



# WEST VIRGINIA REGISTER

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

Health Care Authority

Insurance Commission

Registered Professional Nurses, WV Bd. Of Exam.

Secretary of State's Office

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 8

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



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#### GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1. Agency Name, (Title and Series Number)
Column	2. Rule Title, Price and Type
Column	3. Date Notice of Public Hearing or Comment Period Filed
Column	4. Date of Public Hearing or Last Date Comments Will Be Received
Column	5. Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6. Date Agency Approved Legislative Rules Filed.
Column	7. Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8. Legislative Action
Column	9. Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10. Date Rule is Effective

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- 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 68	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	LSMRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy, WV Ed. 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	Bundled HB 4079		
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	Bundled SB 154		
Administration (148-5)	Parking Legislative	6/21/2017	7/21/2017		7/25/2017	Approved 8/29/2017	Bundled SB 154		
Agriculture (61-01)	Animal Disease Control Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/19/2017	Bundled HB 4079		
Agriculture (61-2)	West Virginia Aquary Law Legislative	6/15/2017	7/16/2017		7/18/2017	Modified & Approved 9/29/2017 Filed 9/18/2017	Bundled HB 4079		
Agriculture (61-86)	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	Bundled HB 4079		
Agriculture (61-11B)	Audionees Legislative	6/26/2017	7/26/2017		7/26/2017	Modified & Approved 12/2/2017 Filed 12/19/2017	Bundled HB 4079		
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	Bundled HB 4079		
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	Bundled HB 4079		

**RULE MONITOR**

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LB/MRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-230)	Inspection of Nontraditional, Domesticated Animals Legislative	6/15/2017	7/16/2017		7/17/2017	Modified & Approved 9/20/2017 Filed 9/29/2017	Bundled HB 4079		
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 (45-6)	Ambient Air Quality Standards Legislative	6/8/2017	7/11/2017		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	Approved 8/29/2017	Bundled SB 163		
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Wastes Legislative	6/7/2017	7/11/2017		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	Approved 8/29/2017	Bundled SB 163		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/6/2017	7/11/2017		7/21/2017	Approved 8/29/2017	Bundled SB 163		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/6/2017	7/11/2017		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	Modified & Approved 9/20/2017 Filed 10/3/2017	Bundled HB 4079		
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	Bundled HB 4079		
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	Bundled HB 4622		
Comm. & Tech. College Education (135-55)	Human Resources Administration Legislative	12/6/2017	1/10/2018		1/26/2018	Approved 2/6/2018	Bundled HB 4622		
Contractor Licensing Board (28-4)	Contractor Licensing Board Procedural	1/10/2018	2/9/2018						
Crime Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	6/21/2017	7/24/2017		7/26/2017	Modified & Approved 8/22/2017 Filed 12/13/2017	Bundled SB 181		
Crime Delinquency and Correction (149-03)	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	Bundled SB 181		
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	Bundled SB 4079		
Education (126-28)	West Virginia's Universal Access to a Quality Early Education System (2525) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2018
Education (126-41)	Safe and Appropriate Use of the Internet by Students and Educators (2460) Legislative Exempt	11/9/2017	12/11/2017					1/11/2018	7/1/2018
Education (126-42)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	11/9/2017	12/11/2017					1/11/2018	7/1/2018
Education (126-44G)	WV College and Career Readiness Standards for World Languages (2520.7) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2018



RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LSMRC-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 (126-44O)	WV Pre-K Standards (Ages 3-6) (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
Environmental Protection Secretary's Office (60-03)	Voluntary Remediation and Reclamation Rule Legislative	6/5/2017	7/6/2017		7/11/2017	Approved 12/1/2017	Bundled SB 165		
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	Bundled SB 181		
Fire Marshal (103-5)	Electricians Licensing Rules Legislative	12/21/2017	1/20/2018		1/26/2018		Bundled SB 181		
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	Bundled SB 165		
Health (64-12)	Hospital Licensure Legislative	6/27/2017	7/27/2017		7/28/2017	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 (65-10)	WV Clearance for Access: Registry and Employment Screening Legislative	6/26/2017	7/26/2017		7/27/2017	Approved 8/29/2017	Bundled SB 165		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LSMRC-ACTION	LIGIS	FINAL FILE	EFFECTIVE
Health and Human Resources (89-13)	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 (89-14)	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 10/18/2017 Filed 10/25/2017	Bundled SB 165		
Health Care Authority (85-13)	Financial Disclosure Rule 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 10/18/2017 Filed 10/25/2017	Bundled SB 165		
Hearing Aid Dealers (80-1)	WV Board of Hearing Aid Dealers Legislative	6/23/2017	7/24/2017		7/26/2017	Approved 8/29/2017	Bundled HB 4079		
Higher Education Policy Comm. (133-12)	Capitol Project Management Legislative	11/20/2017	12/20/2017		1/22/2018	Amended by LOCEA & Approved 2/6/2018 Filed 2/8/2018	Bundled HB 4622		
Higher Education Policy Comm. (133-50)	Tuition and Fee Policy Legislative	11/20/2017	12/20/2017		1/16/2018	Approved 1/16/2018	Bundled HB 4622		
Higher Education Policy Comm. (133-55)	Human Resources Administration Legislative	11/21/2017	12/21/2017		2/9/2018	Approved 2/6/2018	Bundled HB 4622		
Highways (157-2)	Disposal, Leases 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	Bundled SB 184		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LMRRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (78-18)	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	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 9/20/2017 Filed 10/4/2017	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 9/20/2017 Filed 12/11/2017	Bundled SB 165		
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 8/20/2017	Bundled SB 230		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC STATE	LSMRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (42-36)	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
Lottery Commission (179-1)	State Lottery Rules Legislative	6/19/2017	7/21/2017		7/28/2017	Modified & Approved 12/1/2017 Filed 12/1/2017	Bundled SB 237		
Medicine (11-6)	Continuing Education for Physicians and Podiatrists Legislative	6/21/2017	7/21/2017		7/28/2017	Approved 8/29/2017	Bundled HB 4079		
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures & Continuing Education, Physician Assistants Legislative	7/11/2017	8/10/2017	8/11/2017 Approved 10/20/2017	8/29/2017	Modified & Approved 12/2/2017 Filed 12/6/2017	Bundled HB 4079		
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	Approved 12/2/2017	Bundled SB 230		
Mining and Reclamation (39-02)	West Virginia Surface Mining Reclamation Legislative	6/6/2017	7/18/2017		7/27/2017	Modified & Approved 12/1/2017 Filed 12/5/2017	Bundled SB 163		
Natural Resources (59-02)	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		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LMRRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (56-11)	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 (56-48)	General Hunting Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017	Bundled SB 230		
Natural Resources (56-58)	Special Migratory Bird Hunting Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017	Bundled SB 230		
Natural Resources (56-64)	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	7/26/2017		7/26/2017	Approved 8/29/2017	Bundled HB 4079		
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative	9/12/2017	10/12/2017	11/6/2017 Effective 12/18/2017	10/17/2017	Modified & Approved 12/3/2017 Filed 12/8/2017	Bundled HB 4079		
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	6/22/2017	7/24/2017		7/28/2017	Approved 9/20/2017	Bundled HB 4078		
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	Bundled HB 4079		
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	Bundled HB 4078		
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	Bundled HB 4079		
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	Bundled HB 4079		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC STATE	LEWR-C ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/22/2017	7/24/2017	7/28/2017	7/28/2017	Modified & Approved 9/20/2017 Filed 11/6/2017	Bundled HB 4079		
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/13/2017	7/17/2017	7/28/2017	7/28/2017	Modified & Approved 12/3/2017 Filed 12/18/2017	Bundled HB 4079		
Psychologists (17-01)	Fees Legislative	6/28/2017	7/28/2017	7/28/2017	7/28/2017	Modified & Approved 12/1/2017 Filed 12/13/2017	Bundled HB 4079		
Psychologists (17-03)	Requirements for Licensure as a Psychologist and/or a School Psychologist Legislative	6/28/2017	7/28/2017	7/28/2017	7/28/2017	Approved 12/1/2017	Bundled HB 4079		
Psychologists (17-06)	Code of Ethics Legislative	6/28/2017	7/28/2017	7/28/2017	7/28/2017	Approved 12/1/2017	Bundled HB 4079		
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	7/27/2017	Approved w/certain 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	7/28/2017	Approved 12/1/2017	Bundled HB 4079		
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	7/27/2017	Modified & Approved 12/1/2017 Filed 12/6/2017	Bundled HB 4079		
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/26/2017	7/26/2017	7/27/2017	7/27/2017	Approved 12/1/2017	Bundled HB 4079		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LM/MC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Commission (1174-03)	Requirements for Real Estate Courses, Course Providers and Instructors Legislative	6/26/2017	7/26/2017	7/27/2017	7/27/2017	Modified w/ certain amendments & Approved 12/1/2017 Filed 12/6/2017	Bundled HB 4079		
Secretary of State (153-16)	Procedures for Conveying Elections Legislative	6/26/2017	7/26/2017	7/28/2017	7/28/2017	Modified & Approved 12/2/2017 Filed 12/12/2017	Bundled HB 4079		
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	7/28/2017	Modified & Approved 12/2/2017 Filed 12/12/2017	Bundled HB 4079		
Secretary of State (153-39)	Vote by Mail Pilot Project Phase 2. Voting by Mail – Repeat Legislative	6/27/2017	7/27/2017	7/28/2017	7/28/2017	Approved 8/29/2017	Bundled HB 4079		
Senior Services (76-3)	WV State Plan for Aging Programs Interpretive	7/7/2016	8/9/2016						
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	7/27/2017	Approved 6/29/2017	Bundled SB 237		
Tax (110-130D)	Farm-To-Food Bank Tax Credit Legislative	6/16/2017	7/17/2017	7/27/2017	7/27/2017	Modified & Approved 8/29/2017 Filed 9/1/2017	Bundled SB 237		
Tax (110-22)	Property Transfer Tax Legislative	6/19/2017	7/20/2017	7/27/2017	7/27/2017	Approved 6/29/2017	Bundled SB 237		
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 Reluctable Exemption from the Variable Rate Component of the Motor Fuel Excise Tax Procedural	12/26/2017	1/26/2018						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LM/RC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 8/29/2017	Bundled HB 4079		
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	Bundled HB 4079		
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	Bundled HB 4079		
Waste Mgmt., Div. of Water & Waste Mgmt. (33-20)	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		



# Orders Report

Docket Number	Agency	Respondent	Date Rendered
18-1-11	Health Care Authority	Camden-On-Gauley Medical Center Inc	2/15/2018
18-9-11	Health Care Authority	Countryside Assisted Living LLC	2/13/2018
18-5-11	Health Care Authority	Edgewood Summit Inc	2/15/2018
18-9-11	Health Care Authority	Falvo Detox and Rehabilitation Inc	2/15/2018
16-9-10	Health Care Authority	Genesis Eldercare Rehabilitation Services LLC	2/14/2018
18-8-11	Health Care Authority	Grant Rehabilitation and Care Center	2/15/2018
18-10-11	Health Care Authority	Heart 2 Heart Volunteers Inc	2/15/2018
18-7-11	Health Care Authority	Hospice of Huntington	2/15/2018
18-3-11	Health Care Authority	Infusion Solutions	2/15/2018
18-5-11	Health Care Authority	Jackson County Home Health LLC	2/16/2018
18-5-11	Health Care Authority	KVC West Virginia	2/16/2018
17-7-10	Health Care Authority	Magnolia Holdings LLC	2/15/2018
17-7-10	Health Care Authority	Marshall Health Care Center LLC	2/15/2018
17-5-11	Health Care Authority	Monongalia County General Hospital Company	2/13/2018
18-5-11	Health Care Authority	Monroe County Health Center	2/15/2018
18-5-11	Health Care Authority	Mountaineer Behavioral Health	2/15/2018
18-5-11	Health Care Authority	Mullens Manor Inc	2/13/2018
18-5-11	Health Care Authority	Potomac Valley Hospital	2/1/2018
17-5-11	Health Care Authority	Raleigh General Hospital	2/16/2018
18-10-11	Health Care Authority	Reynolds Memorial Hospital Inc	2/1/2018
18-5-11	Health Care Authority	Thomas Health Systems Inc	2/15/2018
18-5-11	Health Care Authority	Herbert J. Thomas Memorial Hospital	2/15/2018
17-5-11	Health Care Authority	Thomas Memorial Hospital	2/15/2018
17-5-11	Health Care Authority	United Hospital Center Inc	2/15/2018
17-5-11	Health Care Authority	United Hospital Center Inc	2/16/2018

16-8-10730  
16-8-11730  
16-8-11730  
16-8-11730  
15-10-10730  
17-AP-FACON-2017  
N/A

Health Care Authority  
Health Care Authority  
Health Care Authority  
Health Care Authority  
Health Care Authority  
Insurance Commission  
Registered Professional Nurses, West  
Virginia Board Of Examiners For

V/L Health Services LLC  
Webster County Memorial Hospital  
West Virginia University Hospitals Inc  
West Virginia United Health System  
Wheeling Hospital  
Guarantee Insurance Company  
Mary Ellen Vannatter

2/16/2018  
2/15/2018  
2/15/2018  
2/15/2018  
2/16/2018  
2/20/2018  
2/15/2018

WEST VIRGINIA HEALTH CARE AUTHORITY  
CERTIFICATE OF NEED

100 Dee Drive  
Charleston, West Virginia 25311-1600

February 20, 2018

**LEGAL NOTICE**

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending February 16, 2018.

**LETTER OF INTENT RECEIVED**

February 16, 2018 – West Virginia University hospitals, Morgantown, Monongalia County, CON File #18-4-11295-X, for the renovation and expansion project on the hospital's campus which includes the addition of a new ambulatory care center, a new children's hospital and a new women and children's medical office building, the addition of two floors to the Physician Office Center (POC), and the renovation of two floors of the POC and one floor of the Eye Institute; capital expenditure: \$250,000,000.

**APPLICATIONS FOR EXEMPTION RECEIVED**

February 12, 2018 – EC Opco Merrimont, LLC, Louisville, KY, CON File #18-9-11292-X, for a direct change of control in the licensed owner of Elmcraft of Martinsburg.

February 12, 2018 – Tri-State Addiction Recovery Resources, Huntington, Cabell County, CON File #18-2-11295-X, for the provision of outpatient behavioral health services.

February 15, 2018 – McDowell County Alternative Sentencing Program, Welch, McDowell County, CON File #18-1-11296-X, for the development of an outpatient behavioral health facility for clients referred by the court system, probation and parole in McDowell County.

**AMENDED ORDER TO WITHDRAW CON APPLICATION**

February 14, 2018 – Genesis Eldercare Rehabilitation Services, LLC, Kennett Square, Pennsylvania, CON File #18-9-10781-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 Berkeley and Jefferson counties; capital expenditure: \$25,000. An amended order was issued to correct the CON file number.

**ORDERS TO WITHDRAW EXEMPTION**

February 15, 2018 – Marshall Health Care Center, LLC, Cabin Creek, Kanawha County, CON File #17-310-11167-X, for the acquisition of the licensed operations of

Mound View Health Care located in Moundsville, Marshall County.

**OTHER**

February 15, 2018 – Megrolta Holdings, LLC, Cabin Creek, Kanawha County, CON File #17-310-11168-X, for the acquisition of the real property and equipment of Mound View Health Care located in Moundsville, Marshall County.

**PROJECTS DETERMINED REVIEWABLE**

February 15, 2018 – Thomas Memorial Hospital, South Charleston, Kanawha County, CON File #17-3-11247-X, for the relocation of certain inpatient medical imaging unit located in Charleston, Kanawha County, to a leased space located at 300 Corporate Center Drive, Scott Depot, Putnam County; capital expenditure: less than \$3,000,000.

February 15, 2018 – Infusion Solutions, Ashland, KY, CON File #18-3-11265-X, for the development of ambulatory infusion services in Kanawha County.

February 16, 2018 – KVC West Virginia, Charleston, Kanawha County, CON File #18-5-11282-X, for the acquisition of additional office space, not adjacent to the existing office, to expand the office in Ripley, Jackson County; no capital expenditure.

**PROJECTS DETERMINED NOT REVIEWABLE**

February 15, 2018 – Palmetto Valley Hospital, Keyser, Mineral County, CON File #17-5-11262-X, for the acquisition of Riverdale Rural Health Clinic located in Mineral County from 122 Ashfield Street to 28 Second Street, both in Piedmont; no capital expenditure.

February 15, 2018 – Webster County Memorial Hospital, Webster Springs, Webster County, CON File #18-4-11268-X, for the development of primary care services at the hospital's Physical Wellness and Rehabilitation Center located in Coweth, Webster County; no capital expenditure.

February 15, 2018 – Grant Rehabilitation and Care Center, Petersburg, Grant County, CON File #18-6-11272-X, for the provision of outpatient therapy services to residents discharged from the facility into the community; no capital expenditure.

February 15, 2018 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #18-6-11270-X, for the development of a pediatric neurology clinic on the campus of an existing WVUH ambulatory health care facility; capital expenditure: less than \$2,000,000.

February 15, 2018 – West Virginia United Health System, Morgantown, Monongalia County, CON File #18-6-11270-X, for the reorganization of WVUHS's subsidiary, United Physician Care; no capital expenditure.

February 15, 2018 – Thomas Health Systems, Inc., Herbert J. Thomas Memorial

Hospital d/b/a Thomas Memorial Hospital and Charleston Hospital, Inc. d/b/a Saint Francis Hospital, South Charleston, Kanawha County, CON File #18-3-11281-X, for the relocation of its inpatient substance use disorder treatment services from Thomas Memorial Hospital to Saint Francis Hospital; capital expenditure: less than \$2,500,000.

February 15, 2018 - Hopeize of Huntington, Harrison, Cabell County, CON File #18-2-11283-X, for the development of a satellite office in Harrison County; capital expenditure: less than \$10,000.

February 15, 2018 - Camden-On-Gauley Medical Center, Inc., Camden-On-Gauley, Webster County, CON File #18-4-11285-X, for the relocation of Camden Family Health from 95 Francis R Fun Drive to 415 Main Street, both in Summersville; capital expenditure: \$890,000.

February 16, 2018 - Jackson County Home Health, LLC d/b/a Jackson Home Health, Ripley, Jackson County, CON File #18-5-11278-X, for the relocation of the administrative offices for its home health services from 516 West Main Street to 105 North Court Street, Suite 2, both in Ripley, Jackson County; capital expenditure: less than \$25,000.

#### **EXEMPTION APPLICATIONS APPROVED**

February 13, 2018 - Countryside Assisted Living, LLC, Inwood, Berkeley County, CON File #18-9-11273-X, for the development of an 885 square foot addition to its assisted living facility in Martinsburg, Berkeley County.

February 13, 2018 - Mullens Manor Inc. d/b/a Rose Manor, Pineville, Wyoming County, CON File #18-1-11287-X, for the development of an assisted living facility in Pineville, Wyoming County.

February 15, 2018 - Falvo Detox and Rehabilitation, Inc., Huntington, Cabell County, CON File #18-2-11266-X, for the development of a substance abuse detox and recovery facility in Wayne County.

February 15, 2018 - Edgewood Summit, Inc., Charleston, Kanawha County, CON File #18-3-11267-X, for the renovation of approximately 20 apartments at the Ridgeman at Edgewood Summit.

February 15, 2018 - Monroe County Health Center, Union, Monroe County, CON File #18-1-11269-X, for the development of a primary care site in Forest Hill, West Virginia.

February 15, 2018 - Reynolds Memorial Hospital, Glen Dale, Marshall County, CON File #18-10-11275-X, for the development of a birthing center in Reynolds Memorial Hospital.

February 15, 2018 - Mountain Behavioral Health, Martinsburg, Berkeley County, CON File #18-6-11284-X, for the development of a residential substance abuse treatment

facility in Martinsburg, Berkeley County.

#### **OTHER**

February 15, 2018 - Heart 2 Heart Volunteers Inc., Wheeling, Ohio County, CON File #18-10-11288-X, for the development of a 100 bed adult women's residential treatment facility for the primary focus of substance abuse and co-occurring disorders located in Wheeling, Ohio County.

#### **CERTIFICATE OF NEED APPROVALS ISSUED**

February 13, 2018 - Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #17-6-11268-P, for the establishment by acquisition of the assets of Alvaro R. Gutierrez Neurology, PLLC and employment of Gutierrez Neurology's sole physician owner, an ambulatory health care facility located at 2199 Chest Road, Morgantown, Monongalia County; capital expenditure: \$125,000.

February 15, 2018 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #17-6-11131-Z, for the provision of home health services in Preston County; capital expenditure: \$35,000.

February 16, 2018 - Raleigh General Hospital, Beckley, Raleigh County, CON File #17-1-11264-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.

February 16, 2018 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #17-6-11266-P, for the development of an ambulatory health care facility in Marion County through the provision of specialty physician services; capital expenditure: \$14,000.

#### **RENEWAL GRANTED**

February 16, 2018 - Wheeling Hospital, Wheeling, Ohio County, CON File #15-10-10873-NH, for the relocation and construction of a replacement facility for Bishop Joseph H. Hodges Continuous Care Center nursing home, including Wheeling Hospital's 24 bed skilled nursing unit, to a new building on the hospital campus and renovation of the existing nursing home for other purposes; capital expenditure: \$33,710,000.

Renewal granted through June 30, 2018.

#### **NOTICE OF SUBSTANTIAL COMPLIANCE**

The following project has been implemented in substantial compliance with the decision issued in this matter and the case file is now closed.

February 16, 2018 - V/L Health Services, LLC, Bowie, Maryland, CON File #16-9-10739-Z, for the establishment of a home health agency to serve the residents of Berkeley and Jefferson counties; capital expenditure: \$11,675,000.

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

**OTHER**



STATE OF WEST VIRGINIA  
**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**  
WV Health Care Authority

Bill J. Couch  
Cabinet Secretary

Harriet Fitzgerald  
Executive Director

In Re: Southern Home Care Services, Inc.  
CON File # 17-2-10994-9VC

FILED  
MAY FEB 21 P 2  
OFFICE OF THE CLERK  
SECRETARY OF STATE

**NOTICE OF CANCELLATION OF PREHEARING CONFERENCE  
AND ADMINISTRATIVE HEARING**

**PLEASE TAKE NOTICE** that pursuant to Chapter 16, Article 2D, and to Chapter 28A, Article 5, of the West Virginia Code of 1931, as amended, that Harriet Fitzgerald, Executive Director of the West Virginia Health Care Authority, wishes to announce that Southern Home Care Services Inc. has withdrawn the above-noted Certificate of Need application.

This application concerns the provision of personal care services in Cabell County, West Virginia.

If you have questions concerning this matter, please contact Barbara Steen, Director of Certificate of Need, at (304) 558-7000 or toll free 1-888-558-7002.

Date: February 9, 2018

*Harriet Fitzgerald*  
Harriet Fitzgerald, Executive Director



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
WV Health Care Authority

Bill J. Crouch  
Cabinet Secretary

In Re: Southern Home Care Services, Inc.  
Dba: ResCare Home Care  
CDN File # 17-14-11203-PC

FILED

March 2, 2018 10:00 A.M.  
Hermet Fitzgerald  
Executive Director

OTHER

Secretary of State  
Four Capitol Building  
Charleston, WV 25305

Mic Warner  
Secretary of State  
State of West Virginia

Telephone: (304) 551-4300  
www.wv.gov



PUBLIC NOTICE

Changes to UCC Search Capabilities  
February 14, 2018

NOTICE OF CANCELLATION OF PREHEARING CONFERENCE  
AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 26A, Article 5 of the West Virginia Code of 1931, as amended, that Harriet Fitzgerald, Executive Director of the West Virginia Health Care Authority, wishes to announce that Southern Home Care Services, Inc. aka ResCare Home Care has withdrawn its hearing request in the above-captioned matter.

As such, the prehearing conference scheduled for **March 2, 2018 at 1:30 p.m.**, and the administrative hearing scheduled for **March 13, 2018 at 8:00 a.m.** in this matter has been **CANCELLED**.

This application concerns the provision of personal care services in Greenbrier, Raleigh, and Monroe counties in West Virginia.

If you have questions concerning this matter, please contact Barbara Sloan, Director of Certificate of Need, at (304) 358-7000 or toll free 1-888-568-7022.

Date: February 9, 2018

*Harriet Fitzgerald*  
Harriet Fitzgerald, Executive Director

Effective February 27, 2018, the only method of obtaining a UCC search by the West Virginia Secretary of State's Office will through our online service at <https://apps.wv.gov/ucc>. However, you can begin using the new UCC Online Search system now to get familiar with it, as it is available to us.

You may also get access to the search by logging onto our website at [www.wv.gov/ucc](http://www.wv.gov/ucc) and then clicking on the Online Services link.

After February 26, 2018, 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

Questions regarding this Notice should be sent to Primary Barker at [pbarker@wv.gov](mailto:pbarker@wv.gov).