



# WEST VIRGINIA REGISTER

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

American Society of Composers, Authors & Publishers

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Governor's Proclamation

Health and Human Resources

Health Care Authority

Highways

Insurance Commission

Medicine, WV Board of

Public Service Commission

Real Estate Commission

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 16

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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State Capitol  
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State of West Virginia

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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**

<b>TITLE NUMBER</b>	<b>NAME OF AGENCY</b>
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 180	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 181	FAMILY PROTECTION SERVICES BOARD
TITLE 184	MASSAGE THERAPY LICENSURE BOARD
TITLE 189	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LB/MRC-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	7/28/2017	Modified & Approved 9/20/2017 Filed 9/29/2017	Bundled HB 4079		
Agriculture (61-01)	Animal Disease Control Legislative	6/28/2017	7/28/2017	7/28/2017	7/28/2017	Modified & Approved 12/2/2017 Filed 12/19/2017	Bundled HB 4079	3/28/2018	4/29/2018
Agriculture (61-2)	West Virginia Agency Law Legislative	6/15/2017	7/16/2017	7/18/2017	7/18/2017	Modified & Approved 8/29/2017 Filed 9/18/2017	Bundled HB 4079	3/21/2018	4/20/2018
Agriculture (61-11B)	Auctioneers Legislative	6/26/2017	7/26/2017	7/28/2017	7/28/2017	Modified & Approved 12/2/2017 Filed 12/18/2017	Bundled HB 4079		
Agriculture (61-14A)	Noxious Weeds Legislative	6/22/2017	7/22/2017 Hearing 11/3/2017	7/28/2017	7/28/2017	Modified & Approved 12/2/2017 Filed 12/19/2017	Bundled HB 4079	3/22/2018	4/22/2018
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/15/2017	7/16/2017	7/17/2017	7/17/2017	Modified & Approved 8/29/2017 Filed 9/18/2017	Bundled HB 4079	3/22/2018	4/22/2018
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	Bundled HB 4079	3/22/2018	4/22/2018
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	6/6/2017	7/11/2017	7/21/2017	7/21/2017	Approved 8/29/2017	Bundled SB 163	3/22/2018	6/1/2018
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/6/2017	7/11/2017	7/21/2017	7/21/2017	Approved 8/29/2017	Bundled SB 163	3/22/2018	6/1/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LSMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/7/2017	7/11/2017	7/21/2017	7/21/2017	Modified & Approved 8/29/2017 Filed 8/24/2017	Bundled SB 163	3/22/2018	6/1/2018
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	3/22/2018	6/1/2018
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	3/22/2018	6/1/2018
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/6/2017	7/11/2017	7/21/2017	7/21/2017	Approved 8/29/2017	Bundled SB 163	3/22/2018	6/1/2018
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	Bundled HB 4079	4/4/2018	6/1/2018
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	Bundled HB 4079	4/4/2018	6/1/2018
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	12/11/2017	1/16/2018	1/26/2018	1/26/2018	Amended by LOCEA & Approved 2/6/2018 Filed 2/8/2018	Bundled HB 4622		
Comm. & Tech. College Education (135-35)	Human Resources Administration Legislative	12/8/2017	1/10/2018	1/26/2018	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					3/16/2018	4/16/2018
Crime Delinquency and Juvenile Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	6/21/2017	7/24/2017	7/28/2017	7/28/2017	Modified & Approved 12/2/2017 Filed 12/13/2017	Bundled SB 181	4/2/2018	7/1/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 161	4/6/2018	7/1/2018
Education (126-12)	WV Accountability System (2322) Legislative Exempt	4/12/2018	5/14/2018						
Education (126-14)	WV Measures of Academic Progress (2340) Legislative Exempt	4/12/2018	5/14/2018						
Education (126-28)	West Virginia's Universal Access to a Quality Early Education System (2025) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018
Education (126-32)	Issuance of the State of WV High School Equivalency Diploma and Option Pathway (2444.4) Legislative Exempt	4/12/2018	5/14/2018						
Education (126-41)	Safe and Acceptable Use of the Internet by Students and Educators (2160) 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 (126-44E)	WV College and Career-Readiness Standards for Wellness Education (2520.5) Legislative Exempt	4/12/2018	5/14/2018						
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 (126-44I)	WV College and Career-Readiness Standards for the Arts (2520.9) Legislative Exempt	4/12/2018	5/14/2018						
Education (126-44M)	WV College and Career Readiness Programs of Study/Standards for Career and Technical Education (2520.13) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018



RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-440)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Education (126-44P)	WV Alternate Academic Achievement Standards (2520.16) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Ethics Commission (158-17)	Hearings Procedural	3/14/2018	4/13/2018						
Ethics Commission (158-19)	West Virginia Ethics Commission Procedural	3/14/2018	4/13/2018						
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		1/28/2018		Bundled SB 181		
Health (64-12)	Hospital Licensure Legislative	6/27/2017	7/27/2017		7/28/2017	Modified & Approved 4/2/2017 Filed 8/30/2017	Bundled SB 165	3/14/2018	6/1/2018
Health (64-109)	General Rules-Medical Cannabis Program Legislative			4/3/2018 ERD by 5/15/2018					
Health (64-110)	Grower/Processors-Medical Cannabis Program Legislative			4/4/2018 ERD by 5/16/2018					
Health (64-111)	Laboratories Medical Cannabis Program Legislative			4/4/2018 ERD by 5/16/2018					
Health (64-112)	Dispensaries-Medical Cannabis Program Legislative			4/4/2018 ERD by 5/16/2018					
Health (64-113)	Safe Harbor Letter-Medical Cannabis Program Legislative			4/4/2018 ERD by 5/16/2018					
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	Bundled HB 4079		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LRMBC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	3/26/2018	4/26/2018						
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 2/6/2018	Bundled HB 4622		
Higher Education Policy Comm. (133-32)	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. (133-56)	Human Resources Administration Legislative	11/21/2017	12/21/2017		2/9/2018	Approved 2/9/2018	Bundled HB 4622		
Highways (157-2)	Disposal, Lease and Management of Rural Property and Appointment of Assistance and Relocation	6/22/2017	7/24/2017		7/28/2017	Modified & Approved 7/2/2017 Filed 12/13/2017	Bundled SB 164	4/6/2018	4/6/2018
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	4/13/2018	4/13/2018
Medicine (11-6)	Continuing Education for Physicians and Podiatrists Legislative	6/21/2017	7/21/2017		7/26/2017	Approved 8/29/2017	Bundled HB 4079		
Medicine (11-01B)	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 12/6/2017	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	4/9/2018	4/16/2018
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Legislative	6/6/2017	7/16/2017	7/27/2017	7/27/2017	Modified & Approved 7/13/2017 Filed 12/6/2017	Bundled SB 163	3/21/2018	7/1/2018

**RULE MONITOR**

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LMRRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (SR-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 (SR-11)	Hunting, Fishing and Other Outfitters and Guides Legislative	6/23/2017	7/24/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/19/2017	Bundled SB 230		
Natural Resources (SR-49)	General Hunting Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017	Bundled SB 230		
Natural Resources (SR-56)	Special Migratory Bird Hunting Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017	Bundled SB 230		
Natural Resources (SR-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 8/28/2017	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 12/6/2017	Bundled HB 4079		
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	Bundled HB 4079		
Psychologists (17-01)	Fees Legislative	6/28/2017	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	6/29/2017	7/28/2017		7/28/2017	Approved 12/1/2017	Bundled HB 4079		
Psychologists (17-05)	Code of Ethics Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 12/1/2017	Bundled HB 4079		
Public Service Commission (150-3)	Government of Electric Utilities Legislation Exempt	11/8/2017	12/11/2017						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LEMARC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Commission (150-4)	Government of Gas Utilities and Gas Pipeline Safety Legislative Exempt	11/8/2017	12/11/2017						
Public Service Commission (150-25)	Telephone Emergency Service Legislative Exempt	3/8/2016	5/9/2016						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2017	7/19/2017	7/27/2017		Approved w/certain amendments 12/1/2017		3/29/2018	6/27/2018
Real Estate Commission (114-01)	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	Bundled HB 4079	4/12/2018	7/1/2018
Real Estate Commission (114-02)	Schedule of Fees Legislative	6/26/2017	7/26/2017	7/27/2017		Approved 12/1/2017	Bundled HB 4079	4/13/2018	7/1/2018
Real Estate Commission (114-03)	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	Bundled HB 4079	4/12/2018	7/1/2018
Secretary of State (153-16)	Procedures for Canvassing Elections Legislative	6/28/2017	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	6/28/2017	7/28/2017	7/28/2017		Modified & Approved 12/2/2017 Filed 12/12/2017	Bundled HB 4079		
Secretary of State (153-30)	Vote by Mail Pilot Project Phase 2: Voting by Mail - Repeat Legislative	6/27/2017	7/27/2017	7/28/2017		Approved 8/28/2017	Bundled HB 4079		
Senior Services (176-3)	West Virginia State Plan for Aging Programs Interpretive	4/9/2018	5/18/2018						
State Police (81-14)	WV Sex Offender Registration Act Procedural	7/20/2017	8/22/2017						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LMRRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-41)	Railroad Diesel Locomotive Refundable Exemption from the Variable Rate Component of the Motor Fuel Excise Tax Procedural	12/26/2017	1/26/2018						
Veterinary Medicine (26-1)	Organization and Operation and Licensing of Veterinarians Legislative	6/12/2017	7/13/2017	7/18/2017	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	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	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	7/21/2017	Approved 12/1/2017	Bundled SB 163	3/9/2018	6/1/2018
Waste Mgmt., Div. of Water & Waste Mgmt. (33-30)	Underground Storage Tanks Legislative	6/5/2017	7/6/2017	7/25/2017	7/25/2017	Modified & Approved 12/1/2017 Filed 12/4/2017	Bundled SB 163	3/9/2018	6/1/2018



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

eFILED  
4/13/2018 11:30 AM  
Office of West Virginia  
Secretary of State



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

eFILED  
4/13/2018 11:23 AM  
Office of West Virginia  
Secretary of State

LEGISLATIVE

NOTICE OF TECHNICAL AMENDMENT

AGENCY: Health And Human Resources  
RULE TYPE: Legislative  
RULE NAME: Development of Methodologies to Evaluate Needs  
of Individuals with Serious Mental Illnesses  
within the State  
CITE STATUTORY AUTHORITY: §§ 18-1-4 and 18-63-3

TITLE SERIES: 68-13

AGENCY: Health And Human Resources  
RULE TYPE: Legislative  
RULE NAME: Collision and Exchange of Data Related to  
Overseas  
CITE STATUTORY AUTHORITY: §18-57-5

TITLE SERIES: 68-14

LIST WITH DETAIL EACH SPECIFIC CHANGE MADE TO THE RULE AND WHERE IT CAN BE FOUND:  
Changes are located throughout the rule at the section headings.

LIST WITH DETAIL EACH SPECIFIC CHANGE MADE TO THE RULE AND WHERE IT CAN BE FOUND:  
Changes are located throughout the rule at the section headings.

FILING DATE: 04/13/2018

EFFECTIVE DATE: 03/22/2018

FILING DATE: 04/13/2018

EFFECTIVE DATE: 03/22/2018

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes  
Heather J Midanik - By my signature, I certify that I am the person authorized to file legislative  
rules, in accordance with West Virginia Code §25A-3-1.1 and §39A-3-2.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes  
Heather J Midanik - By my signature, I certify that I am the person authorized to file legislative  
rules, in accordance with West Virginia Code §25A-3-1.1 and §39A-3-2.



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

#FILED  
4/13/2023 2:26:51 PM  
Office of West Virginia  
Secretary of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Highways TITLE SERIES: 157-12  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeat of existing rule: No  
RULE NAME: Employment Procedures

CITE STATUTORY AUTHORITY: WVC §17-2a-24

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in House or Senate bill number) **SB2823**

Session (0) Passed On **10/17/2017 12:00:00AM**

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

**April 13, 2023**

This rule shall terminate and have no further force or effect from the following date:

**April 13, 2023**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes  
Mia A. Pruett—By my signature, I certify that I am the person authorized to file legislative rules,  
in accordance with West Virginia Code §29A-3-11 and §39A-4-2.

FILED

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON

APR 18 3 03

OFFICE OF THE CLERK  
WEST VIRGINIA  
PUBLIC SERVICE COMMISSION

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA  
the City of Charleston on the 8<sup>th</sup> day of March 2018.

GENERAL ORDER NO. 187-52

In the matter of Rules Governing E-911 Fees,  
159 C.S.R. Series 25, to provide further guidance  
Regarding E-911 fee requirements.

COMMISSION ORDER

The Commission promulgates proposed amendments to Rules 10 and 11 of the  
Commission's Rules Governing Emergency, Telephonic, Service Exchanges, Telephonic  
Service Bids, 159 C.S.R. Series 25.

BACKGROUND

On every odd year, pursuant to the Commission's Emergency Telephonic Service  
Rule 11 and as directed by W. Va. Code §24-6-6b(c), the Commission conducts an audit of  
the wireless enhanced 911 (E-911) fee. The Commission recalculates the E911 fee so that  
it is the weighted average rounded to the nearest penny, as of the first day of March of the  
notification year, of all of the E-911 fees imposed by the businesses which are subject  
to the E-911 fee. The weighted average of the E-911 fees for the 2017 notification  
year was \$1.00. The Commission's E-911 fee must be increased to the weighted  
average of the E-911 fees but never increased more than twenty-five percent of the wireless  
E-911 fees at the beginning of the notification year.

In previous years, the weighted average of the E-911 fees has been below the  
statutory wireless E-911 fee until 2017. The annual data received by Commission Staff  
showed that the total number of landline subscribers has trended downward over time.  
Because of this trend, the E-911 fee increased last year and is likely to continue to increase  
in the future. The Commission, therefore, anticipates future E-911 fee increases.

During the 2017 notification year, the Commission reviewed Rule 11 of the  
Emergency Telephonic Service Rules and concluded that rule revisions were required to  
establish a reasonable timeline for the data submission to the Commission from the local  
exchange carriers (LECs) and submission of Staff calculations. The Commission intends  
to issue its order specifying the fee as soon as possible after receipt of the Staff  
calculations. This will facilitate the timely receipt of information by the COMS providers  
for billing purposes. The Commission has initiated this remarking to propose a timeline



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

e-FILED  
4/13/2018 9:41:08 AM  
Office of West Virginia  
Secretary Of State

LEGISLATIVE

The correct notes, data collection and Staff report timeline in Rules Governing E-911 fees do not provide the CNRS providers with sufficient notice regarding the respective E-911 fee before it becomes effective.

CONCLUSION OF LAW

The Commission should promulgate proposed amendments to its Rules governing E-911 fees to revise certain deadlines and to provide notice, and an opportunity for interested parties to file written comments.

ORDER

IT IS THEREFORE ORDERED for the attached Rules Governing Emergency Information Service (Emergency Service Rules) 1.10, C.S.R. § 1.10.25, and Attachment A to be promulgated as amended. Attachment B reflects the headline changes and Attachment C is the clean version.

IT IS FURTHER ORDERED that the Executive Secretary of this Commission file a copy of the text of the proposed rules with the required forms with the office of the West Virginia Secretary of State.

IT IS FURTHER ORDERED that the initial comments concerning the attached proposed rules shall be filed with the Public Service Commission on or before 4:00 p.m. April 9, 2018. Reply comments will be due by 4:00 p.m. Wednesday, April 11, 2018. On this matter, the interested parties shall file comments with the Executive Secretary, P.O. Box 812, Charleston, WV 25312, and specifically address a proposed rule change.

IT IS FURTHER ORDERED that the Executive Secretary shall cause a copy of the attached notice as Attachment C to be published once in a newspaper of statewide circulation.

NOTICE OF FINAL RULING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Real Estate Commission TITLE/SERIES: 17A-02  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeat of existing rule: No  
RULE NAME: SCHEDULE OF FEES  
CITE STATUTORY AUTHORITY: §30-40-3  
The above rule has been authorized by the West Virginia Legislature:  
Authorization is cited in House or Senate bill (Bill/Order number) HB0078  
Section 684E-12 Passed On 3/8/2018 3:20:00AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
July 1, 2018

This rule shall terminate and have no further force or effect from the following date:

JUN 30, 2025

BY CHOOSING "YES", I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jerry A. Forness -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



# Orders Report

Docket Number	Agency	Respondent	Date Rendered
2016-08-00180	Dentistry, WV Board of	Charles E. McElfish, DDS	4/13/2018
18-576-13322-X	Health Care Authority	Bridgesport AL Investors, LLC	4/5/2018
18-5-11351-X	Health Care Authority	KVC Behavioral Healthcare West Virginia Inc	4/5/2018
18-5-11328-X	Health Care Authority	New Hope Counseling Inc	4/5/2018
18-5-11333-X	Health Care Authority	New Living Youth Services LLC	4/6/2018
18-4-11331-X	Health Care Authority	Recover Together, Inc.	4/4/2018
18-6-11324-X	Health Care Authority	Recover Together Inc	4/5/2018
18-5-11324-X	Health Care Authority	Sweetrior Assisted Living LLC	4/4/2018
18-6-11305-X	Health Care Authority	War Memorial Hospital Inc	4/2/2018
17-6-18888-X	Health Care Authority	West Virginia University Hospitals Inc	4/6/2018
18-7-00970-X	Health Care Authority	West Virginia University Hospitals Inc	4/6/2018
18-7-10970-X	Health Care Authority	Davis Memorial Hospital	4/6/2018
18-6-10457-X	Health Care Authority	Total Renal Care Inc	4/13/2018
18-6-11350-X	Health Care Authority	Valley Comprehensive Community Mental Health Center Inc	4/13/2018
18-1-00122-00005	Insurance Commission	Turonia Weese-Shultz	3/29/2018
18-08-W	Medicine, West Virginia Board Of	Scott Alan Naegele, MD	4/18/2018
17-24-W	Medicine, West Virginia Board Of	Stephen J. Mallott, MD	4/18/2018
17-145-W	Medicine, West Virginia Board Of	Isabella T. DeMesa, MD	4/18/2018
18-02-W	Medicine, West Virginia Board Of	Joseph Henry Matusic, MD	4/18/2018
P-18-018	Real Estate Commission, West Virginia	Michael P. Thompson	4/18/2018
P-18-018	Real Estate Commission, West Virginia	Ralph Joseph Miller	4/18/2018
C-18-018	Real Estate Commission, West Virginia	Teresa Baldus Rugeley	4/18/2018
C-18-018	Real Estate Commission, West Virginia	Mark Peter Madore	4/18/2018
C-18-018	Real Estate Commission, West Virginia	Donald Keith Hare	4/18/2018





FILED

2018 APR 16 P 1:46

CLERK OF COURTS  
OFFICE OF THE CLERK OF COURTS  
1000 BANKERS BUILDING  
CHARLESTON, WEST VIRGINIA 25309-0770

April 13, 2018

VIA FEDERAL EXPRESS

Ms. Judy Cooper, Manager  
Administrative Law Division  
Office of Secretary of State  
100 Bankers Building  
Charleston, WV 25309-0770

Re: West Virginia Compliance -- 2018 Billing

Dear Ms. Cooper:

In compliance with the requirements of Sections 47-2A-2 and 3 of the West Virginia Code, the increased fee filing with your office is a certification of Compliance. The enclosed documents certifying that true and correct copies of each form of general license agreement offered by the American Society of Composers, Authors and Publishers to "Proprietors" in the State of West Virginia are contained on the DVD-ROM that is also enclosed. For the convenience of West Virginia "Proprietors," I am also enclosing a portable USB drive containing a current list of ASCAP's West Virginia "Proprietors" that contains a searchable database of ASCAP members and their works.

Please note that included among the license agreements under the West Virginia Proprietors is a "Jukebox License." Under the Jukebox License, the Jukebox License Office ("JLO"), a joint venture of ASCAP, BMI and SESAC, licenses the public performance of ASCAP, BMI and SESAC repertoires that are performed by "members" in the ASCAP, BMI and SESAC repertoires. That term is defined by the federal copyright statute. The Jukebox License provides for payment of license fees to the JLO, which collects license fees on behalf of ASCAP, BMI and SESAC.

Sincerely yours,

Richard H. Reiber

RHR:rs  
ESC.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS  
1701 BROADWAY, NEW YORK, NY 10019  
PHONE: 212.801.0501 FAX: 212.801.1501 EMAIL: [members@ascap.com](mailto:members@ascap.com)  
[www.ascap.com](http://www.ascap.com)

WEST VIRGINIA HEALTH CARE AUTHORITY  
CERTIFICATE OF NEED

100 Dee Drive

Charleston, West Virginia 25311-1600

2018 APR 16 P 4:01

April 16, 2018

OFFICE OF THE CLERK OF COURTS  
OFFICE OF THE CLERK OF COURTS  
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CHARLESTON, WEST VIRGINIA 25309-0770

**LEGAL NOTICE**

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending April 13, 2018:

**CERTIFICATE OF NEED APPLICATIONS RECEIVED**

April 9, 2018 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #18-7-11343-P, for the construction of two ambulatory health care facilities through the provision of specialty physician services at the existing hospital and at a new location and at Davis Memorial Hospital in Randolph County, capital expenditure: \$34,000.

April 13, 2018 - Clare-Frances Health Services LLC, Ashland, Kentucky, CON File #18-3-11341-P, for the development of an ambulatory infusion center at the existing Infusion Pharmacy located at 5628 MacCorkle Ave., SE, Charleston, Kanawha County, capital expenditure: \$13,788.39.

April 13, 2018 - East Mountain Health Advantage, Inc., Winchester, Virginia, CON File #18-5-11348-P, for the construction of a medical office building in Berkeley County, capital expenditure: \$16,988,000.

**PROJECT DETERMINED NOT REVIEWABLE**

April 13, 2018 - Valley Comprehensive Community Mental Health Center, Inc. dba Valley Healthcare Systems, Mt. Mann, Monongalia County, CON File #18-6-11330-X, for the expansion of the Forefront Operations, capital expenditure: \$3,000,000.

**EXTENSION GRANTED**

April 13, 2018 - Total Renal Care, Inc., El Segundo, California, CON File #15-6-10457-R, for the development of a seven (7) station (and one isolation station) outpatient dialysis facility in Monongalia County, capital expenditure: \$1,800,000.

Extension granted through September 30, 2018.

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



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

Bill J. Cross  
Cabinet Secretary

FILED

APR 17 2 13

STATE ARCHIVES  
SECRETARY OF STATE

Harriet Fitzgerald  
Executive Director

OTHER

Notice of Review  
Page 2  
April 17, 2018

**NOTICE OF REVIEW**  
FOR IMMEDIATE RELEASE

April 17, 2018

**NEWS ITEM**

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

April 6, 2018 - Lots of Hearts Homecare, LLC, Charleston, Kanawha County, CON File #18-S-11325-2, for the provision of home health services in Kanawha County; capital expenditure: \$10,000.

April 6, 2018 - Jackson General Hospital, Ripley, Jackson County, CON File #18-S-11336-P, for the development of an ambulatory health care facility in Jackson County through the development of a primary care practice; capital expenditure: \$80,000.

April 10, 2018 - St. Joseph's Hospital of Bushbannon, Inc., Bushbannon, Upshur County, CON File #18-7-11335-P, for the development of an ambulatory health care facility in Lewis County through the provision of podiatric medicine services; capital expenditure: \$10,000.

April 10, 2018 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #18-7-11343-P, for the development of two ambulatory health care facilities through the provision of specialty physician services in an office based practice and at Davis Memorial Hospital in Putnam County; capital expenditure: \$34,000.

April 11, 2018 - HomeTown Care LLC, Beersheva, Barbour County, CON File #18-S-11334-PC, for the provision of personal care services in Harrison and Putnam counties; capital expenditure: \$1,500.

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.

350 One State Capitol Mall, Charleston, West Virginia 25311-9900 • 304.596.7000 • 304.596.6770 TDD • www.doh.wv.gov

The review cycle begins on April 16, 2018.

On or before May 16, 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 conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be May 21, 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 reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decisions will be issued on or before June 15, 2018.

A press release will be issued after the decisions are made. Anyone wishing to be directly notified of the Decisions should send a written request to Barbara Sheen, Director, Certificate of Need, Health Care Authority, 100 Capitol Building, Charleston, West Virginia, 25311-1600. Further information on any project referenced in this press release may be obtained by contacting the Certificate of Need office at telephone number (304) 556-7000.

4/17/18  
Date

*Barbara Sheen*  
Barbara Sheen, Director, Certificate of Need  
Health Care Authority