



WEST VIRGINIA REGISTER

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May 4, 2018

A Weekly Publication

Administrative Law Division
Judy Cooper, Manager

Mac Warner
Secretary of State
Administrative Law Division
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Charleston, WV 25305-0770

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Rule Monitor

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Ethics Commission Opinions

Office of Tax Appeal Decisions

Other Documents or Information Filed

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

Counseling, WV Bd. Of Exam.

Health Care Authority

Higher Education Policy Commission

Labor

Lottery

Medicine, WV Bd. Of

Osteopathic Medicine, WV Bd. Of

Registered Professional Nurses, WV Bd. Of Exam. For

Workforce Investment Bd., Region 2

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 18

NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Labor (42-37)	Jobs Act Procedures Procedural	§21-1C-5(e)	Written Comments Only June 3, 2018, 4:30 pm Mitchell E. Woodrum, Commissioner 1900 Kanawha Blvd. E Capitol Complex Building 3, Room 200 Charleston, WV 25305 mitch.e.woodrum@wv.gov

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE FOR HEARING



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

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Secretary of State
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

- 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	HATHFIELD-MCCOY REGIONAL RECREATION AUTHORITY

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy, WV Bd. Of Professional Conduct (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/23/2017	7/23/2017		7/28/2017	Modified & Approved 9/20/2017 Filed 9/28/2017	Bundled HB 4079		
Agriculture (61-11B)	Auditeers Legislative	6/26/2017	7/26/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/18/2017	Bundled HB 4079		
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	12/18/2017	1/16/2018	12/18/2017 Effective 1/29/2018	1/19/2018				
Air Quality (45-3)	Ambient Air Quality Standards Legislative	6/6/2017	7/11/2017		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	Approved 8/29/2017	Bundled SB 163	3/22/2018	6/1/2018
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/7/2017	7/11/2017		7/21/2017	Modified & Approved 8/29/2017 Filed 8/24/2017	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	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	6/6/2017	7/11/2017		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	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	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	Modified & Approved 9/20/2017 Filed 10/3/2017	Bundled HB 4079	4/4/2018	6/1/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LSMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Board of Review (84-1)	Procedural Rule Board of Review Procedural	12/12/2017	1/18/2018						
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 2/6/2018	Bundled HB 4622		
Comm. & Tech. College Education (135-32)	Tuition and Fees Legislative	4/24/2018	5/25/2018						
Comm. & Tech. College Education (135-55)	Human Resources Administration Legislative	12/8/2017	1/10/2018		1/25/2018	Approved 2/6/2018	Bundled HB 4622		
Crime Delinquency and Correction (149-2)	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	Bundled SB 181	4/2/2018	7/1/2018
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	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 (2629) Legislative Exempt	8/10/2017	8/11/2017					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 Accessible Use of the Internet by Students and Educators (2460) Legislative Exempt	1/19/2017	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

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE ACTION	LRMRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (128-44E)	WV College and Career- Readiness Standards for Wellness Education (2520.5) Legislative Exempt	4/12/2018	5/14/2018						
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
Education (128-44I)	WV College-and Career- Readiness Standards for the Arts (2520.9) Legislative Exempt	4/12/2018	5/14/2018						
Education (128-44M)	WV College and Career Readiness Programs of Study/Service for Career and Technical Education (2520.13) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018
Education (128-44O)	WV Pre-K Standards (Ages 3-5) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Education (128-44P)	WV Alternate Academic Achievement Standards (2520.16) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018
Ethics Commission (158-17)	Hearings Procedural	3/14/2018	4/13/2018					4/24/2018	5/25/2018
Ethics Commission (158-19)	West Virginia Ethics Commission Procedural	3/14/2018	4/13/2018					4/24/2018	3/25/2018
Fire Commission (87-3)	Hazardous Substance Emergency Response Training Programs Legislative	8/19/2017	7/19/2017		7/25/2017	Modified & Approved 12/2/2017 Filed 12/13/2017	Bundled SB 181	4/26/2018	7/1/2018
Fire Marshal (103-5)	Electricians Licensing Rules Legislative	12/21/2017	1/20/2018		1/26/2018		Bundled SB 181	4/26/2018	7/1/2018
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	3/14/2018	6/1/2018
Health (64-109)	General Rules-Medical Cannabis Program Legislative								4/3/2018 ERD by 5/15/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC STATE	LMR-C-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-110)	Grown/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	4/27/2018	5/27/2018
Higher Education Policy Comm. (133-11)	Submission of Proposals for Academic Programs at Public Regional Institutions and the Merger 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 2/8/2018	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. (133-55)	Human Resources Administration Legislative	11/21/2017	12/21/2017		2/8/2018	Approved 2/6/2018	Bundled HB 4622		
Labor (42-37)	Jobs Act Procedures Procedural	5/2/2018	6/3/2018						
Medicine (11-6)	Continuing Education for Physicians and Podiatrists Legislative	6/21/2017	7/21/2017		7/26/2017	Approved 8/28/2017	Bundled HB 4079	4/23/2018	7/1/2018
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	7/11/2017	8/10/2017	9/11/2017 Approved 10/20/2017	8/29/2017	Modified & Approved 12/3/2017 Filed 12/6/2017	Bundled HB 4079	4/23/2018	7/1/2018

RULE MONITOR

AGENCY/SERIES	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LMRRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Mining and Reclamation (38.02)	West Virginia Surface Mining Reclamation Legislative	6/6/2017	7/18/2017		7/27/2017	Modified & Approved 12/1/2017 Filed 12/5/2017	Bundled SB 163	3/21/2018	7/1/2018
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	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		
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	4/26/2018	7/1/2018
Psychologists (17-03)	Requirements for Licensure as a Psychologist and/or a School Psychologist Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 12/1/2017	Bundled HB 4079	4/26/2018	7/1/2018
Psychologists (17-08)	Code of Ethics Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 12/1/2017	Bundled HB 4079	4/26/2018	7/1/2018
Public Service Commission (150-3)	Government of Electric Utilities Legislative Exempt	1/18/2017	12/1/2017						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LM/RC- 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	3/8/2018	5/8/2018						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2017	7/19/2017	7/27/2017		Approved w/certain amendments 12/11/2017		3/29/2018	6/27/2018
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 12/11/2017 Filed 12/16/2017	Bundled HB 4079	4/12/2018	7/1/2018
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/26/2017	7/26/2017	7/27/2017		Approved 12/12/2017	Bundled HB 4079	4/13/2018	7/1/2018
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 12/11/2017 Filed 12/16/2017	Bundled HB 4079	4/12/2018	7/1/2018
Secretary of State (163-18)	Procedures for Campaigning 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 (163-27)	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 (163-38)	Vote by Mail Pilot Project Phase 2 - Voting by Mail - Repeal Legislative	6/27/2017	7/27/2017	7/28/2017		Approved 8/29/2017	Bundled HB 4079		
Senior Services (76-3)	West Virginia State Plan for Aging Programs Interpretive	4/9/2018	5/18/2018						

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	4/23/2018	7/1/2018
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	4/23/2018	7/1/2018
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	4/23/2018	7/1/2018
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

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LEGISLATIVE

April 30, 2018

Honorable Mac Warner
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Warner:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to RaceTrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "88 Fortunes," "Fu Yang," "Hu Wang," "Quick Hit Wild Blue Super Wheel," "Quick Hit Wild Red Super Wheel," "Super Quick Hit Playboy Midnight Diamonds," "Super Quick Hit Playboy Sunset Sapphires" and "Zhuo Duo" manufactured by Bally Technologies for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

Alan H. Larrick
Director

AHL/jab

Enclosures: 88 Fortunes
Fu Yang
Hu Wang
Quick Hit WMW Blue Super Wheel
Quick Hit WMW Red Super Wheel

Super Quick Hit Playboy Midnight Diamonds
Super Quick Hit Playboy Sunset Sapphires
Zhen Chan

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

April 30, 2018

Honorable Mac Warner
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Warner:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to RaceTrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Pharaoh's Fury," manufactured by Isonomi Gaming, Inc., for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

Alan H. Larrick
Director

AHL/jab

Enclosures: Pharaoh's Fury

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ALAN H. LARRICK
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LEGISLATIVE

April 30, 2018

April 30, 2018

Honorable Mike Warner
West Virginia Secretary of State
Attn: Administrative Law Division
3900 Pennsylvania Boulevard, East
Charleston, WV 25305-0771

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MAY -3 A 11: 18
OFFICE WEST VIRGINIA
SECRETARY OF STATE

FILED
MAY -3 A 11: 22
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Warner:

Dear Secretary Warner:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to RaceTrack Video Lottery which are specifically authorized by W. Va. Code §29-22A-1 et seq.

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to RaceTrack Video Lottery which are specifically authorized by W. Va. Code §29-22A-1 et seq.

Enclosed are game rules for "Winner of the West" manufactured by Incredible Technologies, Inc., for lottery terminals located at all four licensed racetracks in the State.

Enclosed are game rules for "Choy Coin Doo Dragon Legs," "Heart Throb," "Big Five," "Wild Fiesta/Coin" and "Wonder 4 Tail Fortunes" manufactured by Aristocrat, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Please file these documents as a game rule.

Sincerely,

Sincerely,



Alan H. Larrick
Director



Alan H. Larrick
Director

AHL/jb
Enclosures: Winner of the West

AHL/jb
Enclosures:
Choy Coin Doo Dragon Legs
Heart Throb
Big Five
Wild Fiesta/Coin
Wonder 4 Tail Fortunes

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LEGISLATIVE

April 30, 2018

April 30, 2018

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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2018 MAY -3 A 11:21

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SECRETARY OF STATE

Honorable Mac Warner
West Virginia Secretary of State
Attn: Administrative Law Division
1500 Kanawha Boulevard, East
Charleston, WV 25305-0771

Honorable Mac Warner
West Virginia Secretary of State
Attn: Administrative Law Division
1500 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Warner:

Dear Secretary Warner:

Pursuant to W. Va. Code §25-22A-9(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Raffletrak Video Lottery which are specifically authorized by W. Va. Code §23B-22A-1 et seq.

Pursuant to W. Va. Code §25-22A-9(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Raffletrak Video Lottery which are specifically authorized by W. Va. Code §23B-22A-1 et seq.

Enclosed are game rules for "Fortuna Goddess of Luck," "Fu Xian," "High Voltage Blackout," "High Voltage Firestorm," "Lightning Zap," "Money Frog," "Myths and Legends," and "Sugar Jackpot Wild Game," manufactured by IGT Games, Inc. (formerly known as Multimedia Games, Inc.) for lottery terminals located at all four licensed racetracks in the State.

Enclosed are game rules for "Burning Bar Free Games," "Diamond Fantasy," "Double Diamond Run," "Gemsman Profiteer Bonuses," "Head's Aor' Heu," "How to Marry a Millionaire," "Jinxed" and "Triple Double Dollars Free Games" manufactured by IGT, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Please file these documents as a game rule.

Sincerely,

Sincerely,

Alan H. Larrick
Director

Alan H. Larrick
Director

AN/ajp

AN/ajp

Enclosures:
Fortuna Goddess of Luck
Fu Xian
High Voltage Blackout
High Voltage Firestorm
Lightning Zap
Money Frog

Enclosures:
Burning Bar Free Games
Diamond Fantasy
Double Diamond Run
Gemsman Profiteer Bonuses
Head's Aor' Heu
How to Marry a Millionaire
Jinxed
Triple Double Dollars Free Games



WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

#FILED
 4/27/2018 4:14 PM
 Office of West Virginia
 Secretary Of State



WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

#FILED
 5/20/18 10:27 AM
 Office of West Virginia
 Secretary Of State

PROCEDURAL

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Higher Education Policy Commission
 TITLE-SERIES: 132-11
 RULE TYPE: Procedural Amendment to Existing Rule: Yes Renewal of existing rule: No
 RULE NAME: Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Reconsideration of Existing Programs
 CITE STATUTORY AUTHORITY: 18B-1-6

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

Mar.27.2018

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

Yes
 Corey L Anderson – 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.

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Labor
 TITLE-SERIES: 45-37
 RULE TYPE: Procedural Amendment to Existing Rule: Yes Renewal of existing rule: No
 RULE NAME: Jobs Act Procedures
 CITE STATUTORY AUTHORITY: W. Va. Code §21-1C-5(b)
 COMMENTS LIMITED TO:
 Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/03/2018 4:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: MICHAEL E. WOODRUM, Commissioner

ADDRESS: 1900 Kanawha Boulevard East, Capitol Complex

Building 3, Room 200, Charleston, WV 25305

EMAIL: melich@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

Orders Report

Docket Number	Agency	Respondent	Date Rendered
	Counseling, WV Board of Examiners	Beth Wright Bragg	3/29/2018
	Health Care Authority	Appalachian Community Health Center Inc	4/25/2018
	Health Care Authority	Benchmark Therapies Inc	4/25/2018
	Health Care Authority	Camden Clark Medical Center	4/23/2018
	Health Care Authority	Camden Clark Medical Center	4/23/2018
	Health Care Authority	Camden Clark Physician Corporation	4/23/2018
	Health Care Authority	Community Services Inc	4/25/2018
	Health Care Authority	Diversified Assessment & Therapy Services	4/25/2018
	Health Care Authority	Hopewell Community Services LLC	4/25/2018
	Health Care Authority	Hopewell Community Services LLC	4/25/2018
	Health Care Authority	Hospice Care Corporation	4/25/2018
	Health Care Authority	Linx Community Services LLC	4/25/2018
	Health Care Authority	Rainelle Medical Center Inc	4/25/2018
	Health Care Authority	Rainelle Medical Center Inc	4/25/2018
	Health Care Authority	Raleigh General Hospital	4/25/2018
	Health Care Authority	The Renovo Center LLC	4/25/2018
	Health Care Authority	War Memorial Hospital Inc	4/25/2018
	Health Care Authority	West Virginia University Hospitals Inc	4/25/2018
	Medicine, West Virginia Board Of	Michael Roy Spindel, MD	4/24/2018
	Osteopathic Medicine, WV Board of	Elisabeth Wang, DO	2/1/2018
	Osteopathic Medicine, WV Board of	Jason Smith, DO	3/3/2018
	Osteopathic Medicine, WV Board of	Angela Pendleton, DO	3/23/2018
	Osteopathic Medicine, WV Board of	Patrick O'Donnell, DO	4/12/2018
	Osteopathic Medicine, WV Board of	Robert J. Fanning, Jr., DO	4/25/2018

**Registered Professional Nurses, West
Virginia Board Of Examiners For**

4/25/2018

**Registered Professional Nurses, West
Virginia Board Of Examiners For**

4/25/2018

**Registered Professional Nurses, West
Virginia Board Of Examiners For**

4/25/2018

Nalkoshua Brooke Harless

Brenda Russell

Susan L. Owens

WEST VIRGINIA HEALTH CARE AUTHORITY FILED
100 Dee Drive
CERTIFICATE OF NEED

Charleston, West Virginia 25311-6600 311 APR 30 P 2 11

April 30, 2018

CHUCK GAZDARSKI
SECRETARY

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending April 27, 2018.

LETTERS OF INTENT RECEIVED

April 16, 2018 – War Memorial Hospital, Inc., Berkeley Springs, Morgan County, CON File #18-9-11383-P, for the establishment of therapy services in Morgan County; capital expenditure: \$54,000.

April 16, 2018 – Elder Aide Services dba Right at Home, Charleston, Kanawha County, CON File #18-3-11383-Z, for the provision of home health services in Kanawha and Putnam counties; capital expenditure: \$10,000.

April 26, 2018 – Community Services, Inc., Dunbar, Kanawha County, CON File #18-3-11389-PC, for the provision of personal care services in Kanawha County; no capital expenditure.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

April 26, 2018 – War Memorial Hospital, Inc., Berkeley Springs, Morgan County, CON File #18-9-11382-P, for the establishment of therapy services in Morgan County; capital expenditure: \$94,000.

April 26, 2018 – Elder Aide Services dba Right at Home, Charleston, Kanawha County, CON File #18-3-11383-Z, for the provision of home health services in Kanawha and Putnam counties; capital expenditure: \$10,000.

APPLICATIONS FOR EXEMPTION RECEIVED

April 23, 2018 – WomenCare, Inc. dba FamilyCare Health Centers, Scott Depot, Putnam County, CON File #18-3-11383-X, for the addition of a school-based health center to serve the students and school personnel at Capital High School in Charleston, Kanawha County.

April 23, 2018 – Rainelle Medical Center, Inc., Rainelle, Greenbrier County, CON File #18-3-11384-X, for the provision of primary care services at Davis Stuart School, Lewisburg.

OTHER

ORDERS ISSUED

April 23, 2018 – Camden Clark Medical Center and Camden Clark Physician Corporation, Parkersburg, Wood County, CON File #17-5-11210-PV, for granting a Motion for Stay pending the appeal of the Potential Violation Order.

April 23, 2018 – Camden Clark Medical Center, Parkersburg, Wood County, CON File #18-5-11306-PV, for granting a Motion for Stay pending the appeal of the Potential Violation Order.

ORDERS TO WITHDRAW CON APPLICATION ISSUED

April 25, 2018 – Community Services, Inc., Dunbar, Kanawha County, CON File #18-3-11271-PC, for the provision of personal care services in Kanawha County; no capital expenditure.

April 25, 2018 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #18-WV-11300-P, for the development of mobile lung cancer screening services throughout West Virginia; capital expenditure: \$1,262,000.

PROJECTS DETERMINED NOT REVIEWABLE

April 25, 2018 – Benchmark Therapies Inc., Huntington, Harrison County, CON File #18-6-11307-X, for the provision of physical, occupational and speech therapy services to residents of the West Virginia Veterans Nursing Facility located in Clarksburg, Harrison County; no capital expenditure.

April 25, 2018 – War Memorial Hospital, Inc., Berkeley Springs, Morgan County, CON File #18-9-11338-X, for the provision of outpatient cardiac nuclear imaging; capital expenditure: \$10,000.

April 25, 2018 – Appalachian Community Health Center, Inc., Elkins, Randolph County, CON File #18-7-11342-X, for the provision of an Office Based Medication Assisted Treatment Program; no capital expenditure.

April 26, 2018 – Hospice Care Corporation dba West Virginia Caring, Affordable, Preston County, CON File #18-6-11349-X, for the complete relocation of its office located at 7 Harman Center to 6 Hospital Plaza Suite 101, both located in Grafton, Taylor County; no capital expenditure.

April 25, 2018 – Hopewell Community Services, LLC, Nitro, Kanawha County, CON File #18-3-11351-X, for the addition of IDD Waiver Services Facility Based Day Habilitation Services T2021U5, T2021U6, and T2021U7 to the current list of services; no



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

Bill C. Crouch
Cabinet Secretary

Harriet Fitzgerald
Executive Director

2018 MAY - 1 P 4 51

OFFICE OF PUBLIC AFFAIRS
STATE DEPARTMENT OF HEALTH

NOTICE OF REVIEW
FOR IMMEDIATE RELEASE

May 1, 2018

NEWS ITEM

OTHER

capital expenditure.

AMENDED DECISION ON PROJECT DETERMINED NOT REVIEWABLE

April 25, 2018 – Hopewell Community Services, LLC, Nitro, Kanawha County, CON File #18-3-11292-X, for the complete relocation of its administrative office from 901 9th Street, Nitro, Kanawha County to 418 Golf Mountain Road, Cross Lanes, Kanawha County, no capital expenditure. The applicant requested an amended decision due to locating a larger, more suitable location for the administrative office, which results in a previously submitted address for the administrative office; no capital expenditure.

EXEMPTION APPLICATIONS APPROVED

April 25, 2018 – Rainelle Medical Center, Inc., Rainelle, Greenbrier County, CON File #18-1-11340-X, for the provision of behavioral health services at Hinton Area Elementary School.

April 25, 2018 – Rainelle Medical Center, Inc., Rainelle, Greenbrier County, CON File #18-1-11341-X, for the provision of behavioral health services at Summers County Middle School.

April 25, 2018 – Diversified Assessment & Therapy Services, Kenova, Wayne County, CON File #18-2034-11344-X, for the development of an additional office at 33 Erskin Lane, Scott Depot, Putnam County.

April 25, 2018 – The Rescue Center LLC, Kearneysville, Jefferson County, CON File #18-5-11350-X, for the development of outpatient behavioral health and substance abuse services.

CERTIFICATE OF NEED APPROVAL ISSUED

April 25, 2018 – Lmx Community Services, Waverly, Wood County, CON File #18-5/10-11291-8H, for the development of a licensed behavioral health center offering IDD Waiver Services; capital expenditure, \$13,000.

NOTICE OF SUBSTANTIAL COMPLIANCE

April 25, 2018 – Raleigh General Hospital, Beckley, Raleigh County, CON File #17-1-11254-P, for the development of an ambulatory health care facility in Raleigh County through the provision of a physician office practice; capital expenditure; \$24,573.

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

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

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

April 27, 2018 - **WV Memorial Hospital, Inc., Bortleson Springs, Morgan County, CON File #18-5-11352-P**, for the establishment of therapy services in Morgan County; capital expenditure: \$94,000.

April 30, 2018 - **Elder Aide Services drive Right at Home, Charleston, Kanawha County, CON File #18-3-11353-Z**, for the provision of home health services in Kanawha and Putnam counties; capital expenditure: \$10,000.

An application that has been declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

The review cycle begins on April 30, 2018.

On or before May 30, 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 June 4, 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 is posted to the www.wv.gov website. West Virginia 2018-11-0001 | 204.688.3200 | 800.588.0725 | www.hca.wv.gov

Notice of Review
Page 2
May 1, 2018

OTHER

has reviewed the contents of the case file of this subject, 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 29, 2018.

A press release will be issued after the decisions are made. Anyone wishing to be directly notified of the Decisions should submit a written request to Barbara Sneed, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1900. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

5/1/18

Date


Barbara Sneed, Director, Certificate of Need
Health Care Authority

Legal Notice

Region 2 Workforce Investment Board is soliciting proposals for the Work Based Learning System. Please check our website: www.worwib2.org, or www.worwib2.com/02 for the RFP, which will be published 4.30.18.

A Mandatory Bidder Workshop will be held on Tuesday, May 8, 2018 at 10:00 AM in the Huntington One Stop Offices.

FILED
2PM APR 27 P M 2018
OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA