



WEST VIRGINIA REGISTER

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Secretary of State

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 20

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

- 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	DIEETITIANS
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 136	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	RULE	NOTICE	HEARING	EMER RULE	SEC STATE	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	5/7/2018	7/1/2018
Agriculture (61-11B)	Auctioneers Legislative	6/26/2017	7/26/2017		7/28/2017	Modified & Approved 12/2/2017 Filed 12/19/2017	Bundled HB 4079	5/4/2018	8/2/2018
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 (45-6)	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	LMRRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
(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	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		1/26/2018	Approved 2/6/2018	Bundled HB 4622		
Crime Delinquency and Correction (140-2)	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	4/8/2018	7/1/2018
Education (128-12)	WV Accountability System (2322) Legislative Exempt	4/12/2018	5/14/2018						
Education (128-14)	WV Measures of Academic Progress (2340) Legislative Exempt	4/12/2018	5/14/2018						
Education (128-26)	West Virginia's Universal Access to a Quality Early Education Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018
Education (128-32)	Issuance of the State of WV High School Equivalency Diploma and Option Pathway (2444.4) Legislative Exempt	4/12/2018	5/14/2018						
Education (128-41)	Safe and Acceptable Use of the Internet by Students and Educators (2469) Legislative Exempt	11/9/2017	12/11/2017					1/11/2018	7/1/2018
Education (128-42)	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	LRMRC-ACTION	L:GIS	FINAL FILE	EFFECTIVE
Education (126-44E)	WV College-and Career-Readiness Standards for Wellness Education (2520.5) Legislative Exempt	4/12/2018	5/14/2018						
Education (126-44E)	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
Education (126-44O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Education (126-44F)	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	5/25/2018
Fire Commission (87-3)	Hazardous Substances 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	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 185	3/14/2018	6/1/2018
Health (64-109)	General Rules-Medical Cannabis Program Legislative								4/3/2018 Effective 4/3/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LM/RC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-110)	Growth/Processions-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-111)	Laboratories-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-112)	Dispensaries-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-113)	Safe Harbor Lector-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
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				4/27/2018		5/27/2018
Higher Education Policy Comm. (133-12)	Capitol Project Management Legislative	11/20/2017	12/20/2017		1/22/2018	Amended by LOCEA & Approved 2/8/2018 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		2/9/2018	Approved 2/6/2018	Bundled HB 4622		
Labor (42-37)	Jobs Act Procedures Procedural	5/2/2018	6/3/2018						
Medicine (11-01A)	Licensing and Disciplinary Procedures; Physicians; Podiatric Physicians and Surgeons Legislative						HB4079	5/9/2018	7/11/2018
Medicine (11-01B)	Licensure, Disciplinary and Consistent 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	7/11/2018
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	4/23/2018	7/11/2018

RULE MONITOR

AGENCY/SERIES NO	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
Optometry (14-01)	WV Board of Optometry Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 8/29/2017	Bundled HB 4079	5/9/2018	7/1/2018
Psychologists (17-01)	Fees Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 7/1/2017 Filed 12/13/2017	Bundled HB 4079	4/25/2018	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 (150-1)	Rules of Practice and Procedure Legislative Exempt	5/10/2018	7/10/2018						
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	5/10/2018	7/10/2018						
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						
Public Service Commission (150-25)	Telephone Emergency Service Legislative Exempt	3/8/2018	5/9/2018						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2017	7/19/2017		7/27/2017	Approved w/retain amendments 12/1/2017		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 12/1/2017 Filed 12/6/2017	Bundled HB 4079	4/12/2018	7/1/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LMRRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Commission (174-02)	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 (174-03)	Requirements for Real Estate Courses, Course Providers and Instructions 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 (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Electrons Systems, Software, Services and Upgrades Legislative			4/25/2018 ERD by 6/8/2018					
Secretary of State (153-03)	Early Voting In-Person Satellite Precincts Legislative			4/25/2018 ERD by 6/6/2018					
Senior Services (76-3)	West Virginia State Plan for Aging Programs Interpretive	4/9/2018	5/18/2018						
		5/10/2018	6/8/2018						
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	Modified & Approved 8/29/2017 Filed 8/29/2017	Bundled HB 4079	4/23/2018	7/1/2018
Veterinary Medicine (26-3)	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	4/23/2018	7/1/2018
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	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	Approved 12/1/2017	Bundled SB 163	3/8/2018	6/1/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	3/9/2018	6/1/2018



WEST VIRGINIA SECRETARY OF STATE
IMAC WARNER
ADMINISTRATIVE LAW DIVISION

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WEST VIRGINIA SECRETARY OF STATE
IMAC WARNER
ADMINISTRATIVE LAW DIVISION

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Secretary of State

LEGISLATIVE

NOTICE OF TECHNICAL AMENDMENT

AGENCY: Health And Human Resources
TITLE SERIES: 60-08
RULE TYPE: Legislative
RULE NAME: Chronic Pain Management Clinic Licensure
CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4 and §16-6A-9.

LIST WITH DETAIL EACH SPECIFIC CHANGE MADE TO THE RULE AND WHERE IT CAN BE FOUND:

- 4.4.4.2. Renewal fee - lower than 500 patients - \$200.00.
 - 4.4.4.3. Renewal fee - 500 to 1,000 patients - \$200.00. and
 - 4.4.4.4. Renewal fee - 500 to 1,000 patients - \$200.00.
 - 7.1.1. Renumbered as 7.2. to correct numbering error.
- Other changes made throughout the rule are purely technical including punctuation, code citations, format citations, numbering, grammatical errors, and changes to standardize formatting generally.

FILING DATE: 05/16/2018

EFFECTIVE DATE: 05/31/2018

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

Yes
Heather J McDaniel - 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.

NOTICE OF TECHNICAL AMENDMENT

AGENCY: Health And Human Resources
TITLE SERIES: 60-11
RULE TYPE: Legislative
RULE NAME: Medication-Assisted Treatment - Opioid Treatment Programs
CITE STATUTORY AUTHORITY: W. Va. Code §§16-61-1, et seq.

LIST WITH DETAIL EACH SPECIFIC CHANGE MADE TO THE RULE AND WHERE IT CAN BE FOUND:

- 6.3.4.3. Renewal license fee - lower than 500 patients - \$571.12.
 - 6.3.4.4. Renewal license fee - 500 to 1,000 patients - \$1,042.24. and
 - 6.3.4.5. Renewal license fee - more than 1,000 patients - \$1,313.36.
- Other changes made throughout the rule are purely technical including punctuation, code citations, internal citations, numbering, grammatical errors, and changes to standardize formatting generally.

FILING DATE: 05/16/2018

EFFECTIVE DATE: 06/01/2017

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

Yes
Heather J McDaniel - 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.



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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5/15/2018 4:16 PM

Office of West Virginia
Secretary of State

LEGISLATIVE

NOTICE OF TECHNICAL AMENDMENT

AGENCY: Health And Human Resources TITLE-SERIES: 89-12
RULE TYPE: Legislative
RULE NAME: Medication-Assisted Treatment - Office-Based
Medication-Assisted Treatment
CITE STATUTORY AUTHORITY: W. Va. Code §§ 16-57-1, et seq.

LIST WITH DETAIL EACH SPECIFIC CHANGE MADE TO THE RULE AND WHERE IT CAN BE FOUND:

6.3.a.3.A. 1-50 patients - \$280.0K.

6.3.a.3.B. 51-100 patients - \$372.0K.

6.3.a.3.C. 101-200 patients - \$474.0K. and

6.3.a.3.D. 201 or more patients - \$576.0K.

Other changes made throughout the rule are purely technical including punctuation, code citations, internal citations, numbering, grammatical errors, and changes to standardize formatting generally.

FILING DATE: 05/15/2018

EFFECTIVE DATE: 06/01/2017

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

Yes

Mac Warner / MacWarner - 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
	Health And Human Resources	Licensure Fees	5/15/2018
	Health Care Authority	Acuity Specialty Hospital - Ohio Valley, LP	5/1/2018
	Health Care Authority	Acuity Specialty Hospital - Ohio Valley, LP	5/1/2018
	Health Care Authority	University Physicians & Surgeons Inc	5/2/2018
	Health Care Authority	University Physicians & Surgeons Inc	5/2/2018
	Health Care Authority	West Virginia University Hospitals Inc	4/30/2018
	Health Care Authority	Cardiovascular Imaging Services Inc	5/9/2018
	Health Care Authority	Stonerise Reliable Healthcare LLC	5/9/2018
	Insurance Commission	West Virginia Family Health Plan, Inc.	5/10/2018
	Medicine, West Virginia Board Of	Sarah Brooke Cash, MD	5/7/2018
	Medicine, West Virginia Board Of	Darci Nicole Barger, P.A.-C.	4/30/2018
	Medicine, West Virginia Board Of	Anna Nicole Antolini, P.A.-C.	4/30/2018
	Medicine, West Virginia Board Of	Stephen Scott Brown, MD	5/7/2018
	Secretary of State	Linda L. Quillen	5/14/2018

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2016-1015-DHR	Nona Ringler	Health And Human Resources	2/20/2018
2017-2095-CONS	Patty Shirk	Child Support Enforcement	2/20/2018
2018-0575-POE	Lyn Compton	Highways	2/22/2018
2018-4275-DHHR	Barbara Kessler	Motor Vehicles	2/23/2018
2017-3112-POE	Cynthia Snow	Health And Human Resources	2/23/2018
2018-0175-DHHR	Jamie Workman	William R. Sharpe, Jr. Hospital	2/28/2018
2017-3125-CONS	David Deyerle, et al.	Motor Vehicles	2/28/2018
2018-0285-CONS	Justin P. Rollyson	Personnel	4/2/2018
2017-2285-CON	Roger Crites	Health And Human Resources	4/2/2018
2017-2285-CON	Kathie L. Sizemore	Rehabilitation Services	4/4/2018
2018-0285-CONS	James Deshazo	Kanawha County Board Of Education	4/4/2018
		Health And Human Resources	4/10/2018
		William R. Sharpe, Jr. Hospital	4/10/2018
		Corrections	4/12/2018
		Personnel	4/12/2018
		McDowell County Board Of Education	5/11/2018

WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED
100 Des Drive
Charleston, West Virginia 25311-1600

CERTIFICATE OF NEED APPROVAL ISSUED

May 14, 2018
LEGAL NOTICE
OFFICE OF THE
SECRETARY OF STATE

OTHER

May 9, 2018 – Stonewise Reliable Healthcare, LLC, Morgantown, Monongalia County, CON File #18-718-11305-Z, for the provision of home health services in Grant and Tucker counties; capital expenditure: \$10,000.

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

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **May 11, 2018**.

CERTIFICATE OF NEED APPLICATION RECEIVED

May 7, 2018 – Community Services, Inc., Dunbar, Kanawha County, CON File #18-3-11366-PC, for the provision of personal care services in Kanawha County; no capital expenditure.

HEARING NOTICE

The Administrative Hearing and Prehearing Conference have been **SCHEDULED** in the following matter:

May 10, 2018 - Children's Hospital of Pittsburgh of UPMC, Pittsburgh, PA, CON File #18-6-11274-P, for the development of an ambulatory care center to provide pediatric subspecialty services in Morgantown, Monongalia County; capital expenditure: \$212,662.

Prehearing Conference: **Wednesday, August 1, 2018, at 1:30 p.m.**
Administrative Hearing: **Friday, August 10, 2018, at 9:00 a.m.**

The prehearing conference and administrative hearing in the above-referenced matter will be held in the office of the Health Care Authority, 100 Des Drive, Charleston, West Virginia 25311-1600, unless otherwise noted.

HEARING ORDER ISSUED

May 11, 2018 - Children's Hospital of Pittsburgh of UPMC, Pittsburgh, PA, CON File #18-6-11274-P, for the development of an ambulatory care center to provide pediatric subspecialty services in Morgantown, Monongalia County; capital expenditure: \$212,662.

PROJECT DETERMINED REVIEWABLE

May 9, 2018 – Cardiovascular Imaging Services, Inc., South Point, Ohio, CON File #18-12-11320-X, for the development of mobile imaging services that includes ultrasound and bone density (DEXA) testing and be recognized as a provider of the aforementioned services, allowing the applicant to bill the patients directly; no capital expenditure.



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

Bill J. Crouch
Cabinet Secretary

In Re:

CHILDREN'S HOSPITAL OF PITTSBURGH OF UPMC
CON File No. 16-6-11274-P

OFFICE OF THE
EXECUTIVE DIRECTOR

Executive Director

FILED

2018 MAY 14 P 011

OTHER

Notice of Prehearing Conference and Administrative Hearing
CHILDREN'S HOSPITAL OF PITTSBURGH OF UPMC
CON File #16-6-11274-P
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The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, identify any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedures for pretrial conferences.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The fee on this application is available for examination in the offices of the Health Care Authority from 9:00 a.m. to 4:00 p.m., Monday through Friday. If you have questions concerning this matter, please contact Barbara Sheen, Director of Certificate of Need, at (304) 558-7000 or toll free 1-888-558-7002.

Date: May 10, 2018

Barbara Sheen
Barbara Sheen
Executive Director

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 20A, 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 the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held **Wednesday, August 1, 2018, at 1:30 P.M.** in the Large Conference Room of the West Virginia Health Care Authority, 100 Deo Drive, Charleston, West Virginia.

An ADMINISTRATIVE HEARING will be held **Friday, August 10, 2018, at 9:00 a.m.** in the Large Conference Room of the West Virginia Health Care Authority, 100 Deo Drive, Charleston, West Virginia.

This application is for the development of an ambulatory health care center providing pediatric subspecialty services in Morgantown, Monongalia County, West Virginia.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED

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OFFICE OF THE CLERK
SECRETARY OF STATE

In Re: **Children's Hospital of Pittsburgh of UPMC**
CON File No. 18-6-11274-P

OTHER

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **Friday, August 10, 2018, at 9:00 a.m.**
2. Prehearing conference date: **Wednesday, August 1, 2018, at 1:30 p.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **Wednesday, May 23, 2018**
Pursuant to CSR 605-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the content of additional information or any amendment made by the applicant to the application and its impact on the new institutional health services, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **Friday, June 1, 2018**

6. Discovery completed on or before: **Friday, July 13, 2018**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the prehearing conference hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Disciplinary and preliminary motions to be filed by: **Thursday, July 26, 2018**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
Thursday, July 26, 2018

Done on this 14th day of May 2018


William Tillary, Chairman



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

BRJ A. Cross
Cabinet Secretary

FILED

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OFFICE OF THE
SUPERVISOR OF BUREAU

Health Care Authority
Elizabeth Doherty

NOTICE OF REVIEW
FOR IMMEDIATE RELEASE

May 16, 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:

May 7, 2018 - East Mountain Health Achievement, Inc., Whiteseter, Virginia, CON File #18-3-11368-F, for the construction of a medical office building in Berkeley County; capital expenditure: \$16,988,000.

May 10, 2018 - Community Services, Inc., Darbor, Kanawha County, CON File #18-3-11368-PC, for the provision of personal care services in Kanawha County; no capital expenditure.

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 May 15, 2018.

On or before June 14, 2018, any affected person has the right to request that the Authority hold a public hearing as a separate part of the review. If a public hearing is requested 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 15, 2018. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

100 Devo Drive • Charleston, West Virginia 25311-9970 • 304.526.7000 • 304.526.6705 fax • www.hca.wv.gov

Notice of Review
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May 16, 2018

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 July 16, 2018.

A press release will be issued after the decisions are made. Anyone wishing to be disseminated the Decisions should submit a written request to Barbara Shoen, Director, Communications, Health Care Authority, 100 Devo Drive, Charleston, West Virginia, 25311-9800. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 526-1000.

5/16/18
Date

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

OTHER