

WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXV

Issue 47

November 21, 2018

A Weekly Publication

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

Community and Technical College Education

Health Care Authority

Higher Education Policy Commission

Pharmacy

Registered Professional Nurses

Secretary of State

Social Work Examiners

Tax Department

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 47			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Higher Education Policy Commission (133-21)	Freshman Assessment and Placement Standards Procedural	§18B-1-6	Written Comments Only December 17, 2018, 5:00 pm Carolyn Long 1018 Kanawha Boulevard, East Charleston, WV 25301 chancellors.office@wvhepc.edu
Higher Education Policy Commission (133-41)	Health Sciences Service Program Procedural	§18B-1-6	Written Comments Only December 17, 2018, 5:00 pm Carolyn Long 1018 Kanawha Boulevard, East Charleston, WV 25301 chancellors.office@wvhepc.edu

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

TITLE NUMBER		NAME OF AGENCY
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	WORKERSCOMPENSATION 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 HIGWAYS
TITLE	158	ETHICS COMMISSION
TITLE	162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	172	STATE RAIL AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION – BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY
TITLE	184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	191	FAMILY PROTECTION SERVICES BOARD
TITLE	194	MASSAGE THERAPY LICENSURE BOARD
TITLE	199	EXPLOSIVES & BLASTING
TITLE	204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-01)	Purchasing Division Legislative	6/11/2018	7/11/2018		7/18/2018	Approved 11/12/2018			
Administration (148-03)	State Owned Vehicles Legislative	6/12/2018	7/12/2018	6/8/2018 Effective July 20, 2018	7/20/2018	Modified & Approved 11/12/2018 Filed 11/14/2018			
Administration (148-19)	Leasing of Space and Acquisition of Real Property on Behalf of State Spending Units Legislative	6/11/2018	7/11/2018		7/19/2018	Modified & Approved 11/12/2018 Filed 11/14/2018			
Agriculture (61-01)	Animal Disease Control Legislative	6/26/2018	7/26/2018		7/27/2018				
Agriculture (61-29)	Industrial Hemp Legislative	6/27/2018	7/27/2018		7/27/2018				
Agriculture (61-33)	Rural Rehabilitation Loan Program Legislative	6/26/2018	7/26/2018		7/26/2018				
Agriculture (61-34)	Captive Cervid Farming Legislative	6/27/2018	7/26/2018		7/27/2018				
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	Approved 11/12/2018			
Agriculture (61-37)	Agritourism Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/12/2018			
Agriculture (61-38)	Farmers Markets Legislative	6/27/2018	7/27/2018	7/30/2018 Effective 9/10/2018	7/27/2018	Modified & Approved 11/12/2018			
Agriculture (61-39)	Seed Certification Program Legislative	6/27/2018	7/27/2018		7/27/2018				
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-36)	(Repeal of) Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 USC or the Federal Transit Laws, to Applicable Air Quality Implementation Plans (Transportation Conformity) Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-38)	(Repeal of) Provisions for Determination of Compliance with Air Quality Management Rules Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-43)	Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Athletic Commission (177-01)	Administrative Rules of the WV State Athletic Commission Legislative	6/19/2018	7/19/2018		7/24/2018				
Comm. & Tech. College Education (135-15)	Acceptance of Advanced Placement Credit Legislative	8/20/2018	9/21/2018		9/26/2018				
Comm. & Tech. College Education (135-20)	Initial Authorization of Degree-Granting Institutions Legislative	10/16/2018	11/19/2018		11/20/2018				
Comm. & Tech. College Education (135-27)	Workforce Development Initiative Program Legislative	10/16/2018	11/19/2018		11/20/2018				
Comm. & Tech. College Education (135-32)	Tuition and Fees Legislative	4/24/2018	5/25/2018		7/2/2018				
Comm. & Tech. College Education (135-40)	Equal Opportunity and Affirmative Action Procedural	10/16/2018	11/19/2018					11/20/2018	12/20/2018
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	6/22/2018	7/24/2018		7/24/2018	Modified & Approved 9/20/2018 Filed 9/20/2018			

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Education (126-003)	Notice and Conduct of Meetings (1241) Legislative Exempt	9/13/2018	10/15/2018					11/15/2018	12/17/2018
Education (126-44H)	WV Driver Education Standards (2520.8) Legislative Exempt	8/10/2018	9/10/2018					10/11/2018	7/1/2019
Education (126-044M)	WV College-and Career-Readiness Programs of Study/Standards for Career Technical Education (2520.13) Legislative Exempt	11/15/2018	12/17/2018						
Education (126-044N)	WV College-and Career-Readiness Standards for Technology and Computer Science (2520.14)	11/15/2018	12/17/2018						
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 (126-057)	Adult Education Programs (2420) Legislative Exempt	11/15/2018	12/17/2018						
Education (126-161)	Alternative Certification Programs for the Education of Teachers (5901) Legislative Exempt	9/13/2018	10/15/2018					11/15/2018	12/17/2018
Fire Commission (87-04)	State Building Code Legislative	6/22/2018	7/23/2018		7/25/2018	Approved 11/12/2018			
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/21/2018	7/21/2018		7/27/2018				
Health (64-14)	Assisted Living Residences Legislative	6/21/2018	7/20/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018			
Health (64-17)	Food Establishments Legislative	6/21/2018	7/20/2018		7/26/2018				
Health (64-43)	Food Manufacturing Facilities Legislative	6/21/2018	7/20/2018		7/26/2018				
Health (64-91)	Newborn Screening System Legislative	6/21/2018	7/20/2018		7/26/2018				
Health (64-109)	General Rules-Medical Cannabis Program Legislative			4/3/2018 Effective 4/3/2018					

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-110)	Grower/Processors-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 Letter-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health and Human Resources (69-08)	Chronic Pain Management Clinic Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Approved 11/12/2018			
Health an Human Resources (69-12)	Medication-Assisted Treatment – Office-Based Medication-Assisted Treatment Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018			
Health and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/21/2018	7/21/2018		7/27/2018	Approved 11/12/2018			
Health Care Authority (65-06)	Cooperative Agreement Legislative	6/21/2018	7/21/2018		7/26/2018	Approved 11/12/2018			
Higher Education Policy Commission (133-05)	Guidelines for Governing Boards in Employing and Evaluating Presidents Legislative	6/26/2018	7/26/2018		8/28/2018				
Higher Education Policy Commission (133-07)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 6/26/2018	8/7/2018				
Higher Education Policy Commission (133-21)	Freshman Assessment and Placement Standards Procedural	11/16/2018	12/17/2018						
Higher Education Policy Commission (133-41)	Health Sciences Service Program Procedural	11/16/2018	12/17/2018						
Highways (157-12)	Employment Procedures	7/18/2018	8/20/2018	7/19/2018 Effective 8/30/2018	8/30/2018	Approved 11/12/2018			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-05)	Wage Payment and Collection Legislative	6/15/2018	7/16/2018		7/25/2018	Approved 9/20/2018			
Labor (42-09)	Child Labor Legislative	6/18/2018	7/19/2018		7/25/2018	Modified & Approved 9/20/2018 Filed 9/26/2018			
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/15/2018	7/16/2018	6/15/2018 Effective 7/27/2018	7/25/2018	Approved 9/20/2018			
Lottery Commission (179-09)	West Virginia Lottery Sports Wagering Rule Legislative	8/6/2018	9/7/2018	7/9/2018 Approved 8/6/2018	10/4/2018				
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians; Podiatric Physicians and Surgeons Legislative	6/22/2018	7/23/2018		7/25/2018	Approved 9/20/2018			
Medicine (11-12)	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative	6/22/2018	7/23/2018	6/22/2018 Effective 8/3/2018 Amendment 7/25/2018 Withdrawn 8/7/2018 Amendment 8/7/2018 Effective 9/18/2018	7/25/2018	Approved 9/20/2018			
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	6/19/2018	7/19/2018	6/19/2018 Effective 7/31/2018	7/25/2018				
Miners Health Safety and Training (56-08)	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia Legislative	5/30/2018	6/29/2018	5/30/2018 Effective 7/11/2018	7/25/2018				
Miners Health Safety and Training (56-23)	Rules for Operating Diesel Equipment in Underground Mines in West Virginia Legislative	5/30/2018	6/29/2018	5/29/2018 Effective 7/10/2018	7/25/2018				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/26/2018	7/26/2018		7/27/2018	Modified & Approved 9/20/2018 Filed 10/1/2018			
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Program Permittings ATVs and ORVs Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 8/7/2018	7/27/2018	Modified & Approved 9/20/2018 Filed 10/1/2018			
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	5/24/2018	6/25/2018		7/26/2018	Approved 9/20/2018			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/21/2018	7/22/2018		7/27/2018	Approved 9/20/2018			
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/12/2018	7/16/2018		7/27/2018	Approved 9/20/2018			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/21/2018	7/22/2018		7/27/2018	Approved 9/20/2018			
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/19/2018	7/20/2018		7/27/2018	Approved 9/20/2018			
Pharmacy (15-17)	Board of Pharmacy Rules for the Substitution of Biological Pharmaceuticals Legislative	6/19/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/16/2018			
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 (150-25)	Telephone Emergency Service Legislative Exempt	3/8/2018	5/9/2018					11/1/2018	12/3/2018
Public Service Commission (150-33)	Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt	9/6/2018	11/8/2018						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-01)	Throughbred Racing Legislative	6/13/2018	7/13/2018		7/26/2018				
Real Estate Appraiser, Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 9/20/2018 Filed 10/3/2018			
Registered Professional Nurses (19-01)	Policies, Standards and Criteria for the Evaluation, Approval and Accreditation of Colleges, Departments or Schools of Nursing Legislative	6/19/2018	7/20/2018		7/26/2018				
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/19/2018	7/20/2018		7/25/2018	Modified & Approved 11/12/2018			
Registered Professional Nurses (19-07)	Advanced Practice Registered Nurse Legislative	6/19/2018	7/20/2018		7/25/2018	Approved 11/12/2018			
Registered Professional Nurses (19-10)	Standards for Scope of Professional Nursing Practice Legislative	6/19/2018	7/20/2018		7/26/2018	Modified & Approved 11/12/2018 Filed 11/20/2018			
Registered Professional Nurses (19-12)	Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing Legislative	6/19/2018	7/20/2018		7/26/2018	Modified & Approved 11/12/2018			
Registered Professional Nurses (19-13)	Dialysis Technicians Legislative	6/19/2018	7/20/2018		7/25/2018	Modified & Approved 11/12/2018			
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	6/26/2018	7/26/2018						
School Building Authority (164-03)	School Planning and Design Criteria Legislative	6/26/2018	7/26/2018						
School Building Authority (164-04)	Project Administration and Review Legislative	6/26/2018	7/26/2018						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
School Building Authority (164-05)	School Building Authority Contracts and Agreements Legislative	6/26/2018	7/26/2018						
School Building Authority (164-06)	School Building Authority Reporting Procedures Legislative	6/26/2018	7/26/2018						
School Building Authority (164-07)	School Access Safety Act Guidelines and Procedures Legislative	6/26/2018	7/26/2018						
Secretary of State (153-06)	Filing and Formatting Rules and Related Documents and Other Documents for Publication in the State Register Legislative	6/5/2018	7/5/2018		7/6/2018				
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Elections Systems, Software, Services and Upgrades Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018				
Secretary of State (153-13)	Early Voting In-Person Satellite Precincts Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018				
Secretary of State (153-17)	Submission of Documents for Qualified Newspapers Interpretive	10/10/2018	11/9/2018						
Secretary of State (153-41)	Online Meeting Notices Procedural	11/14/2018	12/17/2018						
Secretary of State (153-46)	Notaries Public Legislative	6/28/2018	7/28/2018		7/30/2018				
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/15/2018	7/16/2018		7/25/2018	Modified & Approved 11/12/2018 Filed 11/16/2018			
Social Work Examiners (25-07)	Code of Ethics Legislative	6/15/2018	7/16/2018		7/23/2018	Approved 11/12/2018			
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/27/2018	7/27/2018		7/27/2018				
Tax (110-15K)	Aircraft Operated Under a Fractional Ownership Program Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 8/7/2018	7/27/2018	Approved 11/12/2018			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-21B)	Citizen Tax Credit for Property Taxes Paid Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 11/12/2018			
Tax (110-21C)	Method of Claiming the Qualified Rehabilitated Buildings Investment Credit Procedural	10/23/2018	11/27/2018						
Tax (110-41)	Railroad Diesel Locomotive Refundable Exemption from the Variable Rate Component of the Motor Fuel Excise Tax Procedural	10/22/2018	11/27/2018						
Tax (110-49)	Administration of Tax on Purchases of Wine and Liquor Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 11/12/2018			
Tax (110-50A)	Exchange of Information Agreement Between Tax Div. and Div. of Environmental Protection Legislative	6/26/2018	7/27/2018		7/27/2018	Approved 9/20/2018			
Tax (110-50B)	Exchange of Information Agreement Between Tax Div. and the Alcohol Beverage Control Administration Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018			
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 9/20/2018			
Tax (110-50D)	Exchange of Information Agreement Between Comm of Tax Div., Comm. Of Labor and the Comm. Of Insurance Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018			
Tax (110-50E)	Exchange of Information Agreement Between Tax Dept. and the WV Lottery Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018			
Tax (110-50F)	Exchange of Information Agreement Between Tax Dept. and the State Fire Marshal Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018			
Treasurer (112-16)	Reporting and Claiming Unknown and Unlocatable Interest Owners Reserved Interests Legislative	6/27/2018	7/27/2018	6/27/2018 Effective 8/8/2018	7/27/2018				

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/25/2018	7/10/2018		7/27/2018				

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/20/2018 8:47:19 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Community And Technical College Education TITLE-SERIES: 135-20

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 135-20 Initial Authorization of Degree-Granting Institutions

PRIMARY CONTACT

NAME: Angela Kems

ADDRESS: 1018 Kanawha Blvd East
Suite 700
Charleston, WV 25301

EMAIL: kems@wvctcs.org

PHONE NUMBER: 304-558-0265

CITE STATUTORY AUTHORITY: §18B-4-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§18B-4-7. Accreditation of institutions of higher education; standards for degrees.The council shall make rules for the accreditation of community and technical colleges in this state and shall determine the minimum standards for conferring degrees. The commission shall make rules for the accreditation of colleges in this state except the governing boards of the exempted schools shall make rules for their respective institutions, and each shall determine the minimum standards for conferring degrees. The governing boards of the exempted schools shall promulgate rules pursuant to the provisions of section six, article one of this chapter for the accreditation of their respective institutions.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 10/16/2018

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 11/19/2018

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/20/2018 8:45:34 AM
Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Community And Technical College Education TITLE-SERIES: 135-27

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: 135-27 Workforce Development Program

PRIMARY CONTACT

NAME: Angie Kems

ADDRESS: 1018 Kanawha Blvd East
Suite 700
Charleston, WV 25301

EMAIL: kems@wvctcs.org

PHONE NUMBER: 304-558-0265

CITE STATUTORY AUTHORITY: §18B-3D-2, §18B-1-1, §18B2-b-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§18B-3D-2. Workforce Development Initiative Program continued; purpose; program administration; rule required. (a) The Workforce Development Initiative Program is continued under the supervision of the council. The purpose of the program is to administer and oversee grants to community and technical colleges to implement the provisions of this article in accordance with legislative intent.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 10/16/2018

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 11/19/2018

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/16/2018 2:56:09 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-17

RULE NAME: Substitution of Biological Pharmaceuticals

CITE AUTHORITY: 30-5-12c

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Ryan L Hatfield -- 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

eFILED
11/20/2018 4:42:28 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Registered Professional Nurses

RULE TYPE: Legislative TITLE-SERIES: 19-10

RULE NAME: Standards for Scope of Professional Nursing Practice

CITE AUTHORITY: W. Va. Code 30-7-4

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Alice R Faucett -- 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

eFILED
11/16/2018 12:20:29 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Social Work Examiners

RULE TYPE: Legislative TITLE-SERIES: 25-01

RULE NAME: Qualifications for the Profession of Social Work

CITE AUTHORITY: 30-30-6

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Vickie L James – 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

eFILED
11/20/2018 10:47 AM
Office of West Virginia
Secretary Of State

PROCEDURAL

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-40

RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Equal Opportunity and Affirmative Action

CITE STATUTORY AUTHORITY: §18B-1-6, §18B-1B-5

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

December 20, 2018

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

Yes

Angela S Kerns – 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

eFILED
11/16/2018 4:19:36 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-21

RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: Freshman Assessment and Placement Standards

CITE STATUTORY AUTHORITY: 18B-1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/17/2018 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Carolyn Long

ADDRESS: 1018 Kanawha Boulevard, East

Charleston, WV 25301

EMAIL: chancellors.office@wvhepc.edu

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)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/16/2018 4:32:56 PM
Office of West Virginia
Secretary Of State

PROCEDURAL

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-41

RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: Health Sciences Service Program

CITE STATUTORY AUTHORITY: 18B-1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/17/2018 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Carolyn Long

ADDRESS: 1018 Kanawha Boulevard, East
Charleston, WV 25301

EMAIL: chancellors.office@wvhepc.edu

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
[redacted]	**Health Care Authority**	Bridgeport Health Care Center, LLC	11/7/2018
[redacted]	**Health Care Authority**	Lifeline Addiction Psychiatric and Wellness Clinic	11/8/2018
[redacted]	**Health Care Authority**	Mercer Nursing & Rehabilitation Center LLC	11/8/2018
[redacted]	**Health Care Authority**	Raleigh General Hospital	11/7/2018
[redacted]	**Health Care Authority**	West Virginia University Hospitals, Inc	11/7/2018
[redacted]	**Health Care Authority**	West Virginia University Hospitals Inc	11/5/2018
[redacted]	**Registered Professional Nurses, West Virginia Board Of Examiners For**	Brandi Tweety	11/14/2018
[redacted]	**Registered Professional Nurses, West Virginia Board Of Examiners For**	Teresa Bakaitis	11/14/2018
[redacted]	**Registered Professional Nurses, West Virginia Board Of Examiners For**	Jane Ann Bailey	11/14/2018
[redacted]	**Secretary of State**	Guardco Security, LLC	11/15/2018

FILED

2018 NOV 19 A 8:55

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

November 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:

November 14, 2018 - Safe Haven Care Services, LLC, Scott Depot, Putnam County, CON File #18-1/2/3/4/5/7-11480-BH, for provision of services to individuals with intellectual and developmental disabilities in Boone, Braxton, Cabell, Clay, Fayette, Jackson, Kanawha, Lincoln, Mason, Nicholas, Putnam, Raleigh, Roane and Wayne counties; no capital expenditure.

November 14, 2018 - Camden-Clark Memorial Hospital Corporation and Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #18-5-11487-P, for the development of an ambulatory health care facility through the provision of specialty physician services and diagnostic imaging services in St. Mary's, Pleasant County; capital expenditure: $166,000.

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 **November 15, 2018**.

On or before **December 17, 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 **December 20, 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 **January 14, 2019**.

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 Skeen, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1600. 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.

11/16/18
Date

Barbara Skeen

Barbara Skeen, Director, Certificate of Need
Health Care Authority

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

FILED
2018 NOV 19 A 11:41
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

November 19, 2018

LEGAL NOTICE

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

LETTER OF INTENT RECEIVED

November 16, 2018 – Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #18-1-11504-P, for the establishment of an ambulatory health care facility located at 114 Undercliff Terrace, Princeton, Mercer County; capital expenditure: $75,000.

APPLICATIONS FOR EXEMPTION RECEIVED

November 14, 2018 – Mountain State Recovery Center, Charleston, Kanawha County, CON File #18-3-11502-X, for the development of behavioral health outpatient services and medication assisted treatment.

November 16, 2018 – Union Mission Ministries, Inc., Charleston, Kanawha County, CON File #18-3-11503-X, for the development of the Union Mission Addiction Recovery Program.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

An application 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.

EXPEDITED APPLICATIONS

November 14, 2018 - Safe Haven Care Services, LLC, Scott Depot, Putnam County, CON File #18-1/2/3/4/5/7-11480-BH, for provision of services to individuals with intellectual and developmental disabilities in Boone, Braxton, Cabell, Clay, Fayette, Jackson, Kanawha, Lincoln, Mason, Nicholas, Putnam, Raleigh, Roane and Wayne counties; no capital expenditure.

November 14, 2018 - Camden-Clark Memorial Hospital Corporation and Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #18-5-11487-P, for the development of an ambulatory health care facility through the provision of specialty physician services and diagnostic imaging services in St. Mary's, Pleasant County; capital expenditure: $166,000.

The review cycle for the above-referenced projects is as follows:

November 15, 2018 – Review cycle begins;

December 17, 2018 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

December 20, 2018 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

January 14, 2019 – Decision on the project will be issued by the Authority.

HEARING NOTICES

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

November 13, 2018 - Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #18-9-11458-Z, for the provision of home health care services in Jefferson and Berkeley counties; capital expenditure: $47,000.

Prehearing Conference: **February 4, 2019 at 1:30 p.m.**
Administrative Hearing: **February 11, 2019 at 9:00 a.m.**

November 13, 2018 - Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #18-6/7-11459-Z, for the provision of home health care services in Barbour, Harrison, Monongalia and Taylor counties; capital expenditure: $64,000.

Prehearing Conference: **February 4, 2019 at 1:30 p.m.**
Administrative Hearing: **February 11, 2019 at 1:30 p.m.**

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

HEARING ORDERS ISSUED

November 13, 2018 - Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #18-9-11458-Z, for the provision of home health care services in Jefferson and Berkeley counties; capital expenditure: $47,000.

November 13, 2018 - Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #18-6/7-11459-Z, for the provision of home health care services

in Barbour, Harrison, Monongalia and Taylor counties; capital expenditure: $64,000.

OTHER

NOTICE OF PUBLIC COMMENT PERIOD

Proposed Certificate of Need Standards

The West Virginia Health Care Authority (HCA) has scheduled a public comment period to receive comments on the following proposed Certificate of Need Standards:

- **Transplantation Services**

Written comments may be submitted to Barbara Skeen, Interim Executive Director, West Virginia Health Care Authority, 100 Dee Drive, Charleston, WV 25311 or via email at Barbara.I.Skeen@wv.gov. Comments must be received no later than close of business on **December 4, 2018**. A copy of the proposed Standards set forth above has been filed with the Secretary of State. The Standards are available to be viewed on the homepage, under "News and Announcements", of the Authority's website, www.hca.wv.gov, or copies may be obtained by contacting the office at (304) 558-7000 or toll-free at 1-888-558-7002.

PROJECTS DETERMINED NOT REVIEWABLE

November 14, 2018 – VOCA Corporation of West Virginia, Inc., Louisville, Kentucky, CON File #18-2-11475-X, for the complete relocation of its office located at 525 Tiller Street to 1103 George Kostas Drive, both located in Logan; no capital expenditure.

November 14, 2018 – VOCA Corporation of West Virginia, Inc., Louisville, Kentucky, CON File #18-4-11476-X, for the establishment of a satellite administrative office at 315-317 Fairview Heights Road, Summersville, Nicholas County; no capital expenditure.

November 14, 2018 – RSCR West Virginia, Inc., Louisville, Kentucky, CON File #18-9-11477-X, for the complete relocation of its office located at 3790 Hedgesville Road, Suite O, Hedgesville, to 525 Winchester Avenue, Martinsburg; no capital expenditure.

November 16, 2018 – Linx Community Services, Waverly, Wood County, CON File #18-10-11484-X, for the development of an additional administrative office to be located at 249 Clark Street, New Martinsville; no capital expenditure.

EXEMPTION APPLICATIONS APPROVED

November 16, 2018 - Camden on Gauley Medical Center, Inc., Camden on Gauley, Webster County, CON File #18-4-11474-X, for the development of the Camden Family Health School-Based Health Center in Summersville, Nicholas County.

November 16, 2018 - Board of Child Care of the United Methodist Church, Inc., Baltimore, Maryland, CON File #18-9-11492-X, for the addition of 24 licensed residential child care beds in Berkeley County.

November 16, 2018 - Dumas Psychology Collective, LLC, Beckley, Raleigh County, CON File #18-1-11496-X, for the development of a licensed behavioral health center in Beckley, Raleigh County.

AMENDED EXEMPTION APPLICATION APPROVED

November 14, 2018 - Ten Up Ministries, Inc. d/b/a The Anchor Project, Saint Albans, Kanawha County, CON File #18-3-11376, for the development of a residential substance abuse treatment program in Kanawha County. An amended decision was requested due to a change in location for the project to 1213 Ohio Avenue, Dunbar, Kanawha County.

CERTIFICATE OF NEED APPROVALS ISSUED

November 15, 2018 - Chesapeake Healthcare Center, LLC, Charleston, Kanawha County, CON File #18-3-11419-P, for the development of an ambulatory health care center in Kanawha County; capital expenditure: $9,000.

November 15, 2018 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #18-7-11436-A, for the acquisition of Braxton County Memorial Hospital and any related facilities and for the designation of all Braxton County Memorial Hospital's licensed beds as both acute care and skilled nursing; capital expenditure: $12,500,000.

November 15, 2018 - Wheeling Hospital, Wheeling, Ohio County, CON File #18-10/11-11440-A, for the acquisition of the home health agency operated by Alternative Home Health, Inc. out of an office in Wheeling, Ohio County; capital expenditure: $1,420,000.

November 16, 2018 - Service Station, Poca, Putnam County, CON File #18-1/2/3/5-11426-BH, for the of Title XIX IDD Waiver Services in Putnam, Kanawha, Cabell, Jackson, Wood, Boone, Logan and Raleigh; capital expenditure: $10,000.

NOTICE OF SUBSTANTIAL COMPLIANCE

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

November 14, 2018 - The Evangelical Lutheran Good Samaritan Society, Inc. d/b/a Good Samaritan Society-Barbour County, Belington, Barbour County, CON File #18-7-11416-P, for the provision of outpatient physical, occupational, speech and other therapy services to non-residents at the existing location, which is 216 Samaritan Circle, Belington, Barbour County; capital expenditure: $16,000.

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

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

FILED
2018 NOV 16 A 11:01
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

ADMINISTRATIVE NOTICE 2018-23

Notice of Determination of Average Wholesale Price of Motor Fuel for the Period of January 1, 2019 to December 31, 2019 for the Purposes of the West Virginia Motor Fuel Excise Tax.

This Administrative Notice sets forth the determination of the average wholesale price of conventional motor fuels and "alternative" motor fuels for the 2019 calendar year. The West Virginia Motor Fuel Excise Tax is composed of a flat rate equal to $0.205 per invoiced gallon or, for alternative fuel, per each gasoline gallon equivalent, plus a variable component of 5 percent of the average wholesale price of each fuel.

Alternative fuel includes butane, compressed natural gas (CNG), liquefied natural gas (LNG), liquefied petroleum gas (LPG or propane), and other specified fuels. For information regarding the determination of the gasoline gallon equivalent for alternative fuels, please see Administrative Notice 2015-25.

Notice is hereby issued, in accordance with Section 11-14C-5 of the West Virginia Code and based upon available information for the preceding review period, that the average wholesale prices of motor fuels for purposes of the Motor Fuel Excise Tax for the period beginning January 1, 2019 and ending December 31, 2019, inclusive, are as follows:

Table 1: Average Wholesale Prices for January 1, 2019 to December 31, 2019

Motor Fuel	Average Wholesale Price
Conventional Motor Fuels*	$3.040 per gallon
Compressed Natural Gas (CNG)	$4.976 per 1,000 cubic feet
Liquefied Natural Gas (LNG)	$0.406 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$1.114 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

The calculations of average wholesale prices as shown above include data from the Oil Price Information Services (OPIS) for conventional motor fuels and liquefied petroleum gas (LPG or Propane) and the U.S. Energy Information Administration (EIA) for natural gas. All references to cubic feet (CF) are based on measurement at standard pressure and temperature of 14.73 pounds of pressure per square inch at 60° Fahrenheit.

Motor Fuel Excise Tax Rates: January 1, 2019 – December 31, 2019

Conventional Motor Fuels

For conventional motor fuels, including gasoline, diesel, kerosene, and related products, the **average wholesale price** shall be $3.040 per gallon for the referenced period, inclusive. The **variable component** computed thereon shall be $0.152 per gallon ($3.040 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on conventional motor fuels is $0.205 per gallon resulting in a **combined tax rate of $0.357 per gallon**. This average wholesale price per gallon ($3.040), the variable component tax computed thereon ($0.152 per gallon), and the flat rate component ($0.205 per gallon) shall apply to all gallons of gasoline, diesel, kerosene, and related products sold, purchased, or used in this State during the period beginning January 1, 2019 and ending December 31, 2019, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $3.040 per gallon.

Compressed Natural Gas (CNG)

For compressed natural gas, the **average wholesale price** shall be $4.976 per 1,000 cubic feet (CF) for the referenced period, inclusive. The **variable component** computed thereon shall be $0.249 per 1,000 cubic feet ($4.976 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on compressed natural gas is $1.618 per 1,000 cubic feet of compressed natural gas, determined as follows:

$$\frac{\$0.205 \text{ per gal. conv. fuel}}{126.67 \text{ CF of CNG GGE}} = \$0.001618378 \text{ GGE per CF} \times 1{,}000 \text{ CF} = \$1.618 \text{ per } 1{,}000 \text{ CF CNG}$$

The **combined tax rate shall be $1.867 per 1,000 cubic feet**. This average wholesale price per 1,000 cubic feet ($4.976), the variable component tax computed thereon ($0.249 per 1,000 cubic feet), and the flat rate component ($1.618 per 1,000 cubic feet) shall apply to all units of compressed natural gas sold, purchased, or used in this State during the period beginning January 1, 2019 and ending December 31, 2019, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $4.976 per 1,000 per cubic feet. The tax rates for compressed natural gas specified in terms of the gasoline gallon equivalent (GGE) (126.67 cubic feet or 5.66 pounds) are shown in Table 2.

Liquefied Natural Gas (LNG)

For liquefied natural gas, the average wholesale price shall be $4.976 per 1,000 cubic feet for the referenced period, inclusive. The **average wholesale price** of liquefied natural gas in terms of GGE LNG gallons shall be $0.406 per gallon ($4.976 per 1,000 CF ÷ 1,000 CF × 126.67 CF per 1.554 gallons). The **variable component** computed thereon shall be $0.020 per gallon of LNG ($0.406 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied natural gas is $0.132 per gallon of liquefied natural gas, determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.554 \text{ gallons of LNG GGE}} = \$0.132 \text{ per gallon of LNG}$$

OTHER

The resulting **combined tax rate shall be $0.152 per gallon.** This average wholesale price per gallon ($0.406), the variable component tax computed thereon ($0.020 per gallon), and the flat rate component ($0.132 per gallon) shall apply to all gallons of liquefied natural gas sold, purchased, or used in this State during the period beginning January 1, 2019 and ending December 31, 2019, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.406 per gallon.

Liquefied Petroleum Gas (LPG or Propane)

For liquefied petroleum gas (LPG or propane), the **average wholesale price** shall be $1.114 per gallon for the referenced period, inclusive. The **variable component** computed thereon shall be $0.056 per gallon equivalent ($1.114 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied petroleum gas is $0.150 per gallon of liquefied petroleum gas, determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.367 \text{ gallons of LPG GGE}} = \$0.150 \text{ per gallon of LPG}$$

The resulting **combined tax rate shall be $0.206 per gallon.** This average wholesale price per gallon ($1.114), the variable component tax computed thereon ($0.056 per gallon), and the flat rate component ($0.150 per gallon) shall apply to all gallons of liquefied petroleum gas sold, purchased, or used in this State during the period beginning January 1, 2019 and ending December 31, 2019, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $1.114 per gallon.

Field Gas

Effective June 9, 2016, sales of field gas were exempted from the variable and flat rate components of the Motor Fuel Excise Tax per West Virginia Code §11-14C-9a, et seq.

Definition of Common Terms

For the purposes of this notice:

"Field equipment" means generators, compressors, engines, micro turbines, turbines, or any other motor or apparatus used to power drilling rigs, well head equipment, gas processing units, compressors or compressor stations, fractionating plants, or any other equipment or apparatus used directly or indirectly in the production, gathering, transportation, or processing of natural gas or natural gas liquids or associated products.

"Field gas" means natural gas or any derivative thereof, extracted from a production well,

TAX COMMISSIONER'S OFFICE
1001 LEE STREET, EAST, P. O. BOX 11771, CHARLESTON, WV 25339-1771
TELEPHONE (304) 558-0751
FAX (304) 558-8999

gathering system, pipeline, main, or transmission line that is used as motor fuel to power field equipment. The term "field gas" does not include compressed natural gas, liquefied natural gas, liquefied petroleum gas, or conventional motor fuels, as listed in this notice.

"GGE" means gasoline gallon equivalent.

"Natural gas" means a mixture of hydrocarbons (e.g., methane, ethane, or propane), produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperatures and pressure under ordinary conditions, composed of at least 70 percent methane by volume.

Table 2: Motor Fuel Excise Tax Rates for January 1, 2019 to December 31, 2019

Motor Fuel	Flat Rate Tax	Variable Rate Tax	Combined Rate
Conventional Motor Fuels*	$0.205 per gallon	$0.152 per gallon	$0.357 per gallon
Compressed Natural Gas (CNG)	$1.618 per 1,000 cubic feet	$0.249 per 1,000 cubic feet	$1.867 per 1,000 cubic feet
Compressed Natural Gas (CNG) – GGE Measure	$0.205 per 126.67 cubic feet	$0.032 per 126.67 cubic feet	$0.237 per 126.67 cubic feet
Liquefied Natural Gas (LNG)	$0.132 per gallon	$0.020 per gallon	$0.152 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.150 per gallon	$0.056 per gallon	$0.206 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a		

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

Notice of this determination will be filed in the West Virginia Register.

Issued: November 16, 2018

Dale W. Steager
Tax Commissioner

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