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

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	§§11-13EE-14, and 11-10-5	Written Comments Only: Mark S Morton P.O. Box 1005 Charleston, WV 25324 taxlegal@wv.gov

NO NEW EMERGENCY RULES WERE FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR 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	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
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TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
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TITLE	38	MINING AND RECLAMATION
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TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
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TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
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TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
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TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

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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)

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/7/2019 8/22/2019	7/8/2019 9/22/2019		7/23/2019				
Acupuncture (32-04)	Fees of the Board of Acupuncture Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019			
Acupuncture (32-14)	Auricular Detoxification Therapy Certificate Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019			
Acupuncture (32-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019			
Acupuncture (32-16)	Consideration of Prior Criminal Convictions In Initial Licensure Determinations Legislative	8/19/2019	9/19/2019		9/24/2019				
Administration (148-12)	Rules for the General Administration of Records Management and Preservation Legislative	6/24/2019	7/24/2019		7/26/2019				
Administration (148-13)	Rules for Retention and Disposal Scheduling Legislative	6/24/2019	7/24/2019		7/26/2019				
Administration (148-14)	Rules for the Management of Records Maintained by the Records Center Legislative	6/24/2019	7/24/2019		7/26/2019				
Administration (148-23)	Exemptions from Management Services Provided by the Fleet Management Division Legislative	5/3/2019	6/3/2019	4/5/2019 Effective 5/17/2019	7/8/2019				
Administration (148-24)	Financial Services Reporting Legislative	6/24/2019	7/24/2019		7/26/2019				
Agriculture (61-01)	Animal Disease Control Legislative	6/21/2019	7/22/2019		7/22/2019				
Agriculture (61-10)	Fresh Food Act Legislative	6/26/2019	7/26/2019	7/31/2019 Approved 8/2/2019	7/26/2019				
Agriculture (61-11B)	Auctioneers Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-13A)	Poultry- Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication Legislative	6/11/2019	7/10/2019		7/11/2019	Approved 9/26/2019			
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019			
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019		7/26/2019				
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019		7/26/2019				
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019		7/26/2019				
Agriculture (61-34)	Captive Cervid Farming Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 9/26/2019			
Agriculture (61-38)	Farmers Markets Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2019	7/9/2019		7/19/2019	Modified & Approved 9/26/2019			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Architects (2-01)	Registration of Architects Legislative	6/5/2019 8/22/2019	7/9/2019 9/22/2019		7/16/2019 9/24/2019				
Architects (2-03)	Fees for Registration of Architects Legislative	6/5/2019	7/9/2019		7/16/2019				
Auditor (155-06)	Local Government Purchasing Card Program Legislative	5/21/2019	6/20/2019		7/8/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Chiropractic Examiners (4-07)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019	Modified & Approved 9/26/2019			
Chiropractic Examiners (4-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/5/2019	9/9/2019		9/10/2019				
Coal Mine Health and Safety (36-01)	Rules and Regulations Governing Approvals and Permits, Explosives and Ventilation For The Construction of Shaft And/Or Slope Operations In The State Of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-03)	Rules and Regulations Governing The Certification and Statutory Duties of Shaft And/Or Slope Superintendent Examiner Foreman and Examiner Foreman Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-04)	Rules and Regulations Governing The Movement of Mining Equipment Within Coal Mines In The State of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-06)	Longwall Mining Legislative Exempt	9/5/2019	10/21/2019						
Community and Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	4/29/2019	5/30/2019	4/29/2019 Effective 4/29/2019	6/3/2019				
Conservation Agency (63-03)	State Conservation Committee Grant Program Legislative	5/30/2019	6/29/2019		7/10/2019				
Counseling (27-13)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/26/2019	Modified & Approved 9/26/2019			
Dentistry, WV Board of (5-01)	Rule for the West Virginia Board of Dentistry Legislative	5/31/2019 7/26/2019	7/1/2019 8/26/2019		7/19/2019 9/20/2019				
Dentistry, WV Board of (5-08)	Dental Advertising Legislative	5/31/2019	7/1/2019		7/19/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Development Office (145-15)	Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative	6/17/2019	7/17/2019	7/18/2019 Approved 7/30/2019	7/18/2019				
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	7/29/2019	8/29/2019		8/30/2019	Modified & Approved 9/26/2019			
Dietitians (31-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/24/2019	7/25/2019		7/25/2019	Modified & Approved 9/26/2019			
Election Commision (146-01)	Corporate and Membership Organization Political Activity Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019				
Election Commission (146-03)	Regulation of Campaign Finance Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019				
Environmental Protection - Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/5/2019	7/8/2019		7/25/2019				
Fire Commission (87-01)	Fire Code Legislative	6/13/2019	7/16/2019		7/25/2019				
Fire Commission (87-04)	State Building Code Legislative	6/13/2019	7/16/2019		7/25/2019				
Forestry (22-02)	Sediment Control During Commerical Timber-Harvesting Operations-Licensing Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019				
Forestry (22-03)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019				
Funeral Service Examiners (6-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019	7/18/2019		7/23/2019	Modified & Approved 9/26/2019			
Funeral Service Examiners (6-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/22/2019	9/22/2019						

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEAACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Health (64-03)	Public Water Systems Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-13) Withdrawn 9/20/2019	Nursing Home Licensure Rule Legislative	6/14/2019	7/12/2019 Extended to: 7/22/2019		7/25/2019				
THE ABOVE RULE HAS BEEN WITHDRAWN									
Health (64-30)	Fees for Permits Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-32)	Vital Statistics Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-48)	Emergency Medical Services Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-70)	Primary Care Center Uncompensated Care Grants Legislative	6/21/2019	7/22/2019		7/25/2019				
Health (64-71)	Primary Care Seed Money Grants Legislative	6/26/2019	7/26/2019		7/26/2019				
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/21/2019	7/22/2019	4/3/2018 Effective 4/3/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019			
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019			
Health (64-111)	Medical Cannabis Program Laboratories Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019			

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AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEAACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Health (64-112)	Medical Cannabis Program Dispensiaries Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019			
Health (64-113)	Medical Cannabis Program Safe Harbor Letter Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/24/2019				
Heath and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/17/2019	7/17/2019	6/19/2019 Effective 7/31/2019	7/22/2019				
Health Care Authority (65-09)	Critical Access Hospitals Legislative	6/13/2019	7/15/2019		7/16/2019				
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fee for Certain Individuals Legislative	6/24/2019	7/24/2019		7/25/2019	Modified & Approved 9/26/2019			
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019						
Higher Education Policy Commission (133-03)	Higher Education Report Card Legislative	6/17/2019	7/17/2019						
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019				
Highways (157-06)	Use of State Road Rights of Way and Adjacent Areas Legislative	6/27/2019	7/29/2019		7/29/2019				
Highways (157-07)	Transportation of Hazardous Wastes Upon the Roads and Highways Legislative	6/26/2019	7/26/2019		7/26/2019				
Highways (157-13)	Small Wireless Facilities on Division of Highways Rigts-of-Way Legislative	6/27/2019	7/29/2019		7/29/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-02)	Child Placing Agencies Licensure Legislative	6/17/2019	7/17/2019	8/16/2019 ERD by 9/27/2019	7/26/2019				
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia Legislative	6/18/2019	7/18/2019	8/16/2019 ERD by 9/27/2019	7/26/2019				
Human Services (78-24)	Qualifications for a Provisional License to Practice As A Social Worker Within the Department of Health and Human Resources Legislative	6/18/2019	7/18/2019		7/24/2019				
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative				9/4/2019 Sunset Extension				
Insurance Commission (114-24)	Medicare Supplement Insurance Legislative	6/10/2019	7/10/2019		7/26/2019				
Insurance Commission (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019				
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	9/18/2019	10/17/2019						
Labor (42-19) Withdrawn 9/23/2019	West Virginia Manufactured Housing Construction and Safety Standards Board Legislative	6/11/2019	7/11/2019		7/18/2019				
THE ABOVE RULE HAS BEEN WITHDRAWN									
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019				
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/10/2019	7/11/2019		7/17/2019				
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	6/24/2019	7/24/2019		7/25/2019				
Landscape Architects (9-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Massage Therapy Licensure Board (194-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019			
Massage Therapy Licensure Board (194-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/19/2019	9/19/2019		9/24/2019				
Medical Imaging and Radiation Therapy Tech. Bd. of Exam. (18-01)	WV Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/5/2019 8/26/2019	7/7/2019 9/27/2019		7/25/2019				
Medicine (11-01B)	Licensure, Disciplinary and Compliant Procedures, Continuing Education, Physician Assistants Legislative	6/19/2019	7/19/2019	6/19/2019 Amendment 7/25/2019 Approved 7/30/2019	7/25/2019	Modified & Approved 9/26/2019			
Medicine (11-13)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/19/2019	7/19/2019		7/25/2019	Modified & Approved 9/26/2019			
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/19/2019	7/19/2019	6/19/2019 Effective 7/31/2019	7/25/2019				
Miners Health Safety and Training (56-22)	Rules Governing the Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors Legislative	6/19/2019	7/19/2019	6/19/2019 Effective 7/31/2019	7/25/2019				
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Rule Legislative	6/5/2019	7/8/2019		7/25/2019				
Mining and Reclamation (38-02F)	Groundwater Protection Rules Coal Mining Operations Legislative	6/5/2019	7/8/2019		7/25/2019				
Motor Vehicles (91-15)	Safety and Treatment Program Legislative	7/17/2019	8/16/2019	7/16/2019 Approved 7/30/2019	8/19/2019				
Motor Vehicles (91-24)	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative	6/27/2019	7/29/2019	6/27/2019 Effective 8/8/2019	7/29/2019				
Municipal Bond Commission (109-02)	Rules Covering Meetings of the WV Municipal Bond Commission Procedural	6/27/2019	7/29/2019					8/21/2019	10/1/2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-16)	Transporting and Selling Wildlife Pelts and Parts Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-25)	Boating Rule Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-26)	Special Boating Rules Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-28)	Special Requirements Concerning Boating Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-32)	Public Use of Campgrounds in West Virginia State Parks and State Forests, and Campsites in State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-34)	Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-46)	Defining of Terms Used In All Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/24/2019				
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-61)	Special Fishing Rule Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-62)	Catching and Selling Bait Fish Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-65)	Falconry Legislative	6/10/2019	7/10/2019		7/24/2019				
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019		7/3/2019	Approved 9/26/2019			
Occupational Therapy (13-07)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019		7/3/2019	Modified & Approved 9/26/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Oil & Gas Conservation Commission (39-01)	Rules of The Commission Legislative	6/14/2019	7/16/2019	6/14/2019 Withdrawn 7/26/2019	7/25/2019				
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/26/2019 8/29/2019	7/26/2019 9/29/2019		7/26/2019				
Osteopathic Medicine (24-02)	Osteopathic Phyician Assistants Legislative	6/28/2019	7/29/2019	6/28/2019 Amendment 7/31/2019 Approved 8/5/2019	7/31/2019				
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019		7/30/2019				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019		7/26/2019				
Pharmacy (15-04)	Record Keeping and Automated Data Processing Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019			
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/26/2019 8/15/2019	7/26/2019 9/16/2019		7/26/2019	Modified & Approved 9/26/2019			
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 9/26/2019			
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019			
Pharmacy (15-16)	Licensure and Practice of Pharmacist Care Legislative	8/15/2019	9/16/2019						
Pharmacy (15-18)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	8/30/2019	9/30/2019						
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	8/30/2019	9/30/2019						
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/24/2019	8/26/2019		9/23/2019				
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/25/2019	8/26/2019		9/23/2019				
Physical Therapy (16-09)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/4/2019	7/5/2019		7/18/2019				
Professional Engineers (7-01)	Examination, Licensure and Practice of Professional Engineers Legislative	6/18/2019 8/19/2019	7/19/2019 9/18/2019		7/24/2019 9/20/2019				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/4/2019 8/12/2019	7/9/2019 9/13/2019		7/15/2019 9/17/2019				
Psychologists (17-07)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/30/2019	9/30/2019						
Public Defender Services (89-01)	Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys Legislative	5/20/2019	6/21/2019	5/21/2019 Effective 7/2/2019	7/22/2019				
Public Service Commission (150-33)	Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt	9/6/2018 03/13/2019	11/8/2018 04/30/2019						
Racing Commission (178-01)	Throughbred Racing Legislative	6/10/2019	7/10/2019		7/18/2019				
Real Estate Appraiser Licensing & Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/26/2019 8/6/2019	7/26/2019 9/6/2019		7/26/2019 9/9/2019				
Real Estate Commission (174-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/31/2019	6/30/2019		7/2/2019	Modified & Approved 9/26/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Commission (174-07)	Conisderation of Prior Criminal Convictions In Initial License Eligibility Determination Legislative	8/27/2019	9/26/2019						
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Constituting Professional Misconduct Legislative	8/29/2019	9/30/2019						
Registered Professional Nurses (19-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019		8/22/2019	Modified & Approved 9/26/2019			
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019		6/27/2019	Modified & Approved 9/26/2019			
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019	Modified & Approved 9/26/2019			
Sanitarians (20-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019 8/29/2019	7/19/2019 9/29/2019		7/23/2019				
School Building Authority of WV (164-01)	Policy and Procedures Handbook of the School Building Authority of WV Procedural	6/5/2019	7/5/2019					9/5/2019	10/7/2019
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	8/27/2019	9/26/2019		9/27/2019				
Social Work Examiners (25-03)	Fee Schedule Legislative	6/5/2019	7/5/2019		7/10/2019	Modified & Approved 9/26/2019			
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019		6/28/2019				
Speech-Language Pathology and Audiology (29-04)	Disciplinary & Complaint Procedures for Speech-Language Pathology & Audiology Legislative	8/8/2019	9/13/2019		9/17/2019				
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/13/2019	7/13/2019		7/15/2019				
Tax (110-13AC)	Reduced Serverance Tax Rates for Thermal or Steam Coal Interpretive	7/22/2019	8/22/2019					9/11/2019	10/11/2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-15C)	Consumers Sales and Service Tax and Use Tax Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per SE Exemption; Motor Vehicles Per SE Exemption Legislative	6/13/2019	7/13/2019		7/16/2019				
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	9/26/2019	10/26/2019						
Tax (110-43)	Special Valuation Method for Certain Wireless Technolgy Property Interpertive	7/3/2019	8/2/2019						
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/13/2019	7/13/2019		7/15/2019				
Veterinary Medicine (26-01)	Organization and Operation and Licenisng of Veterinarians Legislative	8/7/2019	9/8/2019		9/9/2019				
Veterinary Medicine (26-03)	Registration of Veterinary Technicians Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019				
Veterinary Medicine (26-06)	Schedule of Fees Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019				
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019		7/25/2019				
Water Resources, Div. of Water & Waste Mgmt. (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	3/21/2019	5/6/2019						
Workers Compensation (85-12)	Comprise & Settlement of Workers' Compensation Issues Legislative Exempt	8/19/2019	9/19/2019						

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/24/2019 3:35:06 PM
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: Acupuncture TITLE-SERIES: 32-16

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

RULE NAME: 32-16 Consideration of Prior Criminal Convictions in Initial Licensure Determinations

PRIMARY CONTACT

NAME: Linda Lyter

ADDRESS: 179 Summers Street Suite 711
Charleston, WV 25301

EMAIL: linda_lyter@frontier.com

PHONE NUMBER: 304-558-1060

CITE STATUTORY AUTHORITY: §30-1-24 and §30-36-7

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:

Passage of HB 118 during special session

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/19/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/19/2019

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
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ADMINISTRATIVE LAW DIVISION

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9/24/2019 2:22:07 PM
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: Architects TITLE-SERIES: 2-01

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

RULE NAME: 2-01 Registration of Architects

PRIMARY CONTACT

NAME: West Virginia Board of Architects

ADDRESS: 405 Capitol Street
Mezzanine Suite 3
Charleston, WV 25301

EMAIL: emily.b.papadopoulos@wv.gov

PHONE NUMBER: 304-558-1406

CITE STATUTORY AUTHORITY: 30-12-1, 30-1-4, 30-1-24

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:

This comment period and changes are only in response to the WV Legislature creating 30-1-24 in consideration of prior criminal convictions in initial licensure determinations.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/22/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/22/2019

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

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9/20/2019 10:51:37 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

LEGISLATIVE

AGENCY: Dentistry WV Board of TITLE-SERIES: 5-01

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

RULE NAME: 5-01 Rule for the West Virginia Board of Dentistry

PRIMARY CONTACT

NAME: Suan Combs

ADDRESS: PO Box 1447

Crab Orchard, WV 25827

EMAIL: wvbde@suddenlinkmail.com

PHONE NUMBER: 304-252-8266

CITE STATUTORY AUTHORITY: W. Va. Code §30-4- 5 & 6, W. Va. Code §30-1-23 &24, and W. Va. Code §30-1D-1(d).

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:

§30-4-5 & 6 are provisions of the Dental Practice Act are the powers of the Board and Rule Making Authority sections. §30-1-23 & 24 are the provisions concerning the Waiver of Initial licensing fees and the Use of Criminal Records sections. §30-1D-1(d) is the section of Lynette's Law authorizing rule making for Boards concerning the requirement of criminal background checks for initial licensure applicants. This rule requires a waiver of initial licensure application fees to low-income individuals, and military families as defined in the rule and set-forth in statute. The rule implements the provisions of §30-1-24 in the use of criminal records as disqualification from authorization to practice.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/26/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/26/2019

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

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

FILED
2019 SEP 20 P 1:08
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

September 20, 2019

Maureen Lewis, Assistant Manager
West Virginia Secretary of State's Office
1900 Kanawha Boulevard East
Building 1, Room 157K
Charleston, West Virginia 25305

Re: Proposed Legislative Rule 64 CSR 13

Dear Ms. Lewis:

The Department of Health and Human Resources requests the following proposed legislative rule be removed from the Legislative Rule-Making Review Committee Agenda:

- 64 CSR 13: Nursing Home Licensure

Thank you for your assistance in this matter. Should you have questions or require additional clarifications, please contact me at the number below.

Sincerely,

Bill J. Crouch
Cabinet Secretary

cc: Jolynn Marra, Interim Inspector General

WEST VIRGINIA MANUFACTURED HOUSING AND SAFETY BOARD

Telephone: (304) 558-7890 *labor.wv.gov* *Fax: (304) 558-2447*

FILED LEGISLATIVE

2019 SEP 23 A 10:28

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

September 18, 2019

The Honorable Mac Warner
Secretary of State
1900 Kanawha Boulevard East
Building 1, Suite 157-K
Charleston, WV 25305

Dear Secretary Warner:

Please withdraw the proposed agency-approved legislative rule 42 CSR 19, "West Virginia Manufactured Housing Construction and Safety Standards Board," filed on July 18, 2019.

If you have any questions, please do not hesitate to contact me at 558.7890.

Sincerely,

Mitchell E. Woodrum

Mitchell E. Woodrum, Chair

SEP 23 2019

1900 Kanawha Boulevard East - State Capitol Complex - Building 3, Room 200 - Charleston, West Virginia 25305

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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9/24/2019 3:59:16 PM
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: Massage Therapy Licensure Board TITLE-SERIES: 194-06

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

RULE NAME: 194-06 Consideration of Prior Criminal Convictions in Initial Licensure Determinations

PRIMARY CONTACT

NAME: Linda Lyter

ADDRESS: 179 Summers Street Suite 711
Charleston, WV 25301

EMAIL: linda_lyter@frontier.com

PHONE NUMBER: 304-558-1060

CITE STATUTORY AUTHORITY: §30-1-24 and §30-37-6

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:

Passage of HB 118 during special session

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/19/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/19/2019

COMMENTS RECEIVED: No

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

PUBLIC HEARING:

(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

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9/23/2019 9:38:15 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: Physical Therapy TITLE-SERIES: 16-05

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

RULE NAME: 16-05 General Provisions for Athletic Trainers

PRIMARY CONTACT

NAME: Nonnie S Ramsey Executive Director

ADDRESS: 2 Players Club Drive Suite 102

Charleston, WV 25311

EMAIL: wvbopt@wv.gov

PHONE NUMBER: 304-558-0367

CITE STATUTORY AUTHORITY: W. Va. Code §30-20A-1 et. seq.

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:

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/24/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/26/2019

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

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9/23/2019 11:08:22 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: Physical Therapy TITLE-SERIES: 16-06

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

RULE NAME: 16-06 Fees for Athletic Trainers

PRIMARY CONTACT

NAME: Nonnie S Ramsey Executive Director

ADDRESS: 2 Players Club Drive Suite 102

Charleston, WV 25311

EMAIL: wvbopt@wv.gov

PHONE NUMBER: 304-558-0367

CITE STATUTORY AUTHORITY: W. Va. Code §30-20A-1 et. seq.

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:

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/25/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/26/2019

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
9/20/2019 12:24:55 PM
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: Professional Engineers TITLE-SERIES: 7-01

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

RULE NAME: 7-01 Examination, Licensure and Practice of Professional Engineers

PRIMARY CONTACT

NAME: Lesley Rosier-Tabor

ADDRESS: 300 Capitol Street Suite 910
Charleston, WV 25301

EMAIL: lesley@wvpebd.org

PHONE NUMBER: 304-558-3554

CITE STATUTORY AUTHORITY: W.Va. Code 30-13-9, 13, 14, 15, 16, 17, 18, 19

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:

This second agency Rule filing is in response to passage of HB118, regarding use of criminal records as disqualification from authorization to practice, which occurred during the recent WV Legislative Special Session. This bill requires all Chapter 30 Boards to propose rules to existing rules for legislative approval to comply with the provisions of the bill within the applicable time limit to be considered by the Legislature during its regular session in the year 2020.

The purpose of the additional changes to this series were previously submitted on June 18, 2019 for public comment, with required comment period ending on July 19, 2019, and the Notice of Agency Approval of the Proposed Rule and Filing with the Legislative Rule-Making Review Committee eFiled on July 24, 2019 and the remainder of the information below was previously submitted.

These proposed changes are needed to incorporate necessary updates due to 2019 Legislative action, specifically SB396 for low income and military family fee waivers, and to keep current with our national PE examination changes and reduce the regulatory burden by allowing flexibility of when an applicant can sit for the PE exam. W.Va. Code 30-13-9 grants the WV Board of Registration for Professional Engineers the authority to promulgate and adopt rules of professional responsibility for professional engineers.

In addition, the Board is recommending removal of the PE Re-application fee based on the new PE exam procedural changes and a fee decrease for larger engineering firms renewing or reinstating their firm COA licenses. W.Va. Code 30-13-14(c) granted the Board the ability to set fees for registration and certification by promulgating legislative rules under the provisions of Article 3, Chapter 29-a of the WV Code.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/19/2019

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/27/2019 8:02:50 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: Social Work Examiners TITLE-SERIES: 25-01

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

RULE NAME: 25-01 Qualifications for the Profession of Social Work

PRIMARY CONTACT

NAME: Vickie James

ADDRESS: PO Box 5459
1124 Smith St Ste B 200
Charleston, WV 25361

EMAIL: admin@wvsocialworkboard.org

PHONE NUMBER: 304-400-4980

CITE STATUTORY AUTHORITY: §30-30-6

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:

This rule change is proposed to comply with HB 118 passed in the Special Session on June 17, 2019. WV Code §30-1-24 (c) requires Chapter 30 Boards to develop rules to address consideration of prior criminal convictions in initial licensure determinations. The Board's rule making authority is defined in §30-30-6

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/27/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/26/2019

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

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9/26/2019 11:25:55 AM

Office of West Virginia Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

INTERPRETIVE

AGENCY: Tax TITLE-SERIES: 110-21F

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

RULE NAME: THE COAL SEVERANCE TAX REBATE

CITE STATUTORY AUTHORITY: W. Va. Code §§11-13EE-14, and 11-10-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/26/2019 10:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: MARK S MORTON

ADDRESS: P.O. BOX 1005

CHARLESTON, WV 25324

EMAIL: taxlegal@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: Yes

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

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

FILED
2019 SEP 26 P 2:32
WEST VIRGINIA
SECRETARY OF STATE

LRMRC

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Linda Lyter Linda_Lyter@frontier.com
Board of Acupuncture
179 Summers Street, Suite 711
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Fees of the Board of Acupuncture, 32-04

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

FILED
2019 SEP 26 P 2:32
WEST VIRGINIA
SECRETARY OF STATE

James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Linda Lyter Linda_Lyter@frontier.com
Board of Acupuncture
179 Summers Street, Ste. 711
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Auricular Detoxification Therapy Certificate, 32-14

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Senator Mark Maynard, Co-Chair
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James Fuerhoff, Director

LRMRC

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Linda Lyter Linda_Lyter@frontier.com
Board of Acupuncture
179 SUmmers Street, Suite 711
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certain Individuals, 32-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
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Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Madison Birchfield RulesComments@wvda.us
Agriculture
1900 Kanawha Boulevard, East
State Capitol, Room E-28
Charleston, WV, 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Auctioneers, 61-11B

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

LRMRC

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Madison Birchfield Mbirchfield@wvda.us
Agriculture
1900 Kanawha Blvd. East
State Capitol Building 1, Room E-28
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Poultry Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication, 61-13A

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
   - (B) as modified by the agency —
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Madison Birchfield RulesComments@wvda.us
Agriculture
1900 Kanawha Boulevard, East
State Capitol, Room E-28
Charleston, WV, 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Employment Reference and Inquiries and Background Checks, 61-20

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed —
   - (B) as modified by the agency — X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Madison Birchfield RulesComments@wvda.us
Agriculture
1900 Kanawha Boulevard, East
State Capitol, Room E-28
Charleston, WV, 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Captive Cervid Farming, 61-34

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
   - (B) as modified by the agency —
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

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James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Madison Birchfield RulesComments@wvda.us
Agriculture
1900 Kanawha Boulevard, East
State Capitol, Room E-28
Charleston, WV, 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Farmers Markets, 61-38

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed —
   - (B) as modified by the agency — X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins DEP.Comments@wv.gov
Department of Environmental Protection Air Quality
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Ambient Air Quality Standards, 45-08

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
   (B) as modified by the agency
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins Dep.Comments@wv.gov
Department of Environmental Protection Air Quality
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Standards of Performance for New Stationary Sources, 45-16

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
   (B) as modified by the agency
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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James Fuerhoff, Director

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

September 26, 2019

LRMRC

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins DEP.Comments@wv.gov
Department of Environmetal Protection Air Quality
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Control of Air Pollution From Hazardous Waste Treatment, Storage and Dispoal Facilities, 45-25

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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James Fuerhoff, Director

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins DEP.Comments@wv.gov
Department of Environmental Protection Air Quality
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Emission Standards for Hazardous Air Pollutants, 45-34

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
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2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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OFFICE WEST VIRGINIA SECRETARY OF STATE

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

LRMRC

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins Dep.Comments@wv.gov
Department of Environmental Protection Air Quality
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Control of Ozone Season Nitrogen Oxides Emissions, 45-40

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
   - (B) as modified by the agency —
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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2019 SEP 27 A 10:28

OFFICE WEST VIRGINIA SECRETARY OF STATE

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Barabara L. Johnson WVChiroBoard@outlook.com
West Virginia Board of Chiropractic Examiners
P.O. Box 8532
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certain Individuals, 4-07

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed —
   - (B) as modified by the agency — X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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2019 SEP 26 P 2:31
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LRMRC

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Roxanne Clay CounselingBoard@msn.com
Board of Examiners in Counseling
815 Quarrier Street, Suite 212
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certain Individuals, 27-13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

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SECRETARY OF STATE

James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: WV BOLD Jordyn Chapman WVBold@wv.gov
Dietitians
101 Dee Drive, Suite D
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure and Renewal Requirements, 31-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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LRMRC

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jordyn Chapman WVBold@wv.gov
Dietitians
101 Dee Drive, Suite D
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certain Individuals, 31-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Regina J. Anderson wvfuneralboard@hotmail.com
Funeral Service Examiners
179 Summers Street, Suite 319
Charleston, West Virginia 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Applications for Waiver of Initial Licensing Fees for Certain Individuals, 6-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

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STATE

September 26, 2019

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Heath McDaniel Heather.J.Mcdaniel@wv.gov
DHHR
One Davis Square, Suite 100
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Medical Cannabis Program - General Provisions, 64-109

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

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2019 SEP 26 P 3:11
James Fuerhoff, Director
STATE

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson April.L.Robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Medical Cannabis Program - Grower/Processors, 64-110

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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September 26, 2019

LRMRC

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson April.L.Robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Medical Cannabis Program - Laboratories, 64-111

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson April.L.Robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Medical Cannabis Program Dispensaries, 64-112

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   (A) as originally filed ____
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Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Kendra Zamora BoardofHearingAidDealers@frontier.com
Hearing Aid Dealers
179 Summers Street, Suite 715
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certain Individuals, 8-04

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Linda Lyter Linda_Lyter@frontier.com
Massage Therapy Licensure Board
179 Summers Street
Suite 711
Charleston, WV 25301

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From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certain Individuals, 194-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Spangler Mark.A.Spangler@wv.gov
Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure, Disciplinary and Complaint Procedures, Continuin Education, Physician Assistants, 11-01B

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Spangler Mark.A.Spangler@wv.gov
Board of Medicine
101 Dee Drive
Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants, 11-13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Vonda Malnikoff help@wvbot.org
Board of Occupational Therapy
1063 Maple Drive, Suite 4B
Morgantown, WV 26505

From: Legislative Rule-Making Review Committee

Proposed Rule: Fees For Services Rendered By The Board, 13-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
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2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
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September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Vonda Malnikoff Help@wvbot.org
Board of Occupational Therpay
1063 Maple Drive, Suite 4B
Morgantown, WV 26505

From: Legislative Rule-Making Review Committee

Proposed Rule: Application For Waiver Of Initial Licensing Fees For Certain Individuals, 13-07

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield Ryan.L.Hatfield@wv.gov
Pharmacy
2310 Kanawha Blvd E.
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Record Keeping and Automated Data Processing Systems, 15-04

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield Ryan.L.Hatfield@wv.gov
Pharmacy
2310 Kanawha Blvd E.
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Board of Pharmacy Rules for Registation of Pharmacy Technicians, 15-07

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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James Fuerhoff, Director

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September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield Ryan.L.Hatfield@wv.gov
Pharmacy
2310 Kanawha Blvd E.
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Board of Pharmacy Rules for Immunizations Administered by Pharmacists and Pharmacy Interns, 15-12

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield Ryan.L.Hatfield@wv.gov
Pharmacy
2310 Kanawha Blvd E
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Board of Pharmacy Rules for Centralized Prescription Processing, 15-14

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield Ryan.L.Hatfield@wv.gov
Pharmacy
2310 Kanawha Blvd East
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulations Governing Pharmacy Permits, 15-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield Ryan.L.Hatfield@wv.gov
Pharmacy
2310 Kanawha Blvd E.
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certain Individuals, 15-18

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jerry A. Forren Jerry.A.Forren@wv.gov
West Virginia Real Estate Commission
300 Capitol Street
Suite 400
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certain Individuals, 174-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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Senator Mark Maynard, Co-Chair
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James Fuerhoff, Director

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sue Painter Sue.A.Painer@wv.gov
Registered Professional Nurses
90 MacCorkle Avenue, SW, Suite 203
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certain Individuals, 19-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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James Fuerhoff, Director

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

LRMRC

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nancy Massey Nacy.j.massey@wv.gov
West Virginia Board of Respiratory Care
106 Dee Drive, Suite 1
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Amended Establishment of Fees, 30-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nancy Massey Nancy.J.Massey@wv.gov
West Virginia Board of Respiratory Care
106 Dee Street Drive Suite 1
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Amended Student Limited Permit, 30-09

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

LRMRC

September 26, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Vickie James, LCSW, ACSW, Executive Director: Admin@wvsocialworkboard.org
Board of Social Work
PO Box 5459
Charleston, WV 25361

From: Legislative Rule-Making Review Committee

Proposed Rule: Fee Schedule, 25-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:

   (A) as originally filed ____

   (B) as modified by the agency X

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____

3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____

4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____

5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

Orders Report

Docket Number	Agency	Respondent	Date Rendered
2018-DB-0010D, 2018-DB-0015D, 2018-DB-0046D, 2018-DB-0051D	Dentistry, WV Board of	Dennis P. King, Jr., DDS	9/19/2019
2018-DB-0011D	Dentistry, WV Board of	Justin Whetzel, DDS	9/19/2019
19-5-11695-X	Health Care Authority	Sistersville General Hospital	9/19/2019
19-1-11681-X	Health Care Authority	Bluestone Health Association, Inc.	9/19/2019
19-4-11531-H	Health Care Authority	The West Virginia Health Care Cooperative, Inc.	9/19/2019
19-3-11684-X	Health Care Authority	Herbert J. Thomas Memorial Hospital Association	9/19/2019
19-6-11687-X	Health Care Authority	West Virginia University Hospital, Inc.	9/19/2019
19-10-11699-X	Health Care Authority	Reynolds Memorial Hospital, Inc.	9/19/2019
19-1-11694-X	Health Care Authority	Community Health Systems, Inc.	9/18/2019
19-3-11697-X	Health Care Authority	Devaraj Behavioral Healthcare, PLLC	9/18/2019
19-2-11696-X	Health Care Authority	Tri-State Addiction Recovery Resources	9/17/2019
17-6-11256-H	Health Care Authority	United Hospital Center, Inc.	9/18/2019
17-6-10987-H	Health Care Authority	West Virginia University Hospitals, Inc.	9/19/2019
13-5-9948-H	Health Care Authority	Camden-Clark Memorial Hospital Corporation	9/19/2019

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2016-1073-BSC	Daniel Lee Frost	Bluefield State College	3/8/2017
2013-0122-WVU	David Marshall	West Virginia University	8/19/2019
2019-1211-DOA	Clifford Garnes	General Services Division	8/20/2019
2019-1632-CONS	Richard Vance	Environmental Protection	8/21/2019
2019-0260- DHHR	Deanna Michele Cobb	Health And Human Resources	8/21/2019
		Child Support Enforcement	8/21/2019
		Personnel	8/21/2019
2018-1223-LewED	Pamela Curtis	Lewis County Board Of Education	8/26/2019
2019-1185-MAPS	Shane Matthey Foutty	Corrections and Rehabilitation	8/26/2019
		Bureau of Prisons and Jails	8/26/2019
		Parkersburg Correctional Center and Jail	8/26/2019
2019-0089-LewED	Karen Shafer	Lewis County Board Of Education	8/26/2019
2018-0606-DHHR	L.Y.	Health And Human Resources	8/26/2019
		Children And Families	8/26/2019
2019-1394-KanEd	Bobby Pauley	Kanawha County Board Of Education	8/26/2019
2020-0001-DVA	Jodi Washington	Veterans Assistance	8/27/2019
2019-1213-DHHR	Samantha Rae Dunlavy	Health And Human Resources	8/28/2019
		William R. Sharpe, Jr. Hospital	8/28/2019
2019-0840-CONS	Jennifer Young, et al.	Greenbrier County Board Of Education	8/29/2019
2018-1328-LinED	Jonathan Escue	Lincoln County Board Of Education	8/30/2019
2019-1338-WVU	Barbara Copenhaver-Bailey	West Virginia University	9/6/2019
2018-0436-DOT	Steven Ray Messer	Highways	9/9/2019
2018-0935-CONS	Steven Ray Messer	Highways	9/11/2019
2019-0358-PSC	Donald Walker	Public Service Commission	9/12/2019

2019-0296-BraED	**Leatha G. Williams**	Braxton County Board Of Education	9/13/2019
2019-0737-PSCWVU	**Samantha Jo Ashby**	West Virginia University Potomac State College	9/26/2019

OFFICE OF TAX APPEAL DECISIONS		
NO.	**SYNOPOSIS**	DATE ISSUED
15-362-SRDTC	In this case the Petitioner sought West Virginia's Strategic Research and Development Tax Credit. The Petitioner's business was the manufacturing of parts for other products. These parts were manufactured on an assembly line. Periodically the Petitioner would construct an entire new assembly line, and sought the tax credit for the labor costs of the design, construction and testing of this new assembly line. The Office of Tax Appeals ruled that the Petitioner was conducting the "design, refinement and testing of prototypes of new or improved products or equipment or the design, refinement and testing of manufacturing processes before commercial sales relating thereto have begun" as those terms were used in West Virginia Code Section 11-13R-3(b)(10).	2/27/2019
15-433 P 16-440 PM	In this case, the Petitioner, a member of the West Virginia National Guard sought the reducing modification contained in West Virginia Code Section 11-21-12e(a). The Office of Tax Appeals ruled that the statue was ambiguous, because two phrases were undefined and not explained by using the common ordinary meaning of the undefined terms. Those terms were "active duty" and "pursuant to an Executive Order of the President of the United States." The Office of Tax Appeals ruled that the Tax Commissioner's interpretation of the ambiguous statute was not clearly wrong nor arbitrary and capricious.	2/20/2019
17-142-RP	This case involved the denial of a personal income tax refund based on the claim being made past the statute of limitations. The Petitioner filed his 2012 taxes in April of 2016 without asking for any refunds, and in fact actually paid taxes to the State. In May 2017, the petitioner filed an amended return for his 2012 taxes, seeking the refund in question. This claim was denied based on WV Code 11-10-14 (a and l), basically stating that there is a 3-year time window in which one can file for such a claim. The Tax Department used this law, indicating the claim exceeded the statute of limitation. The Petitioner did not prevail in this matter and refund denial was affirmed.	2/8/2019
17-283 RP-M	Petitioner sought a refund for their 2011 taxes after what they claimed, were filed for on April 14, 2014. Their mail was sent to just WV STATE, with no formal address or PO Box. The Tax Department testified that the return was never received. The certified mail receipt stated delivered to Charleston, WV 25301 -no other information. Petitioner then mailed the return again in October 2016 using the full address and the Tax Department claims this mailing was received, nearly a full year past the statutory deadline of 3 years. This guideline being governed by WV code 11-10-15(a and l). Because there was a time determination of taxes due for refund, the Tax Department did agree to reimburse interest only. The Tax Department prevailed in this matter and the refund denial was affirmed.	4/9/2019

OFFICE OF TAX APPEAL DECISIONS		
NO.	**SYNOPOSIS**	DATE ISSUED
17-131 CU-M	In this matter, an officer assessment case, the Petitioner was involved only with the initial establishment of the business and the acquisition of the business ABCAA License. Petitioner was never involved in any financial transactions that were necessary in running the business. These duties were all carried out by another officer for the company. In fact, the Petitioner had moved away from the business and out of state some 2 years prior to the business closing. The Court ruled that it was fundamentally unfair to impose the back taxes owed on the Petitioner based on this person not having any hand in the financial operation of the business. The court felt the issue was subject to a fundamental fairness test." *Schmehl v. Helton*, Syl. Pt. 3, 222 W.Va. 98, 662 S.E.2d 697 (2008). The Petitioner prevailed in this matter with the assessment being vacated in full.	6/17/2019
15-368 RPD	Petitioner was issued an assessment after declaring a schedule M modification on his income tax filing claiming his income was that of law enforcement retirement funds entitled to same. Because Petitioner was a retired Department of Natural Resources Officer, his retirement income did not qualify under WV code for the exemption. Specifically, his law enforcement employment is not included among the other law enforcement and fire fighter entities that do qualify. In addition, the question of one's constitutional rights came into question, with respect to fair treatment under the law. However, it is generally revered that administrative tribunals under the executive branch of state government cannot declare a statute unconstitutional – that practice is reserved for the higher courts. The Petitioner did not prevail in this matter simply because the Tax Department did not act in error and only adhered to the strict interpretation of the statute.	5/6/2019
16-416 CU-C	In this case the Petitioner sought the sales tax exemption for the provision of professional services contained in West Virginia Code Section 11-15-8. The Petitioner provided the services of federal tax return preparation (among other things). The Office of Tax Appeals ruled that the Tax Commissioner had not abused the discretion afforded him in Section 8.1.1.1 of Series 15, Title 110 of the West Virginia Code of State Rules. Specifically, the Office of Tax Appeals ruled that the Petitioner failed to prove that the activity of federal tax return preparation has a minimum level of education requirement, nationally recognized standards for performance, licensing requirements on the State and national level, or continuing education requirements, as those terms are used in Section 8.1.1.1.	3/22/2019

NOTICE OF PUBLIC COMMENT AND HEARING

FILED

2019 SEP 25 A 9:06

OFFICE WEST VIRGINIA SECRETARY OF STATE

OTHER

West Virginia Department of Environmental Protection
Second Maintenance Plan for the 1997 Ozone Nonattainment Areas
Charleston, WV (Comprising Kanawha and Putnam Counties)

The West Virginia Department of Environmental Protection (DEP), Division of Air Quality (DAQ) is soliciting comment and will hold a public hearing on the proposed *West Virginia Department of Environmental Protection Second Maintenance Plan for the Charleston, WV 1997 Ozone NAAQS Maintenance Area (Comprising Kanawha and Putnam Counties).*

The first Maintenance Plan for the Charleston area was approved by the United States Environmental Protection Agency (U.S. EPA) concurrent with the Charleston area redesignation to attainment with the 1997 Ozone National Ambient Air Quality Standard (NAAQS) effective August 10, 2006. Under Clean Air Act (CAA) section 175A(b), states must submit a revision to the first Maintenance Plan eight years after redesignation to attainment to provide for maintenance of the NAAQS for an additional ten years following the end of the first 10-year period. The second Maintenance Plan was delayed because the U.S. EPA's final implementation rule for the 2008 ozone NAAQS revoked the 1997 ozone NAAQS and removed the requirement for a second Maintenance Plan for areas that had been redesignated to attainment with the 1997 ozone NAAQS and were designated attainment with the 2008 ozone NAAQS. The D.C. Circuit (2018) in *South Coast Air Quality Management District v. EPA* vacated U.S. EPA's previous interpretation therefore, states must now submit Maintenance Plans for the second maintenance period.

Air quality monitoring data collected in this area continues to demonstrate attainment of the NAAQS. Historical and projected emissions show that existing state and federal requirements are sufficient to maintain the NAAQS in the Charleston area. The area has been designated attainment with both the 2008 and 2015 ozone NAAQS, which are more stringent than the 1997 ozone NAAQS.

The State of West Virginia is requesting that U.S. EPA approve a second 10-year Maintenance Plan for the Charleston area with respect to the 1997 8-hour ozone NAAQS. Once finalized the *Second Maintenance Plan for the Charleston, WV 1997 Ozone NAAQS Maintenance Area (Comprising Kanawha and Putnam Counties)* will be submitted to U.S. EPA for approval and incorporation as a revision to the State Implementation Plan (SIP).

A public hearing will be held at 6 PM, November 4th, 2019 at the following location:

West Virginia DEP Headquarters
Dolly Sods Conference Room (Room 1125)
601 57th Street, SE
Charleston, WV 25304

Written and oral comments will be accepted until the close of the hearing on November 4th, 2019 and will be made part of the formal record. Written comments will also be accepted for inclusion in the formal record by mail, facsimile, email or other delivery to the Division of Air Quality if postmarked or transmitted by 5:00 PM on November 4th, 2019. Please identify the document to which the comments apply, the commenter's name, address and telephone number. Send written comments to Laura M. Crowder, Director of the Division of Air Quality at the following address:

E-mail:	Sandra.K.Adkins@wv.gov
Mailing address:	West Virginia Department of Environmental Protection Division of Air Quality 601 57th Street SE Charleston, WV 25304
Fax:	(304) 926-0479

Copies of the proposed Maintenance Plan and documentation may be viewed on weekdays between 8:30 a.m. and 4:30 p.m. at the DEP Charleston office located at the above address, and may be viewed on the DAQ website under the Public Notice and Comment section: https://dep.wv.gov/daq/publicnoticeandcomment/Pages/default.aspx.

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

FILED OTHER

2019 SEP 27 A 9:20

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

September 23, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **September 20, 2019**.

LETTER OF INTENT RECEIVED

September 16, 2019 – Western Maryland Health System Corporation, Cumberland, Maryland, CON File #19-8-11703-P, for the establishment of the Hunt Club Medical Clinic facility located at 45 Hunt Club Drive, Ridgeley, Mineral County, as an ambulatory care center; capital expenditure: $35,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

September 16, 2019 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #19-3-11701-P, for the development of an ambulatory health care facility at 3257 Teays Valley Road, Hurricane, Putnam County; capital expenditure: $2,405,000.

APPLICATIONS FOR EXEMPTION RECEIVED

September 17, 2019 – Milan Puskar Health Right, Inc., Morgantown, Monongalia County, CON File #19-6-11704-X, for the development of the Milan Puskar Health Right Behavioral Health and MAT Services program in Monongalia County.

September 19, 2019 – Harmony Behavioral Health, Morgantown, Monongalia County, CON File #19-6-11709-X, for the development of a licensed behavioral health services center to be located at 1005 White Willow Way, Morgantown, Monongalia County.

September 19, 2019 – Hope for Tomorrow, LLC, Point Pleasant, Mason County, CON File #19-9-11710-X, for the establishment of a behavioral health center with an emphasis on residential treatment and detox for substance use disorder, as well as the provision of outpatient addiction and behavioral health services in Martinsburg, Berkeley County.

September 20, 2019 – New Hope 4 You, Bradley, Raleigh County, CON File #19-1-11711-X, for the development of a licensed behavioral health agency that provides specialized foster care including counseling services in Beckley, Raleigh County.

APPLICATION 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 APPLICATION

September 12, 2019 - NUSkool Scholars, LLC, Beaver, Raleigh County, CON File #19-1/3/4-11693-BH, for the provision of services to individuals with intellectual and developmental disabilities in Fayette, Kanawha, McDowell, Mercer, Raleigh, Summers and Wyoming counties; no capital expenditure.

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

September 16, 2019 – Review cycle begins;

October 16, 2019 – 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;

October 21, 2019 – 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;

November 15, 2019 – Decision on the project will be issued by the Authority.

ORDER TO WITHDRAW CON ISSUED

September 19, 2019 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #17-6-10987-H, for the acquisition of two adjacent parcels of property totaling approximately 32.5 acres near the new interchange being constructed on Interstate-79 (I-79) between exits 152 and 155 in Morgantown, West Virginia; capital expenditure: $14,500,000.

PROJECTS DETERMINED NOT REVIEWABLE

September 17, 2019 – Tri-State Addiction Recovery Resources, Huntington, Cabell County, CON File #19-2-11696-X, for the expansion of its current office space to include an adjoining space, Suite 102. Tri-State Addiction Recovery Resources currently occupies Suites 103 and 104; no capital expenditure.

September 19, 2019 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #19-6-11687-X, for the renovation of its emergency department's triage and waiting areas; capital expenditure: $2,400,000.

September 19, 2019 – Sistersville General Hospital, Sistersville, Tyler County, CON

File #19-5-11695-X, for the designation of an existing ambulatory health care facility located at 201 Second Street, St. Mary's, Pleasants County, as a rural health clinic; no capital expenditure.

September 19, 2019 – Reynolds Memorial Hospital, Glen Dale, Marshall County, CON File #19-10-11699-X, for the development of a delivery room within the birthing center; capital expenditure: $1,000,000.

EXEMPTION APPLICATIONS APPROVED

September 18, 2019 - Community Health Systems, Inc., Beckley, Raleigh County, CON File #19-1-11694-X, for the development of a school-based clinic located at 351 4H Lake Road, Daniels, Raleigh County.

September 18, 2019 - Devaraj Behavioral Healthcare, PLLC, South Charleston, Kanawha County, CON File #19-3-11697-X, for the establishment of a licensed behavioral health center to be located in South Charleston, Kanawha County.

September 19, 2019 - Bluestone Health Association, Inc. d/b/a Bluestone Health Center, Princeton, Mercer County, CON File #19-1-11681-X, for the addition of digital x-ray.

September 19, 2019 - Herbert J. Thomas Memorial Hospital Association d/b/a Thomas Memorial Hospital, South Charleston, Kanawha County, CON File #19-3-11684-X, for the development of a residential alcohol and drug treatment program located at Saint Francis Hospital located in Charleston, Kanawha County.

NOTICES OF SUBSTANTIAL COMPLIANCE

The following projects have been implemented in substantial compliance with the decisions issued in these matters and the case files are now closed.

September 18, 2019 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #17-6-11256-P, for the development of an ambulatory health care facility in Marion County through the provision of specialty physician services; capital expenditure: $5,993.

September 19, 2019 - Camden-Clark Memorial Hospital Corporation, Parkersburg, Wood County, CON File #13-5-9948-H, for the consolidation of all services of Camden-Clark Medical Center, a single hospital system in Parkersburg with two campuses, onto one campus; capital expenditure: $40,839,154.

September 19, 2019 - West Virginia Health Care Cooperative, Inc., Summersville, Nicholas County, CON File #19-4-11531-H, for becoming the licensed operator of Summersville Regional Medical Center and any related facilities and services; capital expenditure: $18,328,888.

OTHER

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

STATE OF WEST VIRGINIA
OFFICES OF THE INSURANCE COMMISSIONER
P.O. Box 50540
Charleston, WV 25305-0540

FILED
2019 AUG 19 P 3:33
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

OTHER

NOTICE OF PUBLIC HEARING REGARDING EXPORT LIST

NOTICE IS HEREBY GIVEN that the Insurance Commissioner of the State of West Virginia will hold a public hearing, at the time and place set forth below, concerning the renewal of the export list in the surplus lines area.

October 3, 2019
2:00 p.m.
Offices of the Insurance Commissioner
WV Lottery Building
900 Pennsylvania Avenue, Room 912
Charleston, WV 25302

THE HEARING ROOM IS ACCESSIBLE TO PERSONS WITH MOBILITY IMPAIRMENTS. IF ACCOMODATIONS NEED TO BE MADE FOR OTHER DISABILITIES, SUCH AS HEARING IMPAIRMENT, PLEASE PHONE THE CONTACT PERSON LISTED IN THIS NOTICE BY SEPTEMBER 25, 2019 SO ARRANGEMENTS CAN BE MADE.

EXPORT LIST

Pursuant to W.Va. Code of State Rules Section 114-20-7, the Commissioner may maintain an export list of insurance coverages and classes that may be placed with surplus lines insurers. Insurance coverages and classes included on the export list may be placed with surplus lines insurers without completing a diligent search of admitted carriers. The Commissioner may declare eligible for placement with a nonadmitted insurer and exempt from all the requirements of West Virginia Code of State Rules Section 114-20-3, any type of insurance coverage or risk for which he or she finds, after a public hearing, that there is not a reasonable or adequate market among admitted insurers.

Pursuant to this rule, the Commissioner has previously collected information on whether or not there is a reasonable or adequate market among admitted insurers for certain risks or coverages. The Department reviewed the export lists in other states. We contacted West Virginia surplus line brokers and surveyed them as to the risks most placed by them. We received industry input from admitted carriers. We also have held annual public hearings and solicited public comment from all interested parties including surplus line brokers, admitted insurers, trade associations representing admitted insurers, agents and brokers, and consumer groups to provide us with evidence of a lack of a reasonable or adequate market amongst admitted carriers for particular risks or coverages. After this process, the Insurance Commission adopted the EXPORT LIST which can be found on the Insurance Commission's website at www.wvinsurance.gov.

RENEWAL

A public hearing shall be held annually regarding the export list. The above noticed hearing is being set to take testimony on the export list to see if any items should be added or removed.

In preparing your comments and/or testimony please be aware that items not appearing on this list will still be exportable but subject to the full documentation of the search being performed pursuant to West Virginia Code Section 33-12C-5.

HEARING AND WRITTEN TESTIMONY

As stated before, this hearing is public and interested parties may testify as time permits. The hearing will be structured with time and place priority afforded to those who have signed-up in advance to speak. If you wish to sign-up in advance to speak, submit your written request to the contact person listed below.

PLEASE BE AWARE THAT IN ORDER FOR THE COMMISSIONER TO CONSIDER ADDING A RISK OR COVERAGE TO THE EXPORT LIST, THE COMMISSIONER MUST HAVE EVIDENCE THAT THERE IS NOT AN ADEQUATE OR REASONABLE MARKET FOR THE RISK OR COVERAGE IN THE ADMITTED MARKET. SUBMISSION OF A STATEMENT SIMPLY REQUESTING A RISK OR COVERAGE TO BE ADDED TO THE LIST WITHOUT OTHER SUPPORTING EVIDENCE OF THE LACK OF AN ADEQUATE OR REASONABLE ADMITTED MARKET WILL NOT BE ENOUGH FOR THE COMMISSIONER TO ADD A RISK OR COVERAGE TO THE LIST.

All written testimony, comments, or documents must be sent to the Offices of the Insurance Commissioner in triplicate (original and two copies) and received by the Offices of the Insurance Commissioner at the address given below no later than 5:00 p.m. on October 1, 2019. All written testimony received at the hearings will be considered part of the hearing record. The Offices of the Insurance Commissioner will not accept any written testimony, comments, or documents which are transmitted to it by facsimile.

Please direct any questions regarding this Notice of Public Hearing, opportunities to testify, and written submissions for the record, to:

Jayne Wurts
WV Offices of the Insurance Commissioner
P.O. Box 50540
Charleston, WV 25305-0540
(304) 558-6279, Ext. 3092

Dated: 08/19/2019

JAMES A. DODRILL
Insurance Commissioner

FILED

2019 SEP 18 P 1:09

Date: September 18, 2019

NOTICE OF COMMENT PERIOD ON A PROPOSED AUTOMOBILE LIABILITY INSURANCE RATE INCREASE

Pursuant to West Virginia Code Section **§33-20-4(l)**, a comment period has been established during which any interested person may submit written comments on the following proposed automobile liability insurance rate increase.

Insurance Company: CSAA FIRE & CASUALTY INSURANCE COMPANY

Proposed Rate Increase: 17.2 % to Liability

Insureds Affected: 832

The comment period will end on October 21,2019 at 4:30 p.m.

Only written comments will be accepted, our mailing address is:

John Mooney
Rates & Forms Division
Phone 304-558-2094
West Virginia Insurance Commission
P. O. Box 50540
Charleston, WV 25305-0540

OTHER

STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner

James A. Dodrill
Insurance Commissioner

FILED
2019 SEP 24 A 10:11

September 23, 2019

The Honorable Mac Warner
West Virginia Secretary of State
Building 12, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Re: Occupational Pneumoconiosis Board 2018-2019 Annual Report

Dear Secretary Warner:

Pursuant to West Virginia Code §23-1-17, I am submitting to you the Occupational Pneumoconiosis Board 2018-2019 Annual Report.

Should you have any questions, please feel free to contact Erin Hunter, General Counsel, at (304) 558-0401.

Sincerely,

James A. Dodrill
Insurance Commissioner

RECEIVED
SEP 24 2019

JAD/jz

Enclosure

cc: Members of the House & Senate
Members of the Occupational Pneumoconiosis Board
Lee Cassis, Clerk, WV State Senate
Steve Harrison, Clerk, WV House of Delegates

Executive Office
Post Office Box 50540
Charleston, West Virginia 25305-0540

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