. Va. Canal*, the Fund had accepted the employee's contract with respect to these members, but as in *Weyer*, the Fund had not accepted the Fund's erroneous pension calculations will likely not be void because the Fund is "statutory" board," to correct errors once they come to light. And just as in *Lambert*, the existence of any previous agreements or contracts with the Fund memorializing errors in pension calculation will not excuse a failure to correct those errors now.

Correction of Over- and Underpayments

The second requirement in Section 8-22-27a is to correct any over- or underpayments made to or from the Fund as a result of an error in how a pension is calculated. W. Va. Code § 8-22-27a(b)-(c). We conclude that this requirement is not retroactive, and accordingly the Fund is not required to "claw back" overpayments made in the years before the statute was enacted.¹

Section 8-22-27a(b)-(c) set forth detailed instructions for correcting over- and underpayments. With respect to overpayments from the Fund, subsection (d) provides that the board of trustees "shall" correct the overpayment to the extent of the overpayment to any member, retiree, beneficiary, entity or other individual receiving from the plan more than it is entitled to receive had the error not occurred. W. Va. Code § 8-22-27a(b). That subsection further directs that, where the error occurs "after annuity payments to a retiree or beneficiary have commenced, the board of trustees shall prospectively adjust the payment of the benefit to the correct amount." *Id.* The subsection also specifically directs that the retiree or beneficiary "shall repay the amount of any overpayment to the Fund 'in any manner permitted by the board of trustees of the fund' and that "[i]f there is no such arrangement, any corrective payments made to the plan pursuant to this subsection." *Id.* Subsection (e), which addresses underpayments from the Fund, sets forth similar requirements, except that the board of trustees must correct underpayments "in a lump sum" to the retiree or beneficiary, with interest. *Id.* § 922-2-1(a)(c).

The plain meaning of this statutory text makes clear that, after an error is corrected, Section 8-22-27a requires adjusting prospective payments and correcting past overpayments. Nevertheless, the statutory text and precedent from the Supreme Court of Appeals regarding

¹ We note that a different analysis may apply for erroneous payments made after Section 8-22-27a's effective date. This separate question is beyond the scope of this opinion.

AG OPINION

statutory retroactivity strongly indicate that the duty to correct past erroneous payments does not extend to payments made before Section 8-22-27a was enacted.

The West Virginia Code contains a strong presumption against statutory retroactivity. "A statute is presumed to be prospective in its operation unless expressly made retroactive." W. Va. Code § 2-2-10(b)(6). This presumption is overcome only "by clear, strong and imperative words or by necessary implication" showing "that the Legislature intended to give the statute retroactive force and effect." *Syl.*, pt. 2, *Merritt v. Appalachian Power Corp.*, 803 S.E.2d 828, 830 (2004) (quoting *Syl.*, pt. 4, *Teague v. State Compensation Comm'n*, 140 W. Va. 572, 48 S.E.2d 134 (1955)). *State v. Goff*, 239 W. Va. 461, 469, 760 S.E.2d 432, 438 (2013) ("Statutes in the state are presumed to be prospective in their operation, indicating that the statute applies retroactively, not does such appear or necessary implications. Nothing in Section 8-22-27a's direction about correcting over- or underpayments satisfies this standard. The statute contains no language whatsoever regarding retroactivity, much less 'clear, strong and imperative words,' and nothing in Section 8-22-27a's structure or language would necessarily imply that the Legislature intended it to apply retroactively.")

To be sure, Section 8-22-27a requires correcting errors that result from miscalculations in a member's pension, but the statute does not apply to the Fund's pension for its members, is not retroactive merely because one of the factual situations to which it applies occurred prior to its enactment, but rather "when it operates upon transactions which have been completed or upon rights which have been acquired or upon obligations which have existed prior to its passage." *Syl.*, pt. 5, *Merritt*, 803 S.E.2d 882. An individual does not "acquire" "rights" in the mere calculation of benefits—particularly when contradicted contrary to operative law. On the other hand, individual over- or underpayment are "transactions" which have been completed, and members gain a property right to the money obtained through these transactions. It is accordingly very likely that a court would find that the requirements in Section 8-22-27a(b)-(c) to correct specific payments are not retroactive, but that the requirements in Section 8-22-27a(a) to correct specific payments are retroactive against retroactively applied.

We note, however, that a court may disagree with this retroactivity analysis on the basis that it deems subsections (b)-(c) to be "procedural or remedial," as "the general rule of prospective application may be relaxed" for such statutes. *Pub. Civ. Serv. Ass'n v. First Nat'l Bank*, 198 W. Va. 329, 335 n.7, 489 S.E.2d 338, 344 n.7 (1995). Specifically, because subsections (b)-(c) sets forth the requirements to correct errors in existing pensions—and does not, for example, change the rules for calculating pensions in the first place—a court might conclude that these provisions are "remedial" and thus subject to the general rule of prospective application. However, we conclude it more likely a court would hold that these provisions affect "substantive" rights, and thus that the ordinary, strong presumption against retroactivity applies. *Id.* at n.9, pt. 4.

Where the Supreme Court of Appeals has deemed statutes procedural, they typically alter the methods of litigating, precluding rights. For example, *Merritt* held that a statute changing the procedures for awarding back pay or front pay in employment disputes was remedial because it was a substitution of damages, not the cause of the underlying cause of action. 803 S.E.2d at 835-88. Similarly, in *City v. Chester Employees PBA Credit Union*, 180 W. Va. 114, 411 S.E.2d

AG OPINION

261 (1991), the Court held that a statute changing the procedure by which a creditor could foreclose on a deed of trust was procedural. *Id.* at 171, 411 S.E.2d at 264. In contrast, subsection (b)(4) create new rights for members and the Fund to receive money to correct erroneous payments, and imposes new obligations to return money received in error. Further, subsection (4) grants new power to the Oversight Board "to order the pension fund board of trustees to correct . . . errors," and creates a new cause of action to enforce the Oversight Board's orders under this provision. W. Va. Code § 8-22-27(a)(6) ("Any order issued by the Municipal Pension Oversight Board shall be enforceable by an action at law."). In our view, these characteristics set Section 8-22-27a outside the realm of a "purely procedural" statute. Thus, absent the clear statement from the Legislature that would be required to give it retroactive effect, we conclude that Section 8-22-27a does not require the Fund to correct over- or underpayments made before the statute was enacted.

Sincerely,



Patrick Morrissey
Attorney General

West Virginia Board of Architects



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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Annual Report FY2017 & FY2016

The West Virginia Board of Architects safeguards
the life, health, property, and public welfare of the people
of West Virginia against the unauthorized, unqualified,
and improper practice of architecture.

West Virginia Board of Architects
405 Capitol Street, Mercersburg Suite 3
Charleston, WV 25301
Phone (304) 555-1406
Fax (304) 555-1407
Emily B.Papadopoulos@wv.gov



STATE OF WEST VIRGINIA Board of Chiropractic Examiners

P.O. Box 8532, South Charleston, WV 25303
Phone: (304) 746-7839
E-mail: wvchiroboard@govbook.com
Website: www.bce.wv.gov

2017 JUL 13 A 10 21
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

December 20, 2017

The Honorable Mac Warner
Governor of West Virginia
Building 1, State 137 K
1900 Kanawha Blvd., East
Charleston, WV 25305

Dear Mr. Warner:

Re: Annual Report for July 1, 2015 - June 30, 2017

Please find enclosed a copy of the West Virginia Board of Chiropractic Examiners's report of the
business covering activities during the period of July 1, 2015 through June 30, 2017.

If you have any questions, please contact me.

Sincerely,



Richard L. Johnson
Executive Director

/s/

Enclosure

Barry A. Stevens, D.C., Chairman Geoffrey R. Mohr, D.C., Vice Chairman Holly L. Harvey, D.C., Investigative Officer
Jeffrey L. Simmons, B.C., Secretary T. Jarrett Walker, Public Member Barbara L. Johnson, Executive Secretary

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OTHER

OFFICE OF THE
SECRETARY OF STATE**WEST VIRGINIA HEALTH CARE AUTHORITY****CERTIFICATE OF NEED**

100 Doe Drive

Charleston, West Virginia 25311-1600

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January 2, 2018

OFFICE OF THE
SECRETARY OF STATE**WV BOARD OF COUNSELING****2015-2017 ANNUAL REPORT****LEGAL NOTICE**

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending December 29, 2017.

LETTER OF INTENT RECEIVED

December 29, 2017 - Berkeley Medical Center, Martinsburg, Berkeley County, CON File #17-6-11263-P, for the development of an ambulatory health care facility in Jefferson County through the acquisition of a physician practice; capital expenditure: \$83,000.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

December 26, 2017 - Raleigh General Hospital, Beckley, Raleigh County, CON File #17-1-11254-P, for the development of an ambulatory/health care facility in Raleigh County through the provision of a physician office practice; capital expenditure: \$100,000.

December 26, 2017 - LHC Group, Inc., Lafayette, LA, CON File #17-2-11255-A, for the proposed all stock, noncash acquisition and merger of equals between LHC Group, Inc. and Almost Family, Inc.; capital expenditure: \$396,000.

December 26, 2017 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #17-6-11256-P, for the development of an ambulatory health care facility in Mason County through the provision of specialty physician services; capital expenditure: \$14,000.

APPLICATION FOR EXEMPTION RECEIVED

December 26, 2017 - Clay-Banette Health Services, Association, Blacksburg, Monongalia County, CON File #17-6-11260-X, for the provision of outpatient psychiatry including outpatient medication assisted treatment for substance abuse.

ORDERS TO WITHDRAW CON APPLICATION ISSUED

December 26, 2017 - Genesis ElderCare Rehabilitation Services, LLC, Kennett Square, Pennsylvania, CON File #16-8-10781-P, for the provision of medically necessary rehabilitation services, including physical therapy, occupational therapy and speech therapy, as well as respiratory therapy and wellness service in patients' homes or in other community settings in Berks and Jefferson counties; capital expenditure: \$23,000.

OTHER

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

December 28, 2017 - Genesis Eldercare Rehabilitation Services, LLC, Kennett Square, Pennsylvania, CON File #16-12/34/5/6/7-10782-P, for the provision of medically necessary rehabilitation services, including physical therapy, occupational therapy and speech therapy, as well as respiratory therapy and wellness services in patients' homes or in other community settings in Barbours, Boone, Cabell, Fayette, Greenbrier, Hancock, Jackson, Kanawha, Lewis, Lincoln, Marion, Mason, Mercer, Monongalia, Putnam, Nicholas, Summers, Taylor, Raleigh, and Wayne counties; capital expenditure: \$25,000.

PROJECTS DETERMINED NOT REVIEWABLE

December 28, 2017 - Prestavia Center for Mental Health Services, Inc., Huntington, Cabell County, CON File #17-2-11225-X, for the relocation of its Crisis Stabilization Unit from 3375 U.S. Route 60 East, Huntington to 210 Main Street, Huntington; capital expenditure: \$326,000.

December 28, 2017 - Housecalls Home Health and Hospice, LLC dba Housecalls Home Health, Parkersburg, Wood County, CON File #17-5-11236-X, for the relocation of the administrative offices for its home health services from 1601 Garfield Avenue to 417 Grand Park Drive, Suite 203, both located in Parkersburg; capital expenditure: less than \$25,000.

December 28, 2017 - Housecalls Home Health and Hospice, LLC dba Housecalls Hospice, Parkersburg, Wood County, CON File #17-5-11237-X, for the relocation of the administrative offices for its hospice services from 317 1/2 Street to 417 Grand Park Drive, Suite 204, both located in Parkersburg; capital expenditure: less than \$25,000.

EXEMPTION APPLICATION APPROVED

December 27, 2017 - West Virginia University Hospitals, Morgantown, Monongalia County, CON File #17-6-11239-X, for the renovation and expansion of the Blanchette Rockefeller Neurosciences Institute and the acquisition of a fixed magnetic resonance imaging unit.

CERTIFICATE OF NEED APPROVAL ISSUED

December 28, 2017 - Berkeley Medical Center, Martinsburg, Berkeley County, CON File #17-9-11206-P, for the development of an ambulatory health care facility in Berkeley County; capital expenditure: \$673,000.

RENEWAL GRANTED

December 28, 2017 - Wirt County Health Services Association, Inc., Elizabeth, Wirt County, CON File #13-5-9990-JH, for the construction and operation of the Wirt County Nursing Home, a 36 bed nursing home, to be located at 403 Court Street, Elizabeth, Wirt County; capital expenditure: \$5,268,180.70.

Renewal granted through December 31, 2018.



NOTICE OF REVIEW
FOR IMMEDIATE RELEASE

January 2, 2018

NEWS ITEM

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OFFICE OF THE
SECRETARY OF STATE

Notice of Review
Page 2
January 2, 2018

OTHER

has reviewed the contents of the case file of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Agency public hearing. If there is no request for public hearing, the Decisions will be issued on or before February 27, 2018.

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 Shewn, Director, Certificate of Need, Health Care Authority, 100 Doe Drive, Charleston, West Virginia, 25311-1000. 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.

1/2/2018
Date

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

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

December 27, 2017 - LHC Group, Inc., Lafayette, LA, CON File #17-3-11255-A, for the proposed all stock, noncash acquisition and merger of equalle between LHC Group, Inc. and Almost Family, Inc.; capital expenditure: \$596,000.

December 28, 2017 - Raleigh General Hospital, Beasley, Raleigh County, CON File #17-1-11254-P, for the development of an ambulatory health care facility through the provision of a physician office practice; capital expenditure: \$100,000.

December 28, 2017 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #17-5-11250-P, for the development of an ambulatory health care facility in Marion County through the provision of specialty physician services; capital expenditure: \$14,000.

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 December 28, 2017.

On or before January 28, 2018, 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 concluded 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 February 2, 2018. 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 received all comments and evidence. For more information, contact the Authority at (304) 558-6700 or visit our website at www.hca.wv.gov.



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WEST VIRGINIA MEDICAL IMAGING & RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS
 Board Address: 1750 M. T. Henshaw Court, Raleigh, WV 26105-9038
 Telephone: (304) 293-3333 Fax: (304) 293-2000
 Email: board@wvmtb.com Web Page: www.wvmtb.com

CERTIFIED MAIL: 1017 1070 0000 8021 2644

December 29, 2017

The Honorable Max Warner
 West Virginia Secretary of State
 State Capitol, Building 1, Suite 107-K
 1800 Kanawha Boulevard
 Charleston, WV 25305-0776

Regarding: FY - 2017 Annual Report, West Virginia Medical Imaging & Radiation Therapy
 Technology Board of Examiners

Dear Secretary Warner,

It is our honor and privilege to submit for your review the FY 2017 Annual Report for the West Virginia
 Medical Imaging & Radiation Therapy Technology Board of Examiners. (Board), as required by W. Va.
 Code §20-1-12(b).

The Board is charged with the administration and enforcement of the provisions set forth in W. Va. Code
 §20-1-12. The purpose of Medical Imaging and Radiation Therapy in West Virginia. The Mission
 of the Board is to be the State of West Virginia's premier regulatory and accreditation body for
 West Virginia through the licensure of educationally prepared and clinically competent professionals.

In accordance with W. Va. Code §20-1-12(b), this report includes the financial transactions of the Board
 including receipts and disbursements, a list of complaints received by the Board with such items. Addressed
 information is maintained and readily accessible 24 hours a day, 7 days a week via our website at
www.wvmtb.com

Please do not hesitate to contact our office with any comments or questions regarding the information
 contained within this report, respectfully submitted on behalf of the Board.

Sincerely,


 Jenna Brackley, SCR(10)
 Executive Director

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OTHER

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ANNUAL REPORT OF THE BIENNium

JULY 1, 2015 TO JUNE 30, 2017

To the Governor
 the Honorable Jim Justice
 of the State of West Virginia

ANNUAL REPORT OF THE WEST VIRGINIA
 BOARD OF EXAMINERS
 FOR REGISTERED PROFESSIONAL NURSES

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