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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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Office of Tax Appeal Decisions

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

Grievances Report

Health Care Authority

Higher Education Policy Commission

Insurance Commission

Secretary of State's Office

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 7

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 |
|--------|-----------|-----------|----------------|-------------------------|
| | | | | |



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 199 | EXPLOSIVES & BLASTING |
| TITLE 204 | HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC STATE | LEWR-C- ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|----------------------------|---|-----------|-----------------------------------|--------------------------------------|-----------|--|-------------------|---------------|-----------|
| Accountancy, WV (1-01) | Board Rules and Rules of Professionals 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 | | 7/28/2017 | Modified & Approved 12/1/2017 Filed 12/11/2017 | Bundled SB 154 | | |
| Administration (148-5) | Parking Legislative | 6/21/2017 | 7/21/2017 | | 7/25/2017 | Approved 6/28/2017 | Bundled SB 154 | | |
| Agriculture (61-01) | Animal Disease Control Legislative | 6/28/2017 | 7/28/2017 | | 7/28/2017 | Modified & Approved 13/2/2017 Filed 12/18/2017 | | | |
| Agriculture (61-2) | West Virginia Apisary Law Legislative | 6/15/2017 | 7/16/2017 | | 7/18/2017 | Modified & Approved 8/29/2017 Filed 9/18/2017 | | | |
| Agriculture (61-86) | Schedule of Charges for Inspection Services Fruit Legislative | 11/1/2017 | 12/1/2017 | 11/3/2017 Effective 12/26/2017 | 12/1/2017 | Modified & Approved 12/2/2017 Filed 12/18/2017 | | | |
| Agriculture (61-118) | Auditeers Legislative | 6/26/2017 | 7/26/2017 | | 7/28/2017 | Modified & Approved 12/2/2017 Filed 12/19/2017 | | | |
| Agriculture (61-144) | 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 (61-16) | Inspection of Meat and Poultry Legislative | 6/15/2017 | 7/16/2017 | | 7/17/2017 | Modified & Approved 8/29/2017 Filed 9/18/2017 | | | |

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 | 7/17/2017 | Modified & Approved 9/20/2017 Filed 9/29/2017 | | | |
| Agriculture (61-36) | Farm to Food Bank Tax Credit Legislative | 12/18/2017 | 1/18/2018 | 12/18/2017 Effective 1/29/2018 | 1/19/2018 | | | | |
| Air Quality (45-8) | Ambient Air Quality Standards Legislative | 6/8/2017 | 7/11/2017 | 7/21/2017 | 7/21/2017 | Approved 8/29/2017 | Bundled SB 163 | | |
| Air Quality (45-16) | Standards of Performance for New Stationary Sources Legislative | 6/8/2017 | 7/11/2017 | 7/21/2017 | 7/21/2017 | Approved 8/29/2017 | Bundled SB 163 | | |
| Air Quality (45-18) | Control of Air Pollution from Contribution of Solid Waste Legislative | 6/7/2017 | 7/11/2017 | 7/21/2017 | 7/21/2017 | Modified & Approved 8/29/2017 Filed 8/24/2017 | Bundled SB 163 | | |
| Air Quality (45-23) | Control of Air Pollution from Municipal Solid Waste Landfills Legislative | 6/7/2017 | 7/11/2017 | 7/21/2017 | 7/21/2017 | Approved 8/29/2017 | Bundled SB 163 | | |
| Air Quality (45-25) | Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative | 6/8/2017 | 7/11/2017 | 7/21/2017 | 7/21/2017 | Approved 8/29/2017 | Bundled SB 163 | | |
| Air Quality (45-34) | Emission Standards for Hazardous Air Pollutants Legislative | 6/8/2017 | 7/11/2017 | 7/21/2017 | 7/21/2017 | Approved 8/29/2017 | Bundled SB 163 | | |
| Athletic Commission (177-1) | WV State Athletic Commission Legislative | 6/16/2017 | 7/16/2017 | 7/27/2017 | 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 | 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 | | | | | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC STATE | LSMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|--|------------|------------|-----------|-----------|---|-------|------------|-----------|
| Comm. & Tech. College Education (135-12) | Capital Project Management Legislative | 12/11/2017 | 1/16/2018 | | 1/26/2018 | Amended by LOCEA & Approved 2/6/2018 Filed 2/8/2018 | | | |
| Comm. & Tech. College Education (135-35) | Human Resources Administration Legislative | 12/9/2017 | 1/10/2018 | | 1/26/2018 | Approved 2/6/2018 | | | |
| Contractor Licensing Board (28-4) | Contractor Licensing Board Procedural | 1/10/2018 | 2/9/2018 | | | | | | |
| Crime Delinquency and Correction (169-2) | 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 (169-03) | 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 | | | |
| Dietitians (31-1) | Licensure and Renewal Requirements Legislative | 6/9/2017 | 7/17/2017 | | 7/24/2017 | Modified & Approved 12/3/2017 Filed 12/4/2017 | | | |
| Education (128-28) | West Virginia's Universal Access to a Quality Early Education System (2520.7) Legislative Exempt | 8/10/2017 | 9/11/2017 | | | | | 10/12/2017 | 7/1/2018 |
| Education (128-41) | Safe and Acceptable Use of the Internet by Students and Educators (2460) Legislative Exempt | 11/9/2017 | 12/11/2017 | | | | | 1/11/2018 | 7/1/2018 |
| Education (128-42) | Assessing the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt | 11/9/2017 | 12/11/2017 | | | | | 1/11/2018 | 7/1/2018 |
| Education (128-44G) | 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 |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LMRRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|------------|-----------|-----------|-----------|---|----------------|------------|-----------|
| 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 (126-44G) | WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt | 8/10/2017 | 9/11/2017 | | | | | 10/12/2017 | 7/1/2019 |
| Education (126-44F) | WV Alternate Academic Achievement Standards (2520.16) Legislative Exempt | 8/10/2017 | 9/11/2017 | | | | | 10/12/2017 | 7/1/2018 |
| 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 | Bundled SB 163 | | |
| Fire Commission (87-3) | Hazardous Substance Emergency Response Training Programs Legislative | 6/19/2017 | 7/19/2017 | | 7/25/2017 | Modified & Approved 12/2/2017 Filed 12/13/2017 | | | |
| Fire Marshal (103-5) | Electricians Licensing Rules Legislative | 12/21/2017 | 1/20/2018 | | 1/26/2018 | | | | |
| Health (64-03) | Public Water Systems Legislative | 6/27/2017 | 7/27/2017 | | 7/28/2017 | Modified & Approved 10/19/2017 Filed 10/25/2017 | Bundled SB 165 | | |
| Health (64-12) | Hospital Licensure Legislative | 6/27/2017 | 7/27/2017 | | 7/29/2017 | Modified & Approved 8/29/2017 Filed 8/30/2017 | Bundled SB 165 | | |
| 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 | Bundled SB 165 | | |
| Health and Human Resources (68-10) | WV Clearance for Access: Registry and Employment Screening Legislative | 6/28/2017 | 7/28/2017 | | 7/27/2017 | Approved 8/29/2017 | Bundled SB 165 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|--|--|------------|------------|---|-----------|--|-------------------|------------|-----------|
| Health and Human Resources (65-13) | 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 Effective 9/21/2017 Amendment 10/25/2017 Effective 12/6/2017 | 7/28/2017 | Modified & Approved 10/18/2017 Filed 10/25/2017 | Bundled SB 165 | | |
| Health and Human Resources (65-14) | 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 Effective 9/21/2017 Amendment 12/11/2017 Effective 1/22/2018 | 7/28/2017 | Modified & Approved 12/1/2017 Filed 12/11/2017 | Bundled SB 165 | | |
| 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 Filed 10/25/2017 | | | |
| Hearing Aid Dealers (65-01) | WV Board of Hearing Aid Dealers Legislative | 6/23/2017 | 7/24/2017 | | 7/26/2017 | Approved 6/29/2017 | | | |
| Higher Education Policy Comm. (133-11) | Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs Procedural | 11/17/2017 | 12/18/2017 | | | | | | |
| THE ABOVE RULE HAS BEEN WITHDRAWN 2/14/2018 | | | | | | | | | |
| Higher Education Policy Comm. (133-12) | Capitol Project Management Legislative | 11/20/2017 | 12/20/2017 | | 1/22/2018 | Amended by LOCIA & Approved 2/6/2018 Filed 2/8/2018 | | | |
| Higher Education Policy Comm. (133-32) | Tuition and Fee Policy Legislative | 11/20/2017 | 12/20/2017 | | 1/16/2018 | Approved 1/16/2018 | | | |

RULE MONITOR

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|--|---|------------|------------|--|-----------|--|-------------------|---------------|-----------|
| Higher Education Policy Comm. (133-55) | Human Resources Administration Legislative | 11/21/2017 | 12/21/2017 | | 2/9/2018 | Approved 2/6/2018 | | | |
| Highways (157-2) | Dispositional Lease and Management of Real Property and Appurtenant Structures and Relocation Legislative | 6/22/2017 | 7/24/2017 | | 7/28/2017 | Modified & Approved 12/2/2017 Filed 12/13/2017 | Bundled SB 194 | | |
| Highways (157-12) | Employment Procedures Legislative | 11/2/2017 | 12/2/2017 | 11/1/2017 Effective 12/13/2017 | 1/22/2018 | | Bundled SB 184 | | |
| 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 | Bundled SB 165 | | |
| Human Services (78-16) | 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 | Bundled SB 165 | | |
| Human Services (78-19) | Family Child Care Home Registration Requirements Legislative | 6/26/2017 | 7/26/2017 | | 7/27/2017 | Approved 9/20/2017 | Bundled SB 165 | | |
| 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 | Bundled SB 165 | | |
| 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 | Bundled SB 165 | | |
| 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 Effective 9/8/2017 Amendment 12/11/2017 Effective 1/22/2018 | 7/28/2017 | Modified & Approved 12/1/2017 Filed 12/11/2017 | Bundled SB 165 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SECSTATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|------------|-----------|--|-----------|---|-------------------|------------|-----------|
| Labor (42-10) | Zipline and Canopy Tour Responsibility Act Legislative | 6/15/2017 | 7/17/2017 | | 7/27/2017 | Approved 9/20/2017 | Bundled SB 230 | | |
| Labor (42-12) | Bedding and Upholstered Furniture Legislative | 6/15/2017 | 7/17/2017 | | 7/27/2017 | Approved 9/20/2017 | Bundled SB 230 | | |
| Labor (42-17) | Amusement Rides and Amusement Attractions Safety Act Legislative | 6/15/2017 | 7/17/2017 | | 7/27/2017 | Approved 9/20/2017 | Bundled SB 230 | | |
| Labor (42-21) | Elevator Safety Act Legislative | 6/21/2017 | 7/22/2017 | | 7/27/2017 | Approved with Amendments 9/21/2017 | Bundled SB 230 | | |
| Labor (42-33) | Employer Wage Bonds Legislative | 6/15/2017 | 7/17/2017 | | 7/27/2017 | Approved 9/20/2017 | Bundled SB 230 | | |
| Labor (42-38) | 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 | Bundled SB 230 | | |
| 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 Effective 1/19/2018 | 7/27/2017 | Approved 9/20/2017 Modified & Approved 12/1/2017 Filed 12/8/2017 | Bundled SB 230 | | |
| Labor (42-37) | Jobs Act Procedures Procedural | 12/21/2017 | 1/22/2018 | | | | | 1/24/2018 | 3/1/2018 |
| Lobby 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 8/28/2017 | | | |
| Medicine (11-016) | License, 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 12/8/2017 | | | |
| Miners' Health, Safety and Training (98-23) | 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 | Approved 12/2/2017 | Bundled SB 230 | | |

RULE MONITOR

| AGENCY/SERIES | RULE | NOTICE | HEARING | EMER RULE | SECSTATE | LSMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|--------------------------------|--|-----------|------------|--------------------------------|------------|--|----------------|------------|-----------|
| Mining and Reclamation (38-02) | West Virginia Surface Mining Reclamation Legislative | 6/8/2017 | 7/18/2017 | | 7/27/2017 | Modified & Approved 12/1/2017 Filed 12/5/2017 | Bundled SB 163 | | |
| 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 | Bundled SB 230 | | |
| 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 | Bundled SB 230 | | |
| Natural Resources (58-49) | General Hunting Legislative | 6/23/2017 | 7/24/2017 | | 7/28/2017 | Approved 12/2/2017 | Bundled SB 230 | | |
| Natural Resources (58-56) | Special Migratory Bird Hunting Legislative | 6/23/2017 | 7/24/2017 | | 7/28/2017 | Approved 12/2/2017 | Bundled SB 230 | | |
| Natural Resources (58-64) | Miscellaneous Permits and Licenses Legislative | 6/23/2017 | 7/24/2017 | | 7/28/2017 | Approved 12/2/2017 | Bundled SB 230 | | |
| 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 | 6/12/2017 | 10/12/2017 | 11/8/2017 Effective 12/18/2017 | 10/17/2017 | Modified & Approved 12/3/2017 Filed 12/6/2017 | | | |
| Pharmacy (15-1) | Licensure 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 11/6/2017 | | | |
| 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 | | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SECSTATE | LRMRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|-----------|------------|---------------------------------|-----------|---|-------|------------|-----------|
| Pharmacy (15-8) | Controlled Substances Monitoring Program Legislative | 6/15/2017 | 7/17/2017 | 6/15/2017 Approved 9/19/2017 | 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 1/7/2017 | | | |
| 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) | Centralized Prescription Processing Legislative | 6/15/2017 | 7/17/2017 | | 7/28/2017 | Modified & Approved 12/3/2017 Filed 12/19/2017 | | | |
| Psychologists (17-01) | Fees Legislative | 6/28/2017 | 7/28/2017 | | 7/28/2017 | Modified & Approved 12/1/2017 Filed 12/13/2017 | | | |
| Psychologists (17-03) | 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 | | | |
| 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 | 11/8/2017 | 12/11/2017 | | | | | | |
| Public Service Commission (150-4) | Government of Gas Utilities and Gas Pipeline Safety Legislative Exempt | 11/8/2017 | 12/11/2017 | | | | | | |
| Racing Commission (178-1) | Thoroughbred Racing Legislative | 6/19/2017 | 7/19/2017 | | 7/27/2017 | Approved w/retain amendments 12/1/2017 | | | |
| Real Estate Appraiser Licensing & Cert. Bd. (190-2) | Requirements for Licensure and Certification Legislative | 6/14/2017 | 7/17/2017 | | 7/28/2017 | Approved 12/1/2017 | | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SECSTATE | LB/MRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---------------------------------|---|-----------|-----------|-----------|-----------|---|----------------|------------|-----------|
| 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 Courses, 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 (153-18) | Procedures for Canvassing Elections Legislative | 6/26/2017 | 7/26/2017 | | 7/28/2017 | Modified & Approved 12/2/2017 Filed 12/12/2017 | | | |
| Secretary of State (153-27) | Procedures for Handling Ballots and Counting Write-In Votes in Counties Using Optical Scan Ballots Legislative | 6/26/2017 | 7/26/2017 | | 7/28/2017 | Modified & Approved 12/2/2017 Filed 12/12/2017 | | | |
| Secretary of State (153-39) | Vote by Mail Pilot Project Phase 2: Voting by Mail – Recall 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 | Bundled SB 237 | | |
| Tax (110-1300) | Farm-To-Food Bank Tax Credit Legislative | 8/16/2017 | 7/17/2017 | | 7/27/2017 | Modified & Approved 8/29/2017 Filed 8/1/2017 | Bundled SB 237 | | |
| Tax (110-22) | Property Transfer Tax Legislative | 6/19/2017 | 7/20/2017 | | 7/27/2017 | Approved 8/29/2017 | Bundled SB 237 | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SECSTATE | LMRRC-ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|--|--|------------|-----------|----------------------------------|-----------|--|-------------------|------------|-----------|
| 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 | Bundled SB 237 | | |
| Tax (110-41) | Railroad Diesel Locomotive Refundable Exemption from the Variable Rate Component of the Motor Fuel Excise Tax Procedural | 12/26/2017 | 1/28/2018 | | | | | | |
| Tax (110-42) | Personnel Rule for the Tax Division Legislative | 12/6/2017 | 1/5/2018 | 12/6/2017 Effective 1/17/2018 | 1/12/2018 | | Bundled SB 237 | | |
| 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 8/28/2017 | | | |
| 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 (26-6) | Schedule of Fees Legislative | 6/12/2017 | 7/13/2017 | | 7/18/2017 | Modified & Approved 8/29/2017 Filed 8/28/2017 | | | |
| Waste Mgmt., Div. of Water & Waste Mgmt. (33-28) | Hazardous Waste Management System Legislative | 6/5/2017 | 7/6/2017 | | 7/21/2017 | Approved 12/1/2017 | Bundled SB 163 | | |
| Waste Mgmt., Div. of Water & Waste Mgmt. (33-30) | Underground Storage Tanks Legislative | 6/5/2017 | 7/6/2017 | | 7/25/2017 | Modified & Approved 12/1/2017 Filed 12/4/2017 | Bundled SB 163 | | |

Michael J. Frank, Esq.
Chair



Paul L. Hill, Ph.D.
Chairman

PROCEDURAL

West Virginia Higher Education Policy Commission
610 Kanawha Boulevard East, Suite 700 - Charleston, West Virginia 25301
(304) 556-2100 Voice • (304) 556-6101 Fax
www.wvhighered.org

February 13, 2018



Ms. Judy Cooper
Office of the West Virginia Secretary of State
1900 Kanawha Boulevard
Charleston, West Virginia 25305

Dear Ms. Cooper:

On behalf of the West Virginia Higher Education Policy Commission, I hereby request to withdraw the proposed rule following the public comment period which ended on December 18, 2017:

Title 133, Series 11, Procedural Rule, Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs.

If additional information is required to withdraw this rule, please let me know.

Sincerely,

Cindy L. Anderson
Director of Administrative Services

Orders Report

| Docket Number | Agency | Respondent | Date Rendered |
|---------------|-----------------------|------------------------------------|---------------|
| | Health Care Authority | Berkeley Medical Center | 2/9/2018 |
| | Health Care Authority | Open Doors Inc | 2/9/2018 |
| | Health Care Authority | Paramount Senior Living at Ona LLC | 2/9/2018 |
| | Health Care Authority | Special Touch Nursing Services Inc | 2/9/2018 |
| | Health Care Authority | St. George Medical Clinic Inc | 2/9/2018 |
| | Health Care Authority | St. George Medical Clinic Inc | 2/9/2018 |
| | Insurance Commission | Farmisee Purify | 2/7/2018 |
| | Insurance Commission | Crystal L. Booker | 2/7/2018 |
| | Insurance Commission | Brandon Woodbridge | 1/19/2018 |
| | Insurance Commission | Logan Belmore | 1/24/2018 |
| | Insurance Commission | Levon Danielle Conda | 1/24/2018 |
| | Insurance Commission | Keaton Behrendsen | 1/24/2018 |
| | Insurance Commission | Timothy Anderson | 1/24/2018 |
| | Insurance Commission | Virginia Ann Hoyt | 1/24/2018 |

Grievances Report

| Docket Number | Grievants Name | Respondents Name | Date Decision |
|---------------|-------------------------|--|---------------|
| | Michael Summers, et al. | West Virginia University | 1/3/2017 |
| | April Estep | Boone County Board Of Education | 12/11/2017 |
| | Caleb Cantton | Board Of Education | 12/11/2017 |
| | Becky L. Wood | Institutional Education Programs | 12/11/2017 |
| | Gayla Adkins | Juvenile Services | 12/16/2017 |
| | | Lorrie Yeager Jr. Juvenile Center | 12/16/2017 |
| | | Health And Human Resources | 12/16/2017 |
| | | Health And Human Resources | 12/16/2017 |
| | | Children And Families | 12/16/2017 |
| | Daniel L. Frost | Children And Families | 12/16/2017 |
| | Tommy Dingess | Bluefield State College | 12/17/2017 |
| | | Homeland Security and Emergency Management | 12/11/2017 |
| | Shelia Hallman-Warner | Bluefield State College | 12/12/2017 |
| | Aaron L. White | Corrections | 12/13/2017 |
| | | Mount Olive Correctional Complex | 12/13/2017 |
| | Oshel Carnell, et al. | Kanawha County Board Of Education | 12/14/2017 |
| | William Conklin | Shepherd University | 12/15/2017 |
| | Charlena Dawn Frye | Lincoln County Board Of Education | 12/18/2017 |
| | Aaron White | Corrections | 12/18/2017 |
| | Debra Handy | Mount Olive Correctional Complex | 12/18/2017 |
| | Stacy A. Johnson | McDowell County Board Of Education | 12/20/2017 |
| | Sherrl Ann Sturgis | Highways | 12/22/2017 |
| | | Health And Human Resources | 12/22/2017 |
| | | Child Support Enforcement | 12/22/2017 |

WEST VIRGINIA HEALTH CARE AUTHORITY FILIED

CERTIFICATE OF NEED

100 Deo Drive

Charleston, West Virginia 25311-1600

BH F3 12 A 1P

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SECRETARY OF SWE

February 12, 2018

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **February 9, 2018**.

LETTER OF INTENT RECEIVED

February 9, 2018 – Lixx Community Services, Waverly, Wood County, CON File #18-5710-17291-B4, for the development of a licensed behavioral health center offering 100 Waiver Services; capital expenditure: \$13,000.

APPLICATION FOR EXEMPTION RECEIVED

February 9, 2018 – The Board of Child Care of the United Methodist Church, Inc., Martinsburg, Berkeley County, CON File #18-6-11289-X, for the addition of ten (10) licensed residential child care beds in Berkeley County.

PROJECT DETERMINED NOT REVIEWABLE

February 9, 2018 – Open Doors, Inc., Lewisburg, Greenbrier County, CON File #17-114-11259-X, for the provision of job development and pre-vocational services in Greenbrier, Nicholas, Webster, Pocahontas and Monroe counties; no capital expenditure.

EXEMPTION APPLICATIONS APPROVED

February 9, 2018 – St. George Medical Clinic, Inc., Parsons, Tucker County, CON File #18-7-11264-X, for the addition of behavioral health services at Davis-Thomas Elementary-Middle School.

February 9, 2018 – St. George Medical Clinic, Inc., Parsons, Tucker County, CON File #18-7-11265-X, for the addition of behavioral health services at Tucker County High School.

February 9, 2018 – Paramount Senior Living at Ona, LLC, McCluney, Pennsylvania, CON File #18-2-11270-X, for the acquisition of an assisted living facility located at 100 Weathermill Drive, Ona, Cabell County.

CERTIFICATE OF NEED APPROVALS ISSUED

February 9, 2018 – Special Touch Nursing Services, Inc., South Charleston,

Kanawha County, CON File #17-3-11194-PC, for the provision of personal care services in Kanawha County; capital expenditure: \$1,000.

February 9, 2018 – Berkeley Medical Center, Martinsburg, Berkeley County, CON File #17-9-11248-P, for the establishment of an ambulatory health care facility in Berkeley County through the relocation of Berkeley Medical Center's sleep laboratory; capital expenditure: \$25,000.

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

OTHER



Secretary of State
State Capitol Building
Charleston, WV 25305

Mac Warner
Secretary of State
State of West Virginia

Telephone: (606) 528-4000
www.wvsoe.com

OTHER

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OFFICE OF THE
SECRETARY OF STATE

PUBLIC NOTICE

Changes to UCC Search Capabilities
February 14, 2008

Effective February 27, 2008, the only method of obtaining a UCC search by the West Virginia Secretary of State's Office will through our online service at <http://apps.wvsoe.com>. However, you can begin using the new UCC Online Search system now to get familiar with it, as it is available to use.

You may also get access to the search by logging onto our website at www.wvsoe.com and then clicking on the Online Services link.

After February 26, 2008, we will no longer conduct search requests manually.

The new online search feature allows users to:

- Instantly download and print copies of certified and non-certified searches
- Efficiently search for documents by filing name or number with immediate search results
- Conveniently and securely pay for services with credit card or electronic check, receive payment, and/or order confirmation

Question regarding this Notice should be sent to Penney Barker at pbarker@wvsoe.com.