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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Water Resources, Div. of Water and Waste Mgmt. (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	§22-11-7b(f)	Public Hearing: April 20, 2020, 6:00 pm Virtual Meeting: Information on cover sheet of rule Call-In: (646) 558-8656 Written Comments: April 20, 2020, 8:00 pm John Wirts 601 57th Street SE Charleston, WV 25304 john.c.wirts@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE OF HEARING
Medicine (11-14)	Registration to Practice During Declared State of Emergency	§§30-3-7(a)(1), 30-3E-3(a)	Effective March 26, 2020	Comment Period Must be Filed by April 25, 2020
Osteopathic Medicine (24-09)	Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness	§30-1-4	Effective March 26, 2020	Comment Period Must be Filed by April 25, 2020
Pharmacy (15-01)	Licensure and Practice of Pharmacy	§§30-5-7, 30-5-14, 29A-3-15	Effective March 21, 2020	July 26, 2019
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades	§3-1-48(i)	ERD by May 6, 2020	Comment Period Must be Filed by April 24, 2020

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title, Price and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6.	Date Agency Approved Legislative Rules Filed.
Column	7.	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8.	Legislative Action
Column	9.	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10.	Date Rule is Effective

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
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TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
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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	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
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TITLE	87	FIRE COMMISSION
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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
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TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
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RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	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 9/27/2019	Modified & Approved 10/24/2019 Filed 11/8/2019	BUNDLED HB4252		
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 Filed 10/10/2019	BUNDLED HB4252		
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 Filed 10/17/2019	BUNDLED HB4252		
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 Filed 10/10/2019	BUNDLED HB4252		
Acupuncture (32-16)	Consideration of Prior Criminal Convictions In Initial Licensure Determinations Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Agriculture (61-01)	Animal Disease Control Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-10)	Fresh Food Act Legislative	6/26/2019	7/26/2019	7/31/2019 Approved 8/2/2019	7/26/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-11B)	Auctioneers Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
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	BUNDLED HB4252		
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	12/5/2019	1/6/2020	12/6/2019 Approved 12/20/2019	1/7/2020	Approved 1/7/2020	BUNDLED HB4252		
Agriculture (61-19)	WV Manufacture-Grade Milk Legislative	12/5/2019	1/6/2020		1/6/2020	Approved 1/7/2020	BUNDLED HB4252		
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 Filed 10/1/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019		7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019		7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
Agriculture (61-34)	Captive Cervid Farming Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 9/26/2019	BUNDLED HB4252		
Agriculture (61-38)	Farmers Markets Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative	12/5/2019	1/6/2020		1/6/2020	Approved 1/7/2020	BUNDLED HB4252		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
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	BUNDLED HB4217		
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 Filed 10/2/2019	BUNDLED HB4217		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
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	BUNDLED HB4217		
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	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
Architects (2-03)	Fees for Registration of Architects Legislative	6/5/2019	7/9/2019		7/16/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Auditor (155-06)	Local Government Purchasing Card Program Legislative	5/21/2019	6/20/2019		7/8/2019	Approved 10/24/2019	BUNDLED HB4252		
Chiropractic Examiners (4-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED HB4252		
Chiropractic Examiners (4-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/5/2019	9/9/2019		9/10/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
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					1/7/2020	4/6/2020
Coal Mine Health and Safety (36-06)	Longwall Mining Legislative Exempt	9/5/2019	10/21/2019					1/7/2020	4/6/2020
Coal Mine Health and Safety (36-07)	Rules and Regulation Governing Shortwall Mining Within The State of West Virginia Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-08)	Rules and Regulations Governing The Right of A Miner to Refuse To Operate Alleged Unsafe Equipment Legislative Exempt	10/11/2019	11/25/2019					1/7/2020	4/6/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health and Safety (36-11)	Rules and Regulations Governing When Underground Mine Foreman-Boss Required; Assistants;Certifications; The Reopening of Abandoned Mines and the Deenergization of Self-Propelled Electric Coal Feeders; Performance Requirements Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-12)	Rules and Regulations Governing Electrical Provisions for Underground Mining Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-13)	Rules and Regulations Governing The Authority, Accountability, and Responsibility of Underground Mine Foreman; Responsibility of Operator In Relation To Mine Foreman; And Regulatory Review Procedures Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-18)	The Responsibility For Care and Maintenance of Equipment Legislative Exempt	10/24/2019	12/9/2019						
Coal Mine Health and Safety (36-57)	Rules Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/24/2019	12/9/2019						
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	Approved 10/4/2019	BUNDLED HB4480		
Conservation Agency (63-03)	State Conservation Committee Grant Program Legislative	5/30/2019	6/29/2019		7/10/2019	Approved 10/24/2019	BUNDLED HB4252		
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 Filed 10/9/2019	BUNDLED HB4252		
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	Approved 11/17/2019	BUNDLED HB4252		
Dentistry, WV Board of (5-08)	Dental Advertising Legislative	5/31/2019	7/1/2019		7/19/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Development Office, Commerce (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	Modified & Approved 11/17/2019 Filed 12/5/2019	BUNDLED SB449		
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	7/29/2019	8/29/2019		8/30/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252	3/26/2020	3/26/2020
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 Filed 10/2/2019	BUNDLED HB4252	3/26/2020	3/26/2020
Education (126-042)	Assuring the Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/12/2019	1/24/2020					2/13/2020	7/1/2020
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification (Policy 5202) Legislative Exempt	1/9/2020	2/10/2020					3/12/2020	4/13/2020
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	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
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	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Environmental Protection - Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 11/17/2019	BUNDLED HB4217		
Fire Commission (87-01)	State Fire Code Legislative	6/13/2019	7/16/2019		7/25/2019	Modified & Approved 12/18/2019 Filed 1/6/2020	BUNDLED HB4275		
Fire Commission (87-04)	State Building Code Legislative	6/13/2019	7/16/2019		7/25/2019	Modified & Approved 12/18/2019 Filed 1/6/2020	BUNDLED HB4275		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Approved 11/17/2019	BUNDLED SB449		
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	Approved 11/17/2019	BUNDLED SB449		
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 Filed 10/10/2019	BUNDLED HB4252		
Funeral Service Examiners (6-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Health (64-03)	Public Water Systems Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-30)	Fees for Permits Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 12/18/2019 Filed 12/19/2019	BUNDLED SB339		
Health (64-32)	Vital Statistics Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-48)	Emergency Medical Services Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-70)	Primary Care Support Program Legislative	6/21/2019	7/22/2019		7/25/2019	Modified & Approved 12/19/2019 Filed 12/19/2019	BUNDLED SB339		
Health (64-71)	Primary Care Seed Money Grants Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/19/2019	BUNDLED SB339		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 10/4/2019	BUNDLED SB339		
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 Filed 10/4/2019	BUNDLED SB339		
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 Filed 10/4/2019	BUNDLED SB339		
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 Filed 10/4/2019	BUNDLED SB339		
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	Modifed & Approved 12/18/2019 Filed 12/19/2019	BUNDLED SB339		
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 Amendment 11/21/2019 Effedtive 1/2/2020	7/22/2019	Modified & Approved 11/17/2019 Filed 11/21/2019	BUNDLED SB339		
Health Care Authority (65-09)	Critical Access Hospitals Legislative	6/13/2019	7/15/2019		7/16/2019	Modified & Approved 11/17/2019 Filed 11/22/2019	BUNDLED SB339		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 10/21/2019	BUNDLED HB4252		
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Higher Education Policy Commission (133-03)	Higher Education Accountability System Legislative	6/17/2019	7/17/2019		9/30/2019		BUNDLED 4480		
Higher Education Policy Commission (133-26)	Underwood-Smith Teacher Scholarship Legislative	9/30/2019	10/30/2019		11/5/2019		BUNDLED 4480		
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019	Approved 10/4/2019	BUNDLED 4480		
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 Effective 9/27/2019	7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED SB339		
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	Modified & Approved 11/17/2019 Filed 11/25/2019	BUNDLED SB339		
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative				9/4/2019 Sunset Extension	Approved 11/17/2019	BUNDLED SB339		
Insurance Commission (114-24)	Medicare Supplement Insurance Legislative	6/10/2019	7/10/2019		7/26/2019	Approved 10/24/2019	BUNDLED SB357	2/27/2020	4/1/2020
Insurance Commission (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019	Modified & Approved 10/24/2019 Filed 10/29/2019	BUNDLED SB357	2/27/2020	4/1/2020
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	9/18/2019	10/17/2019		12/6/2019	Approved 12/18/2019	BUNDLED SB357	2/27/2020	4/1/2020
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019	BUNDLED SB449	3/16/2020	5/1/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019	BUNDLED SB449	3/16/2020	5/1/2020
Landscape Architects (9-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 11/21/2019	BUNDLED HB4252		
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 Filed 10/10/2019	BUNDLED HB4252		
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	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
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 9/27/2019	Modified & Approved 10/24/2019 Filed 10/31/2019	BUNDLED HB4252		
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 Filed 10/8/2019	BUNDLED HB4252		
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 Filed 10/8/2019	BUNDLED HB4252		
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative			3/26/2020 Approved 3/26/2020					
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Rule Legislative	6/5/2019	7/8/2019		7/25/2019	Authorized with Certain Amendments 12/18/2019	BUNDLED HB4217		
Mining and Reclamation (38-02F)	Groundwater Protection Rules Coal Mining Operations Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 12/18/2019	BUNDLED HB4217		
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-16)	Transporting and Selling Wildlife Pelts and Parts Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-25)	Boating Rule Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-26)	Special Boating Rules Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-28)	Special Requirements Concerning Boating Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
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	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
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	Modifiied & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020				
Natural Resources (58-46)	Defining of Terms Used In All Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 10/24/2019	BUNDLED SB449		
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 10/24/2019	BUNDLED SB449		
Natural Resources (58-61)	Special Fishing Rule Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-62)	Catching and Selling Bait Fish Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-65)	Falconry Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 12/18/2019	BUNDLED SB449		
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	10/24/2019	11/25/2019		11/26/2019	Modified & Approved 12/18/2019 Filed 12/27/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	BUNDLED HB4252		
Occupational Therapy (13-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019		7/3/2019	Modified & Approved 9/26/2019 Filed 9/30/2019	BUNDLED HB4252		
Occupational Therapy (13-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	10/30/2019	11/30/2019		12/2/2019	Approved 12/18/2019	BUNDLED HB4252		
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	Modififed & Approved 12/19/2019 Filed 1/3/2020	BUNDLED HB4217		
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 10/1/2019	Modified & Approved 11/17/2019 Filed 11/26/2019	BUNDLED HB4252		
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	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019		7/30/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Osteopathic Medicine (24-09)	Emergency Temporary Permits to Practice During States of Emergency or State of Preparedness Legislative			3/26/2020 Approved 3/26/2020					
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019	3/21/2020 Approved 3/21/2020	7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Pharmacy (15-04)	Record Keeping and Automated Data Processing Systems Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/26/2019 8/15/2019	7/26/2019 9/16/2019		7/26/2019 10/11/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 9/26/2019	BUNDLED HB4252		
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	8/15/2019	9/16/2019		10/10/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
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 Filed 10/11/2019	BUNDLED HB4252		
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/24/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/25/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-09)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/4/2019	7/5/2019		7/18/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
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	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 12/19/2019 Filed 12/19/2019	BUNDLED HB4252		
Psychologists (17-07)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/30/2019	9/30/2019		10/11/2019	Modified & Approved 12/192019 Filed 1/8/2020	BUNDLED HB4252		
Public Service Commission (150-30)	Rules Governing Siting Certificates for Exempt Wholesale Generators Legislative Exempt	1/27/2020	2/26/2020					3/20/2020	5/19/2020
Racing Commission (178-01)	Throughbred Racing Legislative	6/10/2019	7/10/2019		7/18/2019	Modified & Approved 12/18/2019 Filed 12/20/2019	BUNDLED SB357	3/11/2020	6/9/2020
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	Modified & Approved 11/17/2019 Filed 12/6/2019	BUNDLED HB4252		
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 Filed 10/7/2019	BUNDLED HB4252		
Real Estate Commission (174-07)	Conisderation of Prior Criminal Convictions In Initial License Eligibility Determination Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 12/3/2019	BUNDLED HB4252		
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Constituting Professional Misconduct Legislative	8/29/2019	9/30/2019		10/11/2019	Approved 11/17/2019	BUNDLED HB4252		
Registered Professional Nurses (19-15)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019		8/22/2019	Modified & Approved 9/26/2019 Filed 10/7/2019	BUNDLED HB4252		
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Respiratory Care (30-10)	Conideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	11/7/2019	12/9/2019		12/10/2019	Approved 12/19/2019	BUNDLED HB4252		
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 11/1/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
School Building Authority of WV (164-05)	School Building Authority Contracts and Agreements; Post-Project Evaluation; Suspension of Right to Bid Legislative	11/4/2019	12/4/2019		12/16/2019		SB652		
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades Legislative			3/25/2020 ERD by 5/6/2020					
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Senior Services (76-03)	West Virginia State Plan for Aging Programs- Title V Interpretive	3/9/2020	4/8/2020						
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/1/2019	BUNDLED HB4252		
Social Work Examiners (25-03)	Fee Schedule Legislative	6/5/2019	7/5/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019		6/28/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED HB4252		
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	Modified & Approved 10/24/2019 Filed 11/5/2019	BUNDLED HB4252		
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	9/26/2019	10/26/2019						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-43)	Special Valuation Method for Certain Wireless Technology Property Interpertive	7/3/2019 1/28/2020	8/2/2019 2/27/2020						
Veterinary Medicine (26-01)	Organization and Operation and Licenisng of Veterinarians Legislative	8/7/2019	9/8/2019		9/9/2019	Modified & Approved 12/19/2019 Filed 1/2/2020	BUNDLED HB4252		
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	Modified & Approved 12/19/2019 Filed 1/2/2020	BUNDLED HB4252		
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	Authorized as Modified with Certain Amendments 12/19/2019 Filed 1/2/2020	BUNDLED HB4252		
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 10/25/2019	BUNDLED HB4217		
Water Resources Division of Water and Waste Management (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	2/7/2020 3/20/2020	3/26/2020 4/20/2020						

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Dietitians TITLE-SERIES: 31-01

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

RULE NAME: Licensure and Renewal Requirements

CITE STATUTORY AUTHORITY: § 30-1-24 & § 30-35-4

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

Authorization is cited in (house or senate bill number) HB 4252

Section § 64-9-28 (a) Passed On 3/6/2020 12:00:00 AM

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

March 26, 2020

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

March 26, 2030

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

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

AGENCY: Dietitians TITLE-SERIES: 31-06

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

RULE NAME: APPLICATION FOR WAIVER OF INITIAL LICENSING FEES FOR CERTAIN INDIVIDUALS

CITE STATUTORY AUTHORITY: § 30-1-23 & § 30-35-4

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

Authorization is cited in (house or senate bill number) HB 4252

Section § 64-9-8 (b) Passed On 3/6/2020 12:00:00 AM

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

March 26, 2020

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

March 26, 2030

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

Yes

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

FILED

2020 MAR 25 P 5:09

OFFICE WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: March 24, 2020

TO: Currently Licensed and Certified Child Care Providers and Agencies Seeking a Temporary Certificate to Provide On-Site Child Care

FROM: Bill J. Crouch, Cabinet Secretary

SUBJECT: Registration as a Critical Child Care Site – For Licensed and Registered Child Care Programs, Pop-Up Sites and Drop-In Sites

Need:

Effective Tuesday, March 24, 2020 after 8:00pm by Executive Order No. 9-20, Governor Justice has issued a Stay at Home Declaration for all employees in non-essential businesses and operations. This order was established in an effort to slow the spread of COVID-19. As such, all licensed and registered childcare programs in the State of West Virginia must cease providing care to children of parents working in jobs deemed non-essential. However, the need for child care remains a critical piece of the COVID-19 response and it is the goal of WV DHHR, Bureau for Children and Families (BCF), Division of Early Care and Education (ECE) to make every attempt to provide child care services for the COVID -19 essential workers. The complete list of essential workers in Executive Order No. 9-20 is available at https://coronavirus-wvgovstatus-cdn.azureedge.net/STAY_AT_HOME_ORDER.pdf. To provide for that need, registration as a Critical Care Child Care site, is available.

Registration as a Critical Child Care Site:

All children should stay away from group care settings wherever possible. Critical childcare sites are not a "business as usual" childcare. This is a temporary childcare option for those essential workers who have no other option for care during this public health crisis.

All interested licensed and certified childcare programs across West Virginia as well as those agencies who wish to provide care on site to their essential employees who are essential workers must register their program by completing a registration form, submitting approval for the site by the Fire Marshal and Health Department, submitting a W-9 and reviewing and completing the health and safety checklist and submitting the registration form, and checklist cover page via email at ECEProviders@wv.gov. Once received, a Temporary Critical Child Care Site Certificate will be issued and be valid through April 30, 2020. If that date is extended, all registered Critical Care Sites will be notified.

Payment for Care:
Any person who meets the definition of an essential worker will qualify for childcare assistance. Essential workers shall contact their local Child Care Resource and Referral agency to apply. If an essential worker is found eligible the CCR&R case manager will issue a regular 12-month Child Care Certificate.

Childcare providers caring for the child(ren) of an essential worker will be paid Tier III rates. The CCR&R agency shall notify the Division of Early Care and Education once it is notified that a provider is caring for the child of an essential worker. This enhanced rate will be paid as long as funding is available. Childcare providers who are granted Tier III status during this crisis will revert to their original Tier status once the crisis has passed.

Technical Assistance
It is critical that all children in care are receiving the best childcare possible, regardless of the childcare setting. In an effort to assist the temporary critical childcare sites, each registered childcare program will receive a call from their local childcare resource and referral agency to discuss how these unique sites can promote quality childcare.

Contacts for More Information
To learn more about this temporary certificate, childcare providers with a current license or certificate are asked to call their assigned regulatory or licensing specialist. Individuals interested in opening a pop up or drop-in service can call or email:

Melanie Clark
(304) 872-0803 ext. 71713
Melanie.A.Clark@wv.gov

Todd McDaniel
(304) 420-2560 ext.70901
Todd.C.McDaniel@wv.gov

Michelle Platt
(304) 389-2867
Michelle.B.Platt@wv.gov

To learn more about payment, contact your local childcare resource and referral staff. A map with contact information is attached.

Thank you.

One Davis Square, Suite 100, East • Charleston, West Virginia 25301 • 304 558-0684 • 304-558-1130 (fax) • dhhr.wv.gov

LEGISLATIVE

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2020 MAR 25 A 8: 34

OFFICE WEST VIRGINIA SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: March 24, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary
Department of Health and Human Resources

RE: **Child Care Centers Licensing**
W. Va. C.S.R. §78-1

The Bureau for Children and Families of the Department of Health and Human Resources requests that W. Va. C.S.R. §78-1 be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020, and Executive Order No. 9-20.

W. Va. C.S.R. §78-1 establishes and sets forth the requirements for child care centers in West Virginia. Strict compliance with the rule will hinder and delay necessary action in coping with the emergency declared by the Governor.

Specifically, the Bureau for Children and Families requests the suspension of W. Va. C.S.R. §78-1 in so far as it conflicts with the critical child care sites program as set forth in a memorandum, dated March 24, 2020, attached hereto and made a part hereof. Where there is no conflict, the rule shall remain in effect.

If granted, the Bureau for Children and Families further requests that the rule be suspended until such time as the State of Emergency is lifted.

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

FILED
2020 MAR 23 P 3: 13 LEGISLATIVE
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: March 23, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary BJC
Department of Health and Human Resources

RE: Child Placing Agencies Licensure
W. Va. C.S.R. § 78-2

The Bureau for Children and Families of the Department of Health and Human Resources requests that W. Va. C.S.R. §78-2 be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020.

W. Va. C.S.R. §78-2 establishes and sets forth the requirements for child placing agencies. Strict compliance with the following will hinder and delay necessary action in coping with the emergency declared by the Governor:

W. Va. C.S.R. §78-2.8.2.a. and §78-2.8.2.b. – requiring extensive orientation training for all new employees.

W. Va. C.S.R. §78-2.9.1.f. and W. Va. C.S.R. §78-2.9.7.b.7. – to the extent that the subdivision and paragraph require in-person visitation.

W. Va. C.S.R. §78-2.20.1.b. and §78-2.2.20.1.d. to the extent that the subdivision and paragraph require training to occur in-person or in a group setting.

If granted, the Bureau for Children and Families further requests that the rule be suspended as described above until such time as the State of Emergency is lifted.

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

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2020 MAR 23 P 12: 45
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: March 23, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary BJC
Department of Health and Human Resources

RE: Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia
W. Va. C.S.R. §78-3

The Bureau for Children and Families of the Department of Health and Human Resources requests that W. Va. C.S.R. §78-3 be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020.

W. Va. C.S.R. §78-3 establishes and sets forth the requirements for residential child care and treatment facilities for children and transitioning adults. Strict compliance with the following sections will hinder and delay necessary action in coping with the emergency declared by the Governor:

W. Va. C.S.R. §78-3.5.4.a.8. – requiring facilities to accommodate face-to-face visitation between children and family or significant individuals as specified in the plan of care, the child's case plan, or both.

W.Va. C.S.R. §78-3.11.1. and §78-3.11.2. – requiring extensive training for all new employees and continuing training for current employees.

W. Va. C.S.R. §78-3.12.2.b. – requiring nutritionist-approved menus.

W. Va. C.S.R. §78-3.14.17.b. and §78-3.21.4.d. – requiring all children upon admission to receive medical screenings by qualified medical practitioners.

W. Va. C.S.R. §78-3.14.17.c. – requiring all children upon admission receive appropriate dental assessments.

If granted, the Bureau for Children and Families further requests that the rule be suspended until such time as the State of Emergency is lifted.

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2020 MAR 25 A 8: 35 LEGISLATIVE

OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: March 24, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary
Department of Health and Human Resources

RE: **Family Child Care Facility Licensing Requirements**
W. Va. C.S.R. §78-18

The Bureau for Children and Families of the Department of Health and Human Resources requests that W. Va. C.S.R. §78-18 be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020, and Executive Order No. 9-20.

W. Va. C.S.R. §78-18 establishes and sets forth the requirements for family child care facilities in West Virginia. Strict compliance with the rule will hinder and delay necessary action in coping with the emergency declared by the Governor.

Specifically, the Bureau for Children and Families requests the suspension of W. Va. C.S.R. §78-18 in so far as it conflicts with the critical child care sites program as set forth in a memorandum, dated March 24, 2020, attached hereto and made a part hereof. Where there is no conflict, the rule shall remain in effect.

If granted, the Bureau for Children and Families further requests that the rule be suspended until such time as the State of Emergency is lifted.

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2020 MAR 25 A 8: 35

OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: March 24, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary
Department of Health and Human Resources

RE: **Family Child Care Home Registration**
W. Va. C.S.R. §78-19

The Bureau for Children and Families of the Department of Health and Human Resources requests that W. Va. C.S.R. § 78-19 be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020, and Executive Order No. 9-20.

W. Va. C.S.R. §78-19 establishes and sets forth the requirements for family child care homes in West Virginia. Strict compliance with the rule will hinder and delay necessary action in coping with the emergency declared by the Governor.

Specifically, the Bureau for Children and Families requests the suspension of W. Va. C.S.R. §78-19 in so far as it conflicts with the critical child care sites program as set forth in a memorandum, dated March 24, 2020, attached hereto and made a part hereof. Where there is no conflict, the rule shall remain in effect.

If granted, the Bureau for Children and Families further requests that the rule be suspended until such time as the State of Emergency is lifted.

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: March 24, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary
Department of Health and Human Resources

RE: **Informal and Relative Family Child Care Home Registration Requirements W. Va. C.S.R. §78-20**

The Bureau for Children and Families of the Department of Health and Human Resources requests that W. Va. C.S.R. §78-20 be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020, and Executive Order No. 9-20.

W. Va. C.S.R. §78-20 establishes and sets forth the voluntary registration of those informal and relative family child care homes in West Virginia that participate in federal subsidy programs. Strict compliance with the rule will hinder and delay necessary action in coping with the emergency declared by the Governor.

Specifically, the Bureau for Children and Families requests the suspension of W. Va. C.S.R. §78-20 in so far as it conflicts with the critical child care sites program as set forth in a memorandum, dated March 24, 2020, attached hereto and made a part hereof. Where there is no conflict, the rule shall remain in effect.

If granted, the Bureau for Children and Families further requests that the rule be suspended until such time as the State of Emergency is lifted.

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: March 24, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary
Department of Health and Human Resources

RE: **Out-of-School Time Child Center Licensing Requirements W. Va. C.S.R. §78-21**

The Bureau for Children and Families of the Department of Health and Human Resources requests that W. Va. C.S.R. §78-21 be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020, and Executive Order No. 9-20.

W. Va. C.S.R. §78-21 establishes and sets forth the regulations of out-of-school time programs in West Virginia. Strict compliance with the rule will hinder and delay necessary action in coping with the emergency declared by the Governor.

Specifically, the Bureau for Children and Families requests the suspension of W. Va. C.S.R. §78-21 in so far as it conflicts with the critical child care sites program as set forth in a memorandum, dated March 24, 2020, attached hereto and made a part hereof. Where there is no conflict, the rule shall remain in effect.

If granted, the Bureau for Children and Families further requests that the rule be suspended until such time as the State of Emergency is lifted.

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STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

FILED
2020 MAR 20 P 12: LEGISLATIVE
OFFICE WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

DATE: March 20, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch BJC
Secretary of Department of Health and Human Resources

RE: Pilot Program for Drug screening of Applicants for Cash Assistance
W. Va. C.S.R. § 78-26

The Department of Health and Human Resources Bureau for Children and Families requests that W.Va. C.S.R. § 78-26 be temporarily suspended, in its entirety, effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020.

W. Va. C.S.R. § 78-26 establishes and sets forth the requirements for drug screening applicants of benefits from the Temporary Assistance for Needy Families program. Drug screening requires close contact between individuals which may spread the COVID-19 virus. Strict compliance with the rule will hinder and delay necessary action in coping with the emergency declared by the Governor.

If granted, the Bureau for Children and Families further requests that the rule be suspended until such time as the State of Emergency is lifted.

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State of West Virginia
Board of Medicine

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MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

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2020 MAR 26 P 12: 20
OFFICE WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

TO: **The Honorable Mac Warner**
Secretary of State

FROM: **Mark A. Spangler, Executive Director**
West Virginia Board of Medicine MAS

DATE: **March 26, 2020**

RE: **Temporary Suspension of Certain Provisions of 11 CSR 1A**

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20 and 10-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-1A-1 *et seq.* be temporarily suspended:

Rule Section	Temporary Suspension
11-1A-4.3	4.3. A completed application is considered by the Board at regular Board meetings. The Board will not consider an application or decide upon the issuance of a license to an applicant until the complete application, including all third-party documentation and/or verification, is on file with the Board and the Board has had at least fifteen days to review the application

11-1A-4.5.h.	4.5.h. An AMA biographical report;
11-1A-10.1	10.1. With the exception of an initial license, a license to practice medicine and surgery or to practice podiatric medicine and surgery is issued for a term of two years. An initial license is issued with an expiration date consistent with the applicant's renewal classification as set forth in subsection 10.2.
11-1A-10.2 (suspend only the strikethrough language)	10.2. License renewal for all licensed physicians whose last names begin with the letters "A" through "L" shall occur ~~prior to July 1 of~~ every even year. License renewal for all licensed physicians whose last names begin with the letters "M" through "Z" and all podiatric physicians shall occur prior to July 1 of every odd year.
11-1A-10.4 (suspend only the strikethrough language)	10.4. To avoid expiration, an eligible licensee shall seek to renew his or her license ~~every two years~~ by: 10.4.a. Completing and submitting an application approved by the Board; 10.4.b. Certifying that he or she has successfully completed all legally required continuing medical education for the preceding two-year period; and 10.4.c. Submitting the nonrefundable license renewal fee, as established by the Board.
11-1A-10.10 (suspend only the strikethrough language)	10.10. Upon request, the Board may renew the license of a physician or a podiatric physician who is licensed to practice in this state, but who is not currently practicing in West Virginia, as an inactive status license. ~~An inactive status licensee shall not practice his or her profession in this state while maintaining an inactive status license.~~
11-1A-10.11 (suspend only the strikethrough language)	10.11. An inactive license may be obtained upon receipt of a nonrefundable fee, as established by 11 CSR 4, and submission of an application provided by the Board. ~~An inactive license is valid for a term of two years, and is renewable.~~

Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia. These temporary rule suspensions will facilitate protection of the public by encouraging provider surge and reducing regulatory strain on providers and government during the state of emergency. Additionally, half of all West Virginia doctors hold a license which is scheduled to expire on June 30, 2020. These temporary rule suspensions, in conjunction with Executive Order 7-20, as amended by Executive Order 10-20, will permit the Board to extend licenses set to expire on June 30, 2020 and the associated renewal period.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the State of Emergency is lifted.

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State of West Virginia
Board of Medicine

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2020 MAR 26 P 12: 20

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JOSEPH P. SMITH, MD
VICE PRESIDENT

MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

MEMORANDUM

TO: **The Honorable Mac Warner**
Secretary of State

FROM: **Mark A. Spangler, Executive Director**
West Virginia Board of Medicine

DATE: **March 26, 2020**

RE: **Temporary Suspension of Certain Provisions of 11 CSR 1B**

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia. On March 25, 2020, by way of Executive Order 11-20, Governor Justice further amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician assistant practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20, 10-20 and 11-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-1B-1 *et seq.*[1] be temporarily suspended:

[1] This morning, and after the preparation and Board approval of this temporary rule suspension memorandum, the Board learned that Governor Justice approved House Bill 4525, which authorizes the Board to file the legislative rule version of this rule. The Board will proceed with doing so apace, but due to the current state of emergency and the immediate need for a temporary suspension of the identified provisions, the Board currently seeks to suspend provisions of the emergency rule, which is currently in effect.

Rule Section	Temporary Suspension
11-1B-2.1.f (suspend only the yellow highlighted strikethrough language)	2.1.~~d~~f. "Authorization to practice" means ~~written notification from the Board~~ that a physician assistant may commence practice ~~pursuant to an authorized practice agreement~~ in collaboration with physicians pursuant to an authorized practice agreement or an active practice notification.
11-1B-3.2 (suspend only the yellow highlighted strikethrough language)	3.2. An application for a license to practice as a physician assistant shall be completed on a form provided by the Board. The Board will not consider an application or decide upon the issuance of a license to an applicant until the complete application, including all third-party documentation or verification, is on file with the Board ~~and the Board has had at least fifteen days to review the application~~. An application for licensure must be accompanied by payment of a nonrefundable application fee in an amount established by 11 CSR 4 unless the applicant has applied for and been granted an initial licensing fee waiver as set forth in 11 CSR 13.
11-1B-10.1 (suspend only the yellow highlighted strikethrough language)	10.1. Before practicing pursuant to a license issued by the Board, a physician assistant must receive ~~written~~ authorization from the Board to commence practice.
11-1B-10.2 (suspend only the yellow highlighted strikethrough language)	10.2. Beginning on the effective date of this rule: 10.2.a. Physician assistants seeking authorization to practice in any practice setting other than a hospital shall, in conjunction with the collaborating physician, submit a practice agreement ~~and the appropriate fee~~ for Board approval in accordance with section 11 of this rule. Prescriptive authority for physician assistants practicing pursuant to a practice agreement is set forth in section 12 of this rule. The responsibilities of collaborating physicians who enter into practice agreements with physician assistants are set forth in section 13 of this rule. 10.2.b. Physician assistants seeking authorization to practice in a hospital shall, in conjunction with the hospital, file a practice notification ~~and the appropriate fee~~ with the Board as set forth in section 14 of this rule. Prescriptive authority for physician assistants practicing pursuant to an active practice notification is set forth in section 15 of this rule. The responsibilities of physicians collaborating with physician assistants in hospitals pursuant to active practice notifications are set forth in section 16 of this rule.
11-1B-11.1	11.1. For all practice settings other than a hospital, a ~~A~~ proposed practice

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(suspend only the yellow highlighted strikethrough language)	agreement shall be completed on a form provided by the Board ~~and shall be accompanied by the appropriate fee. The fee for the submission of a practice agreement shall be one hundred dollars ($100) until such time as a different fee is established by 11 CSR 4. A physician assistant may not commence practice pursuant to a practice agreement until he or she receives written authorization to practice from the Board.~~
11-1B-11.5 (suspend only the yellow highlighted strikethrough language)	11.5. Upon receipt of a proposed practice agreement ~~and the appropriate fee~~, the Board, through its staff, shall issue ~~a letter of~~ authorization to practice pursuant to the proposed practice agreement if: ~~11.5.a. The proposed practice agreement conforms to the requirements of this section~~; 11.5.b. The physician assistant holds an unrestricted license; 11.5.c. Based upon the submitted information, it appears that the physician assistant is able to perform the proposed delegated duties ~~safely~~ with reasonable skill and safety; and 11.5.d. The practice agreement only proposes the delegation of core duties and/or only includes advanced duties: 11.5.d.1. ~~In a hospital or ambulatory surgical center which are included in the physician assistant's delineation of duties approved by the practice location;~~ ~~11.5.d.2.~~ For which general approval protocol has been established by the Board and the physician assistant has met such protocol; 11.5.d.~~3~~2. The Board has previously authorized the physician assistant ~~has previously been authorized by the Board~~ to perform~~.~~; and/or 11.5.d.3. Which will be performed in an ambulatory surgical facility.
11-1B-11.9 (suspend only the yellow highlighted strikethrough language)	11.9. The Board may decline to authorize a physician assistant to ~~commence~~ practice pursuant to a proposed practice agreement if the Board determines that: 11.9.a. The practice agreement is inadequate and/or incomplete; 11.9.b. The proposed delegation exceeds the appropriate scope of practice; or 11.9.c. The collaborating physician and physician assistant have failed

	to establish that the physician assistant is able to perform the proposed delegated duties ~~safely~~ with reasonable skill and safety.
11-1B-11.10 (suspend only the yellow highlighted strikethrough language)	11.10. A new practice agreement, ~~with the required fee,~~ must be filed for approval by the Board if: ~~11.10.a. A collaborating physician and physician assistant seek to change or add to the delegated medical acts in an approved practice agreement;~~ ~~11.10.b. A collaborating physician and physician assistant seek to change the physician assistant's practice setting and/or principle place of practice;~~ 11.10.c. A physician assistant seeks to enter into a practice agreement with a different collaborating physician; 11.10.d. A physician assistant seeks to resume practice after reinstatement of licensure; or 11.10.e. The Board has requested the submission of a revised practice agreement as a result of any investigation, discipline or audit activity.
11-1B-11.12 (suspend only the yellow highlighted strikethrough language)	11.12. A physician assistant may submit address changes and additional practice locations to supplement an authorized practice agreement if the collaborating physician, scope of practice, ~~delegated medical acts, collaboration mechanisms~~ and practice setting remain the same.
11-1B-13.2.d (suspend only the yellow highlighted strikethrough language)	13.2.d. For physician assistants in the first six months of an authorized practice agreement and who have practiced as a physician assistant for less than one year, periodic, in person, education and review sessions discussing specific conditions, protocols, procedures and specific patients shall be held by the collaborating physician for the physician assistant ~~in accordance with the terms of an authorized practice agreement. The collaborating physician and physician assistant must retain written documentation of these meetings.~~
11-1B-13.4 (suspend only the yellow highlighted strikethrough	13.4. A collaborating physician may designate alternate collaborating physicians. To serve as an alternate collaborating physician, an individual must hold an unrestricted license to practice medicine and surgery, osteopathic medicine or podiatry in this state. ~~An alternate collaborating physician shall accept collaborative responsibility for periods of time not to exceed forty-five days.~~

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language)	
11-1B-13.5 (suspend only the yellow highlighted strikethrough language)	13.5. An alternate collaborating physician shall collaborate with the physician assistant in accordance with an authorized practice agreement and shall only delegate medical acts that are: 13.5.a. Contained within the authorized practice agreement; and 13.5.b. Within the scope of practice of ~~both~~ the ~~collaborating physician and~~ the alternate collaborating physician.
11-1B-13.6	13.6. A collaborating physician may enter into practice agreements with up to five physician assistants at any one time.
11-1B-13.7	13.7. A physician is prohibited from entering into practice agreements as a collaborating physician or an alternate collaborating physician with more than five physician assistants at any one time.
11-1B-13.8 (suspend only the yellow highlighted strikethrough language)	13.8. In the event of the sudden departure, incapacity, or death of a collaborating physician, and in order to provide for continuity of care for patients: 13.8.a. An alternate collaborating physician may temporarily assume the role of collaborating physician; and 13.8.b. If the practice agreement does not designate an alternate collaborating physician, a physician holding an unrestricted West Virginia license may temporarily assume the role of collaborating physician upon receipt of ~~written~~ permission from the Board's staff. A physician who assumes the responsibility of collaborating physician pursuant to this subsection shall submit a complete practice agreement to the appropriate licensing board within ~~fifteen days of assuming the responsibility. The Board, through its staff, may extend the fifteen day period for up to~~ thirty ~~additional~~ days ~~upon a determination that the temporary authorization is in the public interest, does not jeopardize patient safety and is necessary to provide continuity of care for patients.~~
11-1B-14.2 (suspend only the yellow highlighted strikethrough language)	14.2. A practice notification shall be completed on a form provided by the Board ~~and shall be accompanied by the appropriate fee. The fee for the submission of a practice notification shall be one hundred dollars ($100) until such time as a different fee is established by 11 CSR 4.~~

11-1B-14.3	14.3. A physician assistant may not commence practice pursuant to a practice notification until the Board provides written notification to the physician assistant and the hospital that a complete practice notification has been filed with the Board. The Board's written notification activates the practice notification and provides the physician assistant with authorization to practice in the identified hospital(s).
11-1B-14.6 (suspend only the yellow highlighted strikethrough language)	14.6. A practice notification is complete when it conforms to the requirements of this section ~~and is accompanied by the appropriate fee~~. The Board may return an incomplete practice notification unprocessed, and may request additional information from the hospital or physician assistant to obtain information necessary to complete the practice notification.
11-1B-14.7 (suspend only the yellow highlighted strikethrough language)	14.7. Upon receipt of a complete practice notification ~~and the appropriate fee, the Board shall provide the physician assistant and hospital written notice that~~ the physician assistant is authorized to practice in the identified hospital(s).
11-1B-14.10 (suspend only the yellow highlighted strikethrough language)	14.10. A new practice notification, ~~with the required fee,~~ must be filed for approval by the Board if the physician assistant seeks to practice at a hospital not listed in an active practice notification.
11-1B-20.2 (suspend only the yellow highlighted strikethrough language)	~~16~~20.2. If the Board determines the evidence in its possession indicates that a physician assistant's continuation in practice or unrestricted practice constitutes an immediate danger to the public, the Board may take any of the actions provided in W. Va. Code §30-3-14(j) on a temporary basis and without a hearing if institution of proceedings for a hearing before the Board are initiated simultaneously with the temporary action ~~and begin within fifteen days of the action. The Board shall render its decision within five days of the conclusion of a hearing under this subsection~~.

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Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia. These temporary rule suspensions will facilitate protection of the public by encouraging provider surge, availability and agility of physician assistants to practice in West Virginia, and reducing regulatory strain on providers and government during the state of emergency.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the State of Emergency is lifted.

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Board of Medicine

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MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

FILED
2020 MAR 26 P 12: 20
OFFICE WEST VIRGINIA SECRETARY OF STATE
LEGISLATIVE

MEMORANDUM

TO: **The Honorable Mac Warner**
Secretary of State

FROM: **Mark A. Spangler, Executive Director**
West Virginia Board of Medicine

DATE: **March 26, 2020**

RE: **Temporary Suspension of Certain Provisions of 11 CSR 3**

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20 and 10-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-3-1 *et seq.* be temporarily suspended:

Rule Section	Temporary Suspension
11-3-8 (suspend strikethrough language only)	All records of open proceedings of the Board are public records ~~and shall be available to the public during the usual and customary business hours of the Board.~~ [1]
11-3-10.16 (suspend strikethrough language only)	10.16. The Board may take summary action pending a hearing, if the health, safety or welfare of the public necessitates such summary action. The Board shall provide a hearing on the necessity for the summary action ~~within fifteen (15) days after the summary action. The Board shall render its decision within five (5) days of the conclusion of a hearing under this section.~~
11-3-11.2 (suspend strikethrough language only)	11.2. When the President or his or her authorized designee is presented with a demand for a hearing as described in Subsection 11.1 of this section, he or she shall schedule a hearing ~~within forty-five (45) days of receipt by him or her of such written demand, unless postponed to a later date by mutual agreement~~. However, if the President or his or her designee shall determine that the hearing demanded would either involve an exercise of authority in excess of that available to him or her under law, or would serve no useful purpose, the President shall, ~~within forty-five (45) days of receipt of such demand~~, enter an order refusing to grant the hearing as requested, incorporating therein the reason(s) for such refusal. Appeal may be taken from such order as provided in W. Va. Code §29A-5-4.
11-3-18.1 (suspend strikethrough language only)	18.1. Any final order entered by the President or his or her designee following a hearing conducted pursuant to these rules, shall be made pursuant to the provisions of W. Va. Code §29A-5-3. ~~Such orders shall be entered within forty-five (45) days following the submission of all documents and materials necessary for the proper disposition of the case, including transcripts, and shall contain findings of fact and conclusions of law.~~
11-3-18.2 (suspend strikethrough language only)	18.2. The findings of fact and conclusions of law must be approved by a majority of the Board either by a poll or vote at a regular or special meeting, before a final order is entered. A copy of the final order approved by a majority of the Board shall be served upon the respondent ~~within five (5) days after entry by the Board,~~ in person or by means of registered or certified mail sent to the party and his or her counsel.

[1] The Board is closed to the public during the State of Emergency, but otherwise continues to respond to public records requests.

In keeping with the suspension of W. Va. Code § 30-1-5(c) in Executive Order 7-20, the Board seeks to provide greater timing flexibility to support rescheduled meetings, telephonic meetings, and the need to circulate Orders for signature prior to service. These temporary rule suspensions will also facilitate protection of the public by extending hearing deadlines as necessary during the State of Emergency.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the Sate of Emergency is lifted.

LEGISLATIVE

State of West Virginia
Board of Medicine

FILED
2020 MAR 26 P 12: 20
OFFICE WEST VIRGINIA SECRETARY OF STATE

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VICE PRESIDENT

MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

MEMORANDUM

TO: **The Honorable Mac Warner**
Secretary of State

FROM: **Mark A. Spangler, Executive Director**
West Virginia Board of Medicine

DATE: **March 26, 2020**

RE: **Temporary Suspension of Certain Provisions of 11 CSR 5**

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20 and 10-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-5-1 *et seq.* be temporarily suspended:

Rule Section	Temporary Suspension
11-5-3.6 (suspend only the strikethrough language)	3.6. An initial controlled substance dispensing registration shall expire on the same date as the practitioner's medical, podiatric or physician assistant license, unless renewed prior to that date. ~~Thereafter, registration shall be valid for a period of two years.~~

11-5-3.8 (suspend only the strikethrough language)	3.8. After the initial registration period, ~~**all controlled substance dispensing registrations shall be valid for a period of two years,**~~ and the annual registration fee shall be collected biennially at a rate of thirty dollars per dispensing location.

Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia. Half of West Virginia physicians hold licenses scheduled to expire on June 30, 2020. Associated Controlled Substance Dispensing Registrations also expire on June 30, 2020. Pursuant to Executive Order 7-20, the Board has the flexibility to extend physician renewal. These temporary rule suspensions will facilitate protection of the public by reducing regulatory strain on providers as they respond to the COVID-19 emergency by extending current authorizations to dispense and the associated renewal deadline.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the State of Emergency is lifted.

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VICE PRESIDENT

MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

FILED
2020 MAR 26 P 12: 21
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

TO: **The Honorable Mac Warner**
Secretary of State

FROM: **Mark A. Spangler, Executive Director**
West Virginia Board of Medicine

DATE: **March 26, 2020**

RE: **Temporary Suspension of Certain Provisions of 11 CSR 6**

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20 and 10-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-6-1 *et seq.* be temporarily suspended:

Rule Section	Temporary Suspension
11-6-2.12 (suspend only the strikethrough language)	2.12. "Reporting period" means the ~~**two year**~~ period preceding the renewal deadline for a license issued by the Board. Continuing education satisfactory to the Board must be obtained in each reporting period.

11-6-3.1 (suspend only the strikethrough language)	3.1. Physicians. -- Successful completion of a minimum of fifty hours of continuing medical education satisfactory to the Board during the preceding ~~two-year~~ period is required for the biennial renewal of a medical license. At least thirty hours of the required fifty hours must be related to the physician's area or areas of specialty.
11-6-3.2 (suspend only the strikethrough language)	3.2. Podiatric physicians. -- Successful completion of a minimum of fifty hours of continuing podiatric education satisfactory to the Board during the preceding ~~two-year~~ period is required for the biennial renewal of a podiatric license. At least thirty hours of the hours must be related to the podiatric physician's area or areas of specialty. Types and categories of continuing podiatric education activity satisfactory to the Board for podiatric physicians are: 3.2.a. Continuing podiatric education: 3.2.a.1. Approved by the APMA or Council on Podiatric Medical Education; 3.2.a.2. Presented or sponsored by any of the podiatry colleges in the United States; 3.2.a.3. Designated as Category I by the AMA or the American Academy of Family Physicians; or 3.2.a.4. Presented or sponsored by the West Virginia Podiatric Medical Association.
11-6-5.6 (suspend only the strikethrough language)	5.6. Reinstatement Applicants. - As a part of a reinstatement application, an eligible applicant shall certify his or her completion of all required continuing education for the previous reporting period~~, and shall submit written documentation satisfactory to the Board corroborating applicant's certification of continuing education compliance~~.
11-6-5.7 (suspend only the strikethrough language)	5.7. Reactivation applicants. – An eligible applicant seeking reactivation of licensure shall submit a reactivation application packet, which includes an initial licensure application accompanied by any corroborating documentation or verifications required by the Board for reactivation applicants, the reactivation application fee, and one of the following: 5.7.a. Certification ~~and written documentation~~ of successful completion of continuing education for the reporting period associated with the applicant's last period of licensure with the Board; 5.7.b. Certification ~~and written documentation~~ of successful completion of fifty hours of continuing education satisfactory to the Board within two-year period preceding the application submission date; or

LEGISLATIVE

	5.7.c. An attestation by the applicant that he or she holds an active status license in another state which requires the periodic completion of a minimum number of continuing education hours as a condition of continued licensure, and that the applicant is currently compliant with all such continuing education requirements.

Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia. Half of all West Virginia physicians hold a license scheduled to expire on June 30, 2020. These temporary rule suspensions will facilitate protection of the public by reducing regulatory strain on providers responding to the COVID-19 emergency by providing additional time for the completion of continuing education beyond the current June 30, 2020 deadline.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the State of Emergency is lifted.

State of West Virginia
Board of Medicine

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MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

FILED
2020 MAR 26 P 12: 2 LEGISLATIVE
OFFICE WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

TO: **The Honorable Mac Warner**
Secretary of State

FROM: **Mark A. Spangler, Executive Director**
West Virginia Board of Medicine

DATE: **March 26, 2020**

RE: **Temporary Suspension of Certain Provisions of 11 CSR 7**

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20 and 10-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-7-1 *et seq.* be temporarily suspended:

Rule Section	Temporary Suspension
11-7-3.4 (suspend only the strikethrough language)	3.4. A professional limited liability company shall file with the Board at the time of formation, the names of its one or more member(s), and written documentation that the professional limited liability company carries at least one million dollars of professional liability insurance, together with an initial filing fee of $100. Thereafter, every professional limited liability company on an annual basis ~~on or before the first day of July~~, shall file with the Board the names of its member(s), and written documentation that the professional limited liability company carries at least one million dollars of professional limited liability insurance, together with an annual renewal fee of $100.
11-7-3.5 (suspend only the strikethrough language)	3.5. Every professional limited liability company shall file with the Board a copy of the annual report required to be filed with the secretary of state under W. Va. Code §31B-2-211. The copy of the annual report, and a copy of any corrected annual report filed with the secretary of state, shall be filed with the Board ~~on or before the first day of July~~ on an annual basis.

Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia. This temporary rule suspension will permit the Board to extend the registration renewal period for medical PLLCs.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the State of Emergency is lifted.

State of West Virginia
Board of Medicine

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MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

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2020 MAR 26 P 12: 21
LEGISLATIVE
OFFICE WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

TO: **The Honorable Mac Warner**
Secretary of State

FROM: **Mark A. Spangler, Executive Director**
West Virginia Board of Medicine

DATE: **March 26, 2020**

RE: **Temporary Suspension of Certain Provisions of 11 CSR 12**

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20 and 10-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-12-1 *et seq.* be temporarily suspended:

Rule Section	Temporary Suspension
11-12-4.3 (suspend only the strikethrough language)	4.3. The Board will not consider an application or decide upon the issuance of a permit to an applicant until the complete application, including all third-party documentation and/or verification, is on file with the Board ~~and the Board has had at least fifteen business days to review the application.~~

11-12-5.1	5.1. An educational permit is valid for a period of up to one year and, except as otherwise provided in this rule, expires on the last day of June following the issuance date of the permit.
11-12-5.2 (suspend only the strikethrough language)	5.2. An educational permit may be renewed ~~annually~~ during the renewal period established by the Board if the permit holder remains eligible to receive a permit.
11-12-7.2 (suspend only the strikethrough language)	7.2. If the Board determines the evidence in its possession indicates that an educational permit holder's continuation in practice or unrestricted practice as part of a graduate medical training program constitutes an immediate danger to the public, the Board may take any of the actions provided in W. Va. Code §30-3-14(j) on a temporary basis and without a hearing if institution of proceedings for a hearing before the Board are initiated simultaneously with the temporary action ~~and begin within fifteen days of the action. The Board shall render its decision within five days of the conclusion of a hearing under this subsection~~.

Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia. All educational permits are scheduled to expire on June 30, 2020. Pursuant to Executive Order 7-20, the Board has the flexibility to extend the permits and renewal period. These temporary rule suspensions will facilitate protection of the public by reducing regulatory strain on providers, graduate medical education programs, and government during the state of emergency.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the State of Emergency is lifted.

STATE OF WEST VIRGINIA
BOARD OF OSTEOPATHIC MEDICINE
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FILED
2020 MAR 26 P 12: 09
OFFICE WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

DATE: March 26, 2020

TO: Mac Warner
Secretary of State

FROM: Jonathan T. Osborne
Executive Director of the West Virginia Board of Osteopathic Medicine

RE: **Suspension of Rules in Response to COVID-19**

The West Virginia Board of Osteopathic Medicine requests that the rules described below be temporarily suspended, effective immediately, pursuant to W. Va. Code § 15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020. The Board further requests that the subject rules remain suspended until the Board terminates this Notice or the State of Emergency is lifted, whichever occurs first.

1. In order to maximize the number of healthcare providers available during the State of Emergency, the Board suspends licensure requirements set forth in **24 CSR 1** and **24 CSR 2** for the following categories of DOs and PAs:

a. DOs and PAs who are not currently or formerly licensed in West Virginia and who hold valid, unrestricted medical licensure in another state, district, or territory of the United States and who have no pending complaints, investigations, or disciplinary proceedings; and

b. DOs and PAs who, at one time, possessed a license issued by the Board of Osteopathic Medicine but are now retired or in inactive status with no pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings.

Suspension of these requirements will allow the Board to grant temporary licenses for the duration of the State of Emergency to DOs and PAs satisfying one of the two categories. DOs and PAs seeking temporary licensure will be required to file an application for a temporary license with the Board. The Board waives licensure fees set forth in **24 CSR 5** for DOs or PAs who are granted a temporary license to practice in West Virginia during the State of Emergency. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

2. Pursuant to **W. Va. CSR § 24-1-15.2.g** and **W. Va. CSR § 24-2-17**, respectively, DOs and PAs are required to biennially furnish proof of completion of Continuing Medical Education requirements prior to renewing their licenses. In order to relieve DOs and PAs responding to the COVID-19 emergency, the Board temporarily extends the applicable deadline for submitting proof of CME hours for a period of up to six (6) months. DOs and PAs may apply CME hours obtained after the applicable deadline to the current reporting period. However, in no event may CME hours be applied to more than one reporting period. DOs and PAs shall still be

required to comply with all other renewal requirements by the applicable deadline, including filing an application and paying applicable fees. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

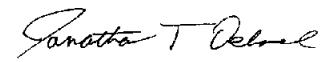
3. The Board temporarily extends the deadline for graduate medical trainees to submit applications for renewals of educational permits as set forth in **W. Va. CSR § 24-1-13**. Strict compliance with this rule would hinder or delay necessary action in coping with the emergency declared by the Governor.

4. During the 2020 Regular Session, the Legislature passed SB 770 which made changes to the Board's requirements for post-graduate training to remove a requirement that will no longer be available to licensees after July 1, 2020 (AOA approved programs), and to remove the requirement that individuals graduating from ACGME programs have to complete 40 hours of Continuing Medical Education prior to licensure that their M.D. counterparts do not have to complete. Therefore, the Board suspends the post-doctoral training requirements set forth in **W. Va. CSR § 24-1-4.2.c**, to the extent they are inconsistent with SB 770. Strict compliance with this rule would hinder or delay necessary action in coping with the emergency declared by the Governor.

5. In recognition of the potentially fluid and dynamic nature of providing medical care during the COVID-19 emergency, the Board will allow PAs and hospitals to notify the Board via email of new collaborating physicians under practice agreements and notifications. This temporary measure affects the provisions of **W. Va. CSR § 24-2-11** and **W. Va. CSR § 24-2-14**. The Board also temporarily suspends the fees associated with making changes to practice agreements and practice notifications set forth in the aforementioned provisions and **24 CSR 5**. Nothing in this rule suspension shall be construed to modify the scope of practice or prevailing standard of care

LEGISLATIVE

applicable to PAs. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.



(Agency Representative)

west virginia
DIVISION OF PERSONNEL

Sheryl R. Webb, Director
Allan L. McVey, Cabinet Secretary

FILED

2020 MAR 26 P 3:51
OFFICE WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE

NOTICE OF RULE SUSPENSION

On March 16, 2020, the Governor issued a State of Emergency Declaration related to the outbreak of the COVID-19 virus. In such Declaration, the Governor delegated authority to state agencies to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency.

Pursuant to the authority delegated by the Governor in his Declaration:

The West Virginia Division of Personnel does hereby provide notice that it has **SUSPENDED** the following rule or rules as specified in the attached.

Such suspension shall take effect on March 26, 2020 and shall cease upon the filing of a Notice lifting the suspension or upon the termination of the State of Emergency, whichever occurs first.

Sheryl R. Webb, Director of Personnel

SUMMARY OF PROPOSED RULE SUSPENSION

The following is a summary of provisions of the *Administrative Rule of the West Virginia Division of Personnel*, W. Va. Code R. § 143-1-1 *et seq.*, suspended in response to the Proclamation of a state of emergency by Governor Jim Justice on March 16, 2020, as a result of the COVID-19 virus. Unless otherwise noted*, the suspensions will only be authorized where it is determined by the Director of Personnel (DOP) that compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency. Certain provisions will only be suspended after the Governor's Office approved suspension of the corresponding provisions of DOP's statute.

REFERENCE	SUMMARY
4.7	Pertaining to the timeframe for a classified employee or appointing authority to submit a position classification reconsideration request
4.8	Pertaining to the need to request an extension of a temporary classification upgrade and the requirement that the employee has attained permanent status
4.9.e	Pertaining to the timeframe for classified-exempt employee to submit position classification reconsideration
6.2	Pertaining to the requirement to publicly announce positions for fifteen (15) days
6.4.c	Pertaining to the timeframe for a disqualified applicant to appeal to the Director of Personnel and the timeframe during which the Director must respond
7.3.d	Pertaining to the timeframe for an applicant who has been removed from a register to appeal to the State Personnel Board
7.3.e	Pertaining to the timeframe during which the State Personnel Board must respond to an appeal from an applicant removed from a register
8.2.a.1	Pertaining to the requirement to hire from the top ten (10) names on a register
8.2.a.3	Pertaining to the timeframe during which a register is valid
9.2.a	Pertaining to the requirement to hire from the top ten (10) names on a register
9.3.a	Pertaining to the six-month cap on provisional employment
9.5	Pertaining to the requirement to post positions for ten (10) days

REFERENCE	SUMMARY
9.5.e	Pertaining to the timeframe during which a job posting is valid
9.5.g	Pertaining to the timeframes during which a position must be reposted when a selected individual refuses a job offer, fails to report to work or resigns within the first thirty (30) days of employment
10.1.b	Pertaining to the length of the probationary period
10.4	Pertaining to the prohibition of transfers during the probationary period
12.4	Pertaining to layoff
13	Pertaining to the timeframe for which an individual may submit a request for reconsideration and the timeframe during which the Director of Personnel must respond
14.2	Pertaining to the timeframe during which an appointing authority must notify the Director of Personnel of a change to the agency work schedule
14.3.h	*Pertaining to the requirement for a physician's statement for use of annual leave when sick leave is exhausted. Provided, that an appointing authority may require a physician's release to return to work, as appropriate
14.4.f.3 and 14.4.j	*Pertaining to the requirement for a physician's statement for use of sick leave . Provided, that an appointing authority may require a physician's release to return to work, as appropriate
14.f.6	*Pertaining to the 80-hour cap for use of family sick leave. Provided, that an appointing authority may require a physician's release to return to work, as appropriate
14.4.g	*Pertaining to the requirement for a physician's statement for use of leave. Provided, that an appointing authority may require a physician's release to return to work, as appropriate
14.8.c.1.B, C, and 14.8.d.2	*Pertaining to the requirement for a physician's statement for a medical leave of absence without pay. Provided, that an appointing authority may require a physician's release to return to work, as appropriate

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
3/20/2020 11:00 AM
Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: Public Service Commission TITLE-SERIES: 150-30

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

RULE NAME: Rules Governing Siting Certificates for Exempt Wholesale Generators

CITE STATUTORY AUTHORITY: 24-2-11c

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

May 19, 2020

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

Yes

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

Dr. Sue Painter, DNP, RN
Executive Director

email: rnboard@wv.gov
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LEGISLATIVE

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
90 MacCorkle Avenue, SW
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March 23, 2020

FILED
2020 MAR 24 P 2: 38
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Mac Warner, The Honorable Secretary of State,
Secretary of State's Office – Administrative Law
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

RE: West Virginia Code of State Rules
Administrative Notice of Suspension of 19 CSR 3-3.1.a.4; 19 CSR 3-4.2; 19 CSR 3-7.1.d.; 19 CSR 3-7.1.e.; 19 CSR 3-7.2.c.; 19 CSR 3-11.1; 19 CSR 8-3.1.b.

The Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency on March 16, 2020, to address the emergency created by the worldwide COVID-19 pandemic, or more commonly known as the novel coronavirus. With surrounding states having confirmed COVID-19 cases and now West Virginia having multiple confirmed case, the Governor, in accordance with emergency powers granted to the Governor pursuant to W. Va. Code § 15-5-6, and more specifically W. Va. Code §15-5-6(c)(7) and as stated in the Governor's Proclamation Declaring a State of Emergency issued on March 16, 2020, the West Virginia Board of Examiners for Registered Professional Nurses (Board) at the direction of the Governor seeks to temporarily suspend the requirements of certain rules as set forth below.

The suspension of the law and rules is sought because the Board has received information indicating applicants are not able to obtain certain information required for licensure due to the restrictions being placed on the entities that have the information needed by the applicants in order to achieve licensure. Specifically, some facilities where fingerprints can be submitted to obtain background checks have closed. As to the verification of licensure for endorsement applicants, the Board can more quickly verify the applicants license by utilizing what is contained on the individual state's website rather than requiring the nurse to submit a request through the system maintained by the National Council of State Boards of Nursing. The extension of the temporary permit beyond the 90 days is necessary because the facilities where applicants can sit for the required NCLEX examination are closing or have already closed. Suspension of this rule will allow the applicants to maintain a temporary permit to practice until the ability to sit for the examination is achieved.

In the best interest of public health, safety and welfare of the citizens of the State of West Virginia it is essential that the Board have the ability to continue to license applicants during this crisis. The Board will continue to exercise all its powers to assure the safety of the public.

In accordance with W. Va. Code §15-5-6(c)(7), the Governor suspends 19 CSR 3-3.1.a.4; 19 CSR 3-4.2; 19 CSR 3-7.1.d.; 19 CSR 3-7.1.e.; 19 CSR 3-7.2.c.; 19 CSR 3-11.1; 19 CSR 8-3.1.b., with strikethroughs indicating stricken language and underscoring indicating new language, as follows:

§19-3-3. Application for Examination

19 CSR 3-3.1.a.4.

3.1.a.4. The applicant shall submit to a state and a national electronic criminal history records check for the purpose of determining whether the applicant has been charged with, indicted for, or convicted of a crime that may have bearing upon the applicant's fitness to hold a license. Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the state of emergency is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, which ever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor.

§19-3-4. Temporary Permit to Practice as a Registered Professional Nurse.

19 CSR 3-4.2

4.2. The board may issue a temporary permit to an applicant for examination following graduation from a state approved nursing education program. The temporary permit expires ~~ninety (90) days following graduation, or~~ at the time licensure examination results are announced, whichever comes first. A temporary permit is not renewable.

§19-3-7. Licensure by Endorsement.

19 CSR 3-7.1.d.

7.1.d. ~~have submitted~~ the board will obtain a verification of licensure from the state in which he or she was originally licensed and the state in which he or she is

currently employed if it is different than the original state of licensure. ~~If these boards participate in the licensure verification system maintained by the National Council of State Boards of Nursing, the applicant shall follow the process of verification to another state in accordance with the procedures set in place for that system.~~

19 CSR 3-7.1.e.

7.1.e The applicant shall submit to a state and a national electronic criminal history records check for the purpose of determining whether the applicant has been charged with, indicted for, or convicted of a crime that may have bearing upon the applicant's fitness to hold a license. Provided that, if the facility where the applicant is to submit finger prints for the purposes set forth in this rule is closed due to the emergency caused by the COVID-19 crisis and the applicant cannot report to a different facility within a 50 mile radius of the applicant's home, the applicant shall submit to the requirements of this rule as soon as the state of emergency is lifted by the Governor in West Virginia or as soon as other fingerprinting resources have become made available to the applicant, whichever comes first. In no such case shall applicants submit to criminal history records checks later than thirty (30) days after the state of emergency has been lifted by the Governor.

7.2. Temporary permit for endorsement applicant.

19 CSR 3-7.2.c.

~~7.2.c. The temporary permit expires ninety (90) days from the date of issuance and the expiration date shall be printed on the temporary permit.~~

§19-3-11. Verification of Licensure to Another State Board of Nursing.

19 CSR 3-11.1

11.1. The board shall provide a verification of West Virginia licensure upon submission of a written request by the licensee for the verification and payment of a fee set forth in the board's rule, §19 CSR 12, Fees. ~~Should the board participate in the licensure verification system as maintained by the National Council of State Boards of Nursing, the licensee shall follow the process of endorsement to another state in accordance with the procedures set in place for that system.~~ If the licensee is a graduate of a school which has closed and his or her records are on file in the board office, the board shall provide a copy of school records upon written request and payment of the fees set forth in the board's rule, Fees, 19 CSR 12.

§19-8-3. Application and Eligibility for Limited Prescriptive Authority.

19 CSR 8-3.1.b.

~~3.1.b. Provide documentation of the use of pharmacotherapy in clinical practice in the education program;~~

LEGISLATIVE

§19-11-3. Continuing Education.

3.1.2. Each applicant for renewal of a license, if the license is currently active, ~~or reinstatement of a license if a license is lapsed or on the non-practicing list,~~ shall verify that he or she has satisfactorily completed twelve (12) contact hours of continuing education during the one year reporting period prescribed in subdivision 3.1.1 of this rule.

Suspension of the above rules shall take effect immediately and shall cease upon the filing of a Notice lifting the suspension or upon the termination of the State of Emergency, whichever occurs first.

If you have any questions, please feel free to contact the Board at:

West Virginia Board of Examiners
for Registered Professional Nurses
90 MacCorkle Ave. SW, Suite 203
South Charleston, WV 25303
Phone: (304) 744-0900 or 1-877-743-NURS(6877)
Fax: (304) 744-0600
Web Address: www.wvrnboard.wv.gov
Email: [illegible]

Sincerely,

Sue Painter

Sue Painter, DNP, RN
Executive Director

STATE OF WEST VIRGINIA
BOARD OF RESPIRATORY CARE
106 DEE DRIVE, SUITE 106
CHARLESTON, WV 25311

(P) 304-558-1382, (F) 304-558-1383

MEMORANDUM

FILED
2020 MAR 25 P 4: 58
OFFICE WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE

DATE: March 25, 2020

TO: Mac Warner
Secretary of State

FROM: Tracy S. Matthews
Board President

RE: W. Va. Code 30-34

Pursuant to W. Va. Code 15-5-6(c)(7), and the State of Emergency declared by Governor Justice on March 16, 2020, the West Virginia Board of Respiratory Care requests that W. Va. 30CSR2, W.Va. 30CSR3, and W. Va. 30CSR9 be temporarily suspended in-part or in its entirety, effective immediately as follows:

W. Va. 30CSR2
2.2.1; 2.2.3 establishes date all active licensees must be renewed and sets fees for initial, active renewal, inactive renewal, and lapsed licenses.
W. Va. 30CSR3*
Suspend in its entirety. Establishes requirements for continuing education units for renewal, initial, and inactive licenses.
W. Va. 30CSR9
2.1.1, 2.3.1 Establishes fees for initial and renewal student temporary permits.
3.1.6 Restricts student temporary permit holders scope of practice.

If granted, the West Virginia Board of Respiratory Care further requests that these rules in-part and in entirety* be suspended until such time as the State of Emergency is lifted.

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

Mac Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

FILED
2020 MAR 23 P 12: 46
OFFICE WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

Date: March 23, 2020
To: Maureen Lewis, Administrative Law Division Director
From: Donald Kersey, General Counsel
RE: Suspension of 153 CSR 30. Use of Digital Signatures, State Certificate Authority And State Repository

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On March 16, 2020, the Governor issued a proclamation declaring a State of Emergency in response to the public health risks posed by the Coronavirus epidemic in West Virginia, which proclamation "delegate[s] to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency" pursuant the Governor's authority set forth in W. Va. Code § 15-5-6(c)(7).

153 CSR 30 ("rule") establishes an administrative process for state agencies to accept electronic signatures in lieu of original signatures on "messages or filings requiring on ore more original signatures," subject to the provisions and limitations of W. Va. Code § 39A-3-3, which require WVSOS to promulgate rules to establish standards and processes to facilitate the use of electronic signatures by certain state agencies.

Under the rule, WVSOS and the Office of Technology ("OT") must grant approvals and review the specific technical capabilities of any state agency's proposed use of digital signature certification and authentication technology prior to its use by the agency.

During the State of Emergency and pursuant to guidance issued by the Governor, Department of Health and Human Resources, Center for Disease Control and Prevention, and other state and federal agencies, state agencies and their staff—especially those working in the field—are restricted from in-person interactions with the general public. As such, many state agencies are unable execute certain documents necessary to continue the services offered by the agencies without in-person interactions, which puts both state employees and the public at risk.

W. Va. Code § 39A-1-1 *et seq.* provides basic guidance and authority for state agencies to accept digital signatures with the parties' consent. However, the rule establishes the appropriate methods of securely accepting such digital signatures, including verification and other fraud-prevention technology standards.

WVSOS and OT are exploring current statewide contracts and other options which would allow state agencies to securely conduct state business without the need for in-person interactions. OT will soon begin reviewing technology currently used by state agencies for security compliance with the rule. Therefore, because strict compliance with the rule will prevent, hinder and delay

necessary action in coping with the emergency declared by the Governor, and because in-person interactions are otherwise required without a state agency's ability to accept digital signatures, suspending the rule during the State of Emergency is a necessity to protect state employees, the public, and will allow agencies to operate under the guidance of WVSOS, OT and the provisions of W. Va. Code § 39A-1-1 *et seq.* without needing to go through the time-consuming processes and procedures set forth in the rule.

Therefore, pursuant to the authority delegated to the Secretary of State by the Governor's proclamation, the Secretary of State hereby declares that the provisions of 153 CSR 30 pertaining to the use of digital signatures, state certificate authority and state repository are SUSPENDED, effective as of the date of this Memorandum. The rule suspension shall remain in effect until such time that the State of Emergency is lifted.

MAC WARNER
WV Secretary of State

By Counsel:

Donald M. Kersey, III
Dkersey@wvsos.gov
(304) 558-6000

LEGISLATIVE

FILED
2020 MAR 23 P 12:46
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

Mac Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

MEMORANDUM

Date: March 23, 2020
To: Maureen Lewis, Administrative Law Division Director
From: Donald Kersey, General Counsel
RE: Suspension of 153 CSR 52. Freedom of Information Act Database

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On March 16, 2020, the Governor issued a proclamation declaring a State of Emergency in response to the public health risks posed by the Coronavirus epidemic in West Virginia, which proclamation "delegate[s] to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency" pursuant the Governor's authority set forth in W. Va. Code § 15-5-6(c)(7).

153 CSR 52 ("rule") establishes an administrative process for all public bodies subject to the WV Freedom of Information Act ("FOIA") as set forth in W. Va. Code § 29B-1-1 *et seq.* Under FOIA, the Secretary of State has legislative rule-making authority to establish and maintain a public database for public bodies to report FOIA request information. The rule does not govern FOIA responses by public bodies, but merely sets forth the database requirements for public bodies to log FOIA requests that have been completed.

Under the rule, public bodies must log completed FOIA request information into the database on every tenth (10) day of the month. Under the current State of Emergency, state and federal officials have called for non-essential personnel to self-quarantine, avoid public places, close public offices and shut down some services. As such, many public bodies are unable to meet the requirements of the rule while dealing with employee and resource shortages that affect the public bodies' regular statutory duties. Therefore, strict compliance with the rule will hinder and delay necessary action in coping with the emergency declared by the Governor.

Pursuant to the authority delegated to the Secretary of State by the Governor's proclamation, the Secretary of State hereby declares that the provisions of 153 CSR 52 pertaining to the deadline to log FOIA entries into the database are SUSPENDED, effective as of the date of this Memorandum. The rule suspension shall remain in effect until such time that the State of Emergency is lifted.

MAC WARNER
WV Secretary of State

By Counsel:

Donald M. Kersey, III
Dkersey@wvsos.gov
(304) 558-6000

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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3/20/2020 2:45:38 PM
Office of West Virginia
Secretary Of State

PROCEDURAL

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Water Resources Division Of Water And Waste Management

TITLE-SERIES: 47-02B

RULE TYPE: Procedural

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: ASSESSMENT METHODOLOGY FOR THE BIOLOGICAL COMPONENT OF THE NARRATIVE CRITERIA IN WADEABLE STREAMS

CITE STATUTORY AUTHORITY: W. Va. Code § 22-11-7b(f)

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 04/20/2020 6:00 PM

LOCATION OF PUBLIC HEARING:

Join virtual meeting here: https://zoom.us/j/975579059 Meeting ID: 975 579 059 Phone number for call-in: (646) 558 8656

DATE WRITTEN COMMENT PERIOD ENDS: 04/20/2020 8:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: John Wirts

ADDRESS: 601 57th St SE

Charleston, WV 25304

EMAIL: john.c.wirts@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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3/26/2020 3:45:11 PM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Medicine TITLE-SERIES: 11-14

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Registration to Practive During Declared State of Emergency

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code §§ 30-3-7(a)(1) and 30-3E-3(a).

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

PRIMARY CONTACT:

NAME: Mark A Spangler Executive Director

ADDRESS: 101 Dee Drive Suite 103

Charleston, West Virginia 25311

EMAIL: mark.a.spangler@wv.gov

PHONE NUMBER: 304-558-2921

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

FILED

2020 MAR 26 P 4:58

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Medicine

RULE *(Title & Series #, and name)*:

11CSR14, Registration to Practice During Declared State of Emergency

STATUTORY AUTHORITY: §§30-3-7(a)(1) and 30-3E-3(a)

DATE FILED AS AN EMERGENCY RULE: March 26, 2020

Following review under W. Va. Code §29A-3-15A, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is ☑ **APPROVED** ☐ **DISAPPROVED**

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

☑ (1) For the immediate preservation of the public peace, health, safety and welfare;

☐ (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

☑ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any):

Under the current State of Emergency declared by the Governor's Proclamation dated March 16, 2020, this emergency rule is being filed to maximize the number of healthcare providers available during the State of Emergency. The Board of Medicine has statutory authority to determine qualifications and criteria of applicants for licenses to practice medicine and surgery. Authority to suspend regulations as a necessary measure to respond the outbreak of the COVID-19 pandemic was granted in Executive Order No. 7-20 issued on March 19, 2020 and amended by Executive Orders 10-20, issued March 23, 2020, and 11-20, issued March 25, 2020.

Mac Warner

Mac Warner,

WV Secretary of State

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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3/26/2020 1:54:58 PM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-09

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: EMERGENCY TEMPORARY PERMITS TO PRACTICE DURING STATES OF EMERGENCY OR STATES OF PREPAREDNESS

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

30-1-4

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

N/A

PRIMARY CONTACT:

NAME: Jonathan Osborne

ADDRESS: 405 Capitol Street

Suite 402

EMAIL: jonathan.t.osborne@wv.gov

PHONE NUMBER: 304-558-6095

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

FILED

2020 MAR 26 P 4: 58

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Osteopathic Medicine

RULE *(Title & Series #, and name)*:

24CSR9. Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness

STATUTORY AUTHORITY: §30-1-4

DATE FILED AS AN EMERGENCY RULE: March 26, 2020

Following review under W. Va. Code §29A-3-15A, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is ☑ **APPROVED** ☐ **DISAPPROVED**

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

☑ (1) For the immediate preservation of the public peace, health, safety and welfare;

☐ (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

☑ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any):

Under the current State of Emergency declared by the Governor's Proclamation dated March 16, 2020 and guidance provided by the US Dept. of Health and Human Services, this emergency rule is being filed to maximize the number of healthcare providers available during the State of Emergency. The Board of Osteopathic Medicine has statutory authority regarding permits to practice in WV. Authority to suspend regulations as a necessary measure to respond the outbreak of the COVID-19 pandemic was granted in Executive Order No. 7-20 issued on March 19, 2020 and amended by Executive Orders 10-20, issued March 23, 2020, and 11-20, issued March 25, 2020.

Mac Warner

Mac Warner,

WV Secretary of State

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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3/21/2020 2:46:44 PM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Pharmacy TITLE-SERIES: 15-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Licensure and Practice of Pharmacy

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

30-5-7, 30-5-14, and 29A-3-15.

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

PRIMARY CONTACT:

NAME: Ryan Hatfield

ADDRESS: 2310 Kanawha Blvd E

2310 Kanawha Blvd E

EMAIL: ryan.l.hatfield@wv.gov

PHONE NUMBER: 304-208-3145

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

FILED

2020 MAR 21 P 2:48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Board of Pharmacy

RULE: Title 15, Series 1

STATUTORY AUTHORITY: W. Va. Code §§ 29A-3-15, 30-5-7 and 30-5-14.

DATE FILED AS AN EMERGENCY RULE: March 21, 2020

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is (Approved/Disapproved).

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

_X_ (1) For the immediate preservation of the public peace, health, safety and welfare;

____ (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

_X_ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any): Under the current State of Emergency declared by Proclamation of the Governor on March 16, 2020, this emergency rule is being filed in response to recent events that have depleted the supply of certain drugs that are potentially helpful in the treatment of COVID-19 due to over-prescription of those drugs for preventative, rather than treatment, purposes. Moreover, according to state health official representatives, the identified drugs are vital to treating other life-threatening illnesses. Therefore, under the State of Emergency and pursuant to the agency's authority, this emergency rule is approved.

Donald M. Kersey, III
General Counsel, WV Secretary of State's Office

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
3/25/2020 2:44:56 PM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Secretary Of State

TITLE-SERIES: 153-10

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

RULE NAME: Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code 3-1-48(l)

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

PRIMARY CONTACT:

NAME: Donald Kersey

ADDRESS: State Capitol Bldg 1 Ste 157 K

Charleston, WV 25305

EMAIL: dkersey@wvsos.gov

PHONE NUMBER: 304-558-6000

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Orders Report

Docket Number	Agency	Respondent	Date Rendered
20-3-11815-X	**Health Care Authority**	Riverside Health and Rehabilitation Center	3/20/2020
20-3-11816-X	**Health Care Authority**	Charleston Area Medical Center, Inc.	3/17/2020
20-10-11779-H	**Health Care Authority**	Wetzel County Hospital, Inc.	3/17/2020
11-AP-PRLC-02007	**Insurance Commission**	Michael Vincent Britner	3/18/2020
18-187-W	**Medicine, West Virginia Board Of**	Daniel Tak Chi Chan, MD	3/17/2020
19-138-W	**Medicine, West Virginia Board Of**	Anna Maria Suray, MD	3/17/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 7-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article Five, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article Five, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulations are to be suspended for the duration of the State of Emergency:

1. Requirement that any medical provider "hold an active, unexpired license" issued by the Board of Medicine, with the exception of those with pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings (W. Va. Code § 30-3-13(a)) and (W. Va. Code § 30-3-12(h)(j));
2. Requirement for telemedicine providers to be licensed in West Virginia (W. Va. Code § 30-3-13a(b)(2) and (W. Va. Code § 30-3-13(b)), provided that such provider possesses a license within their own state;
3. Requirement that medical licenses are only valid for two years (W. Va. Code § 30-3-12(a));
4. Requirement that an educational permit is only valid for one year (W. Va. Code § 30-3-16(d));
5. Requirements for Physician Assistants licensure, reinstatement of licenses, written authorizations from the boards, collaboration limits, and collaborative agreements (W. Va. Code § 30-3E-5, 7, 9(c)(3), 9(e), 10-11);
6. Requirements that boards of examination or registration conduct investigations and adjudication of complaints of professional and occupational misconduct in specific timeframes (W. Va. Code § 30-1-5(c));
7. Requirement that any person to practice or offer to practice medicine or surgery as an osteopathic physician or surgeon "hold an active, unexpired license" issued by the Board of Osteopathic Medicine, with the exception of those with pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings (W. Va. Code § 30-14-1) and (W. Va. Code § 30-14-10(a), (c), (d));
8. Requirement for post-graduate training that will no longer be available after July 1, 2020 and the requirement that individuals graduating from ACGME programs have to complete 40 hours of Continuing Medical Education prior to licensure (W. Va. Code § 30-14-4(B));
9. Requirement that physicians biennially furnish proof of completion of 32 hours of continuing medical education prior to renewal (W. Va. Code § 30-14-10(b));
10. Requirement that the first educational permit issued be valid for a period of fifteen months and subsequent educational permits issued to the same person may be valid for not more than twelve months (W. Va. Code § 30-14-10e));
11. Requirement that telemedicine be performed by video only (W. Va. Code § 30-14-12d(c));
12. Procedures for applications for licensure by out-of-state medical practitioners under the Interstate Medical Licensure Compact (W. Va. Code § 30-1C-5);

13. Vehicle size and weight limitations (W. Va. Code § 17C-17-1, 11);

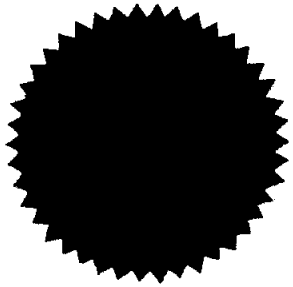
14. Deadlines for annual vehicle inspections (W. Va. Code § 17C-16-1, *et seq.*);

15. Deadlines for renewal and payment of annual fees for video lottery machines (W. Va. Code § 29-22B-1102);

16. Deadline to renew permits from Alcohol Beverage Control Administration (W. Va. Code § 60-4-22 (wholesalers); W. Va. Code § 60-7-6 (private club); and W. Va. Code R. §§ 175-4-3, 4, 175-5-16 (retailers)); and

17. Any statute or rule that prescribes time limits or deadlines by which state agencies or political subdivisions or agencies thereunder must hold hearings, and allowing abeyance of such hearings or for such hearings to be conducted by telephonic means, at the sole discretion of the applicable state agency or political subdivision or agencies thereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Nineteenth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 8-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article Five, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein; and

WHEREAS, Executive Order 2-20, Executive Order 3-20, and Executive Order 6-20 have ordered closed or otherwise limited occupancy of businesses and establishments such as casinos, restaurants, bars, fitness centers, gymnasiums, recreation centers, barber shops, nail salons, and hair salons, all to protect public health, safety, and welfare; and

WHEREAS, large-scale threat exists throughout the state because of COVID-19 and people tend to gather in close proximity at additional facilities and places such as West Virginia's state park lodges and the Hatfield McCoy Trail, where many visitors come into West Virginia from other states where COVID-19 is currently more prevalent, and it is in the interest of public health that such gatherings be limited to the extent reasonably possible; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article Five, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, effective as of 12:00 AM, Eastern Standard Time, on the Twenty-first day of March, Two Thousand Twenty, all West Virginia state park lodges throughout the 55 counties of this state and the Hatfield McCoy Trail shall not allow occupancy by the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Twentieth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 9-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein; and

WHEREAS, Executive Order 2-20, Executive Order 3-20, Executive Order 6-20, and Executive Order 8-20 have ordered closed or otherwise limited occupancy of businesses and establishments such as casinos, restaurants, bars, fitness centers, gymnasiums, recreation centers, barber shops, nail salons, hair salons, state park lodges, and the Hatfield McCoy Trail, all to protect public health, safety, and welfare; and

WHEREAS, further measures are necessary to protect the health, safety, and welfare of the public, to disrupt the spread of the virus, and to mitigate the impact of COVID-19, including the closure of additional businesses and facilities throughout the state; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") and the West Virginia Department of Health and Human Resources have recommend the public practice of social distancing, meaning staying home whenever possible and otherwise maintaining a six feet distance from other individuals, to minimize the transmission of COVID-19; and

WHEREAS, locations where people congregate unnecessarily and/or fail to follow adequate social distancing practices are therefore areas of large-scale threat and emergency; and

WHEREAS, businesses that are to remain open will need to reduce their operations to continue with minimum contact with members of the public and only essential employees, and must require proper social distancing at all times; and

WHEREAS, these measures relating to the closure of certain businesses and to limit the operation of non-essential businesses are necessary because of the propensity of the COVID-19 virus to spread via personal interactions and because of physical contamination of property due to its ability to remain on surfaces for prolonged periods of time; and

WHEREAS, it is the duty of every West Virginian to practice proper social distancing and to comply with these measures in order to protect our people, our families, and each other, against this terrible epidemic.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER,** effective as of 8:00 PM, Eastern Standard Time, on the Twenty-fourth day of March, Two Thousand Twenty, as follows:

1. **Stay at home or your place of residence.** To preserve public health and safety, and to ensure the healthcare system in West Virginia is capable of serving all citizens in need, especially those at high risk and vulnerable to COVID-19, all individuals within the State of West Virginia are under a general stay-at-home order and are directed to stay at home or their place of residence unless performing an essential activity. An activity is essential if the purpose of the activity is one of the following:

a. Obtaining food, medicine, and other similar goods necessary for the individual or a family member of the individual.

b. Obtaining non-elective medical care and treatment and other similar vital services for an individual or a family member of the individual.

c. Going to and from an individual's workplace if such workplace and/or work is included in the definition of Essential Businesses and Operations as outlined in Section 3, below.

d. Going to and from the home of a family member.

e. Going to and from the home of another individual who, under the terms of a parenting plan or similar agreement, is entitled to visitation with or the care of a child.

f. Going to and from an individual's place of worship.

g. Engaging in outdoor activity, provided that individuals at all times and as much as reasonably possible maintain social distancing of six feet from one another and abide by a 10-person limitation on gathering size.

2. **Non-essential businesses and operations must temporarily cease operations.** In addition to those businesses directed to close or limit occupancy pursuant to previous executive orders, all businesses and operations in West Virginia, except Essential Businesses and Operations as defined below, are required to cease all activities within the state except for such minimum basic operations as are necessary to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or related functions, and the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences. Businesses such as home-based businesses may continue to operate, so long as any employees or contractors of such businesses perform activities from their own residences. Further, small businesses that do not invite in the general public and which have five or less employees in the office may continue to operate, but must ensure that proper social distancing and hygiene practices are maintained.

3. **Essential businesses and operations shall continue to operate.** Essential Businesses and Operations, as described below, shall remain open, and individuals may leave their residence to provide any services or to perform any work necessary to offer, provision, supply, operate, maintain, and/or repair Essential Businesses and Operations. The term "Essential Businesses and Operations" includes those industries and workers described in the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency's March 19, 2020, *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response* and its "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response" attached thereto (the "CISA Guidance"). In addition to those industries and workers identified in the CISA Guidance, the following industries, businesses, and/or workers employed in such industries and businesses are specifically included as Essential Businesses and Operations under this Order:

a. **Healthcare, public health operations, and health insurance companies.** Healthcare, public health operations, and healthcare insurance companies include without limitation hospitals, clinics, dental offices, pharmacies, public health entities, including those that compile, model, analyze, and communicate public health information, pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain), managed care organizations and related entities and attendant or related services, Medicaid providers, healthcare insurers, organizations collecting blood, platelets, plasma, and other necessary materials (including organizations hosting blood drives, provided that appropriate precautions are taken, including proper social distancing and hygiene measures during any such drive), obstetricians and gynecologists, eye care centers, including those that sell or provide glasses and contact lenses, home healthcare providers, mental health and substance use providers, other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services, and entities that transport and dispose of medical materials and remains. This includes manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment, medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting, or sterilization supplies, and tissue and

paper towel products. This category of industry shall be construed very broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare and public health operations does not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities limited or closed under previous executive order.

b. **Grocery stores and pharmacies.** Grocery stores, pharmacies, farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and non-alcoholic beverages, any other household consumer products (such as cleaning and personal care products), specifically including their supply chain and administrative support operations. This includes stores that sell groceries, medicine, including over-the-counter medication not requiring a medical prescription, and also those that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations.

c. **Food, beverage, and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, seed and feed stores, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption, and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities. Restaurants and other facilities that prepare and serve food and/or drinks, but only for consumption off-premises, through such means as take-away, delivery, or drive-through/drive in. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up or take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property.

d. **Essential governmental functions.** For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, legislators, judges, court personnel, jurors and grand jurors, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support Essential Businesses and Operations, and all state governmental employees deemed essential employees by their respective agency head, are categorically exempt from this Order. Essential government functions means all services provided by the State or any municipality, township, county, political subdivision, board, commission, or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the public, and including contractors performing such essential government functions. Each government body shall determine its essential government functions and identify employees and/or contractors necessary to the performance of those functions. This Order does not apply to the United States government. Nothing in this Order shall prohibit any individual from performing or accessing essential government functions.

e. **Human services organizations and childcare facilities and providers.** Human services operations includes without limitation long-term care facilities, day care centers, day care homes, group day care homes, residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, transitional facilities, home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children, field offices that provide and help determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services, development centers, adoption agencies, businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals, and child care centers, day care centers, and those engaged in caretaking for children.

f. **Essential infrastructure.** Businesses, entities, or workers engaged in food production, distribution, fulfillment centers, storage facilities, preparation, and sale, construction (including without limitation construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, essential business construction, and housing construction), business management and maintenance, airport operations, operation, maintenance, and supply of utilities, including water, sewer, and gas, electrical (including power generation, distribution, and production of raw materials including without limitation coal and oil and natural gas), distribution centers, oil and biofuel refining, roads, highways, railroads, and public transportation, cyber and other security operations and services, flood control, solid waste and recycling collection and removal, and internet, video, and telecommunications systems (including the provision of global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services) and telecommunications workers. Essential infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

g. **Coal mining and coal-fired electric generation facilities.** Coal mining and coal-fired electric generation facilities, as well as all ancillary and support functions ranging from transportation, maintenance, equipment, and supply vendors.

h. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, iron ore, steel and steel products, aluminum and aluminum products, petroleum, propane, and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations including without limitation filters and filtration products and services.

i. **Transportation and travel related businesses and gas stations.** Travel related businesses facilitating access to or provision of essential activities or any Essential Businesses and Operations, including without limitation airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers, travel or transport of agricultural products, foodstuffs, or related items, or other governmental travel needs, and gas stations and automobile dealers and other suppliers, auto repair, farm equipment, construction equipment, and related facilities and related facilities.

j. **Financial and insurance institutions.** Banks and banking services including without limitation ATM services, currency exchanges, consumer lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, payday lenders, affiliates of financial institutions, professional debt collectors and related creditor service workers, workers engaged in payment clearing and settlement, wholesale funding, and capital markets activities, entities that issue bonds, related financial institutions, institutions selling financial products, insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.

k. **Hardware and supply stores.** Hardware and supply stores and businesses that sell construction, electrical, plumbing, and heating materials.

l. **Critical trades.** Building and construction tradesmen and tradeswomen, and other trades including without limitation plumbers, electricians, exterminators, filtration technicians, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC engineers, painting, moving, and relocation services, and other service providers who provide services that are necessary to maintain the safety, sanitation, and essential operation of residences, essential activities, and Essential Businesses and Operations.

m. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods, vehicles, or services to end users or through commercial channels.

n. **Religious entities.** Religious facilities, entities, and groups and religious gatherings, including weddings and funerals; provided that such gatherings should

still practice proper social distancing of six feet between persons to the greatest extent possible.

o. **Educational institutions.** Educational institutions including public and private pre-K-12 schools, colleges, and universities for purposes of facilitating distance learning, performing critical research, or performing essential functions including providing for the delivery or pick-up of food for school age children; provided that proper social distancing of six feet between persons is maintained to the greatest extent possible.

p. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.

q. **Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people to work from home, including IT and telecommunications services and product companies.

r. **Supplies for Essential Businesses and Operations.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support of materials necessary to operate, including computers, audio and video electronics, household appliances, IT and telecommunications equipment, cybersecurity software or services, hardware, paint, flat glass, electrical, plumbing, and heating material, sanitary equipment, personal hygiene products, food, food additives, ingredients, and components, medical and orthopedic equipment, optics and photography equipment, diagnostics, food and beverages, chemicals, soaps and detergents, tent and other temporary structure suppliers, and firearm and ammunition suppliers and retailers.

s. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

t. **Residential facilities and shelters.** Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness.

u. **Professional services.** Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services).

v. **Media and first amendment protected speech.** Newspapers, television, radio, and other media services.

w. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food delivery.

x. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services; provided that proper social distancing of six feet between persons is maintained to the greatest extent possible.

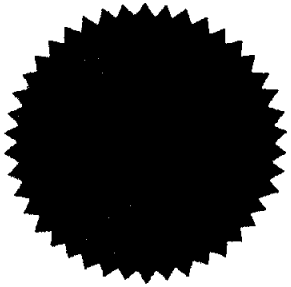
4. **Prohibited activities.** All places of public amusement, whether indoors or outdoors, including but not limited to locations with amusement rides, carnivals, zoos, museums, arcades, fairs, pool halls, bingo halls, malls (except where stores in a mall that have a direct outdoor entrance and exit that provide essential services and products under the terms of this Order), children's play centers, playgrounds, bowling alleys, movie and other theaters, concert and music halls, adult entertainment venues, racetracks, social clubs, and other similar businesses shall be closed.

5. **Avoid social gatherings.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Order. Any gathering of more than 10 people is prohibited unless exempted by this Order. Nothing in this Order prohibits the gathering of members of a household or residence.

6. **Intent of this Order.** The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence, whether to perform essential activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible properly socially distance themselves from others. All provisions of this Order should be interpreted and implemented to effectuate this intent.

7. **Enforcement.** This Order may be enforced by State and local law enforcement and by state and local regulatory and/or licensing bodies to the extent possible under West Virginia law.
8. **Duration.** The provisions of this Order, and all previous executive orders relating to COVID-19, are effective until terminated by subsequent executive order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-third day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 10-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article Five, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, on the nineteenth day of March, Two Thousand Twenty, Executive Order 7-20 suspended certain provisions and sections of statute that if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, there have been additional statutory regulations identified by our agencies that are preventing the state from best assisting the citizens of West Virginia; and

WHEREAS, the Board of Medicine and the Board of Osteopathic Medicine have identified a number of provisions in Executive Order 7-20 that would benefit from additional clarification and amendment.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article Five, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulations are to be suspended for the duration of the State of Emergency:

1. Requirement that poll worker training may only begin within 30 days of the election (W. Va. Code § 3-1-46(c));
2. Requirement that there be at least 30 days prior to Election Day to establish a satellite precinct (W. Va. Code § 3-3-2a(b)(1));
3. Requirement that voters who wish to vote an absentee-by-mail ballot must request an absentee ballot application by "oral or written request" (W. Va. Code § 3-3-5(a));
4. Requirements that the official designated to supervise and conduct absentee voting must provide to the voter an absentee ballot within just one day of receiving the absentee ballot application. Provided, that the remaining requirements regarding the appropriate address, delivery method, materials, instructions, notices, and other information are not suspended (W. Va. Code § 3-3-5(e)(1)).
5. Requirement that precincts must be operated separately with separate equipment and poll workers (W. Va. Code § 3-1-5(a) and W. Va. Code § 3-4A-30);
6. Requirements that precincts must have at least 5 poll workers present to operate on Election Day (W. Va. Code § 3-1-29, 30);
7. Requirement that any person practicing or offering to practice as a registered nurse (RN) or advanced practice registered nurse (APRN) have a license issued by the West Virginia Board of Registered Professional Nurses (W. Va. Code § 30-7-2), with the exception of those with pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings and provided the RN or APRN is licensed in another state;
8. Requirement that RN and APRN licenses have a renewal period requirement (W. Va. Code §30-7-8);
9. Requirement for supervision or presence of any other healthcare provider when anesthesia is administered by a certified registered nurse anesthetist (CRNAs) (W. Va. Code §30-7-15);

10. Requirement for APRN authorization for prescriptive authority, collaborative requirements for prescriptive authority, prescriptive formulary limitations, prescriptive refill and supply limitations, and other prescriptive limitations including continuing education and renewal requirements (W. Va. Code §30-7-15a, §30-7-15b, §30-7-15c);
11. Requirement that RNs and APRNs furnish completion of continuing education, including drug diversion and veterans' mental health, for licensure or licensure renewal (W. Va. Code §30-1-7a);
12. Any statute or rule that prescribes time limits or deadlines by which state agencies or political subdivisions or agencies thereunder must hold hearings, and allowing abeyance of such hearings or for such hearings to be conducted by telephonic means, at the sole discretion of the applicable state agency or political subdivision or agencies thereunder; provided, that where a deadline is constitutional, the agency shall conduct the hearing telephonically, through other remote technology, or in compliance with any court order.

FURTHER, I **DECLARE** and **ORDER** that the following paragraphs of Executive Order 7-20 are hereby amended as follows:

1. Paragraph 1 is hereby deleted in its entirety and replaced with the following:

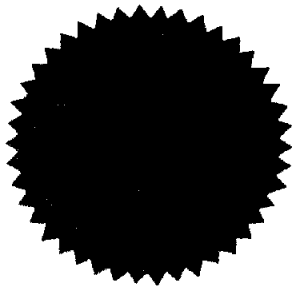
   Requirement of full licensure for allopathic physicians and surgeons who have no pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings and who possess valid, unrestricted medical licensure in another state, district, or territory of the United States or, at one time, possessed an unrevoked license issued by the Board of Medicine but are now retired or in inactive status (W. Va. Code § 30-3-13(a)) and (W. Va. Code § 30-3-12(h)(j));
2. Paragraph 2 is hereby deleted in its entirety and replaced with the following:

   Requirement for telemedicine providers to be licensed in West Virginia (W.Va. Code § 30-3-13a(b)(2) and (W. Va. Code § 30-3-13(b))), provided that such provider possesses an unrestricted medical license in their own state and otherwise complies with the provisions of W. Va. Code § 30-3-13a;
3. Paragraph 7 is hereby deleted in its entirety and replaced with the following

   Requirement of full licensure for osteopathic physicians and surgeons who have no pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings and who possess valid, unrestricted medical licensure in another state, district, or territory of the United States or, at one time, possessed a license issued by the Board of Osteopathic Medicine, which has not been revoked, but are now retired or in inactive status (W. Va. Code § 30-14-1) and (W. Va. Code § 30-14-10(a), (c), (d));
4. Paragraph 11 is deleted in its entirety and replaced with the following:

   Requirement that telemedicine be performed by video only (W. Va. Code § 30-14-12d(c))) and (W. Va. Code § 30-3-13a(c).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-third day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

Mac Warner

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 11-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Order 7-20 and 10-20 suspended certain provisions and sections of statute that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, there have been additional statutory regulations identified by the West Virginia Board of Respiratory Care, West Virginia Court Reporters Association, and the West Virginia Division of Natural Resources that are preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

WHEREAS, the Board of Medicine has identified a provision in Executive Order 7-20 that would benefit from additional clarification and amendment.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulations are to be suspended for the duration of the State of Emergency:

1. Requirement that a license application is to be submitted with a license fee of two hundred dollars (W. Va. Code § 30-34-7(a));
2. Requirement that every licensee shall renew his or her license on or before the first day of January of each year by payment of a fee established by the board (W. Va. Code § 30-34-7(b));
3. Requirement that a person on inactive license status wanting to return to active status must pay a renewal fee (W. Va. Code §30-34-7(c));
4. Requirement that upon payment of the proper fees, an applicant for a license to practice respiratory care shall submit to the board written evidence (W. Va. Code § 30-34-8(a));
5. Requirement that the board may issue temporary student permits for a period of up to six months by meeting certain criteria set forth by the board and an initial permit application fee, and may renew the permit for six months by paying a renewal fee (W. Va. Code § 30-34-9(a)(4)(d));
6. With respect to the provisions of Code applicable to court reporters and other notaries, the requirements of personal appearance for a notarial act that relates to a statement made in or a signature executed on record (W. Va. Code § 39-4-6);
7. Requirement that West Virginia residents have a fishing license from the Twenty-sixth day of March, Two Thousand Twenty through the Twenty-fourth day of April, Two Thousand Twenty (W. Va. Code § 20-2-7);
8. Any statute or rule that prescribes time limits or deadlines by which state agencies or political subdivisions or agencies thereunder must hold hearings, and allowing abeyance of such hearings or for such hearings to be conducted by telephonic means, at the sole discretion of the applicable state agency or political subdivision or agencies thereunder; provided, that where a deadline is constitutional, the agency shall conduct the hearing telephonically, through other remote technology, or in compliance with any court order.

FURTHER, I DECLARE and **ORDER** that the following paragraphs of Executive Order 7-20 are hereby amended as follows:

1. Paragraph 5 is hereby deleted in its entirety and replaced with the following:

   Requirement for Physician Assistant licensure as follows: to permit the Boards, in their discretion, to temporarily suspend or modify the requirements for temporary license applicants for the purpose of authorizing limited emergency licensing; to permit the Boards, in their discretion, to temporarily suspend or modify the requirements for reinstatement of a license suspended by failure to make a biennial renewal for the purpose of authorizing limited emergency licensing; to temporarily suspend the requirement that a physician assistant may not commence practice pursuant to a practice agreement filed with the appropriate board until the PA receives written authorization from the Board; to temporarily remove the collaboration limit which currently prohibits a physician from collaborating with more than five physician assistants at a time in non-hospital settings; and any provision of W. Va. Code §§ 30-3E-10 through 11 which would prohibit the Boards from, in their discretion, streamlining the authorization to practice process or accepting email notices of Practice Agreements and Practice Notifications (W. Va. Code § 30-3E-5; W. Va. Code § 30-3E-7; W. Va. Code § 30-3E-9(c)(3); W. Va. Code § 30-3E-9(e))

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-fifth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 12-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

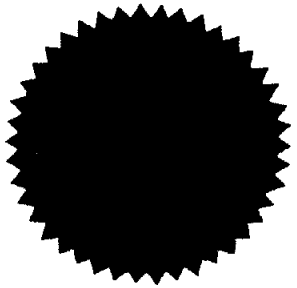
WHEREAS, on the twenty-third day of March, Two Thousand Twenty, Executive Order 10-20 suspended certain provisions and sections of statute that it was advised would, if strictly complied with, hinder or delay necessary action in coping with the emergency; and

WHEREAS, our medical experts have now advised that two provisions in Executive Order 10-20 are not, at this time, necessary, but that such provisions may warrant suspension in the future as circumstances change.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulations are to be reinstated immediately:

1. Requirement for supervision or presence of any other healthcare provider when anesthesia is administered by a certified registered nurse anesthetist (CRNA) (W. Va. Code §30-7-15); and
2. Requirement for advanced practice registered nurse (APRN) authorization for prescriptive authority, collaborative requirements for prescriptive authority, prescriptive formulary limitations, prescriptive refill and supply limitations, and other prescriptive limitations including continuing education and renewal requirements (W. Va. Code §30-7-15a, §30-7-15b, §30-7-15c).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-sixth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 13-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia ("the State of Emergency Declaration") to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of the respiratory disease caused by the novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency; and

WHEREAS, Chapter 11, Article 21, Section 51 requires annual personal income tax returns for calendar year 2019, to be filed on or before April 15, 2020; and Section 52 requires tax shown to be due on the return to be paid by April 15, 2020; and

WHEREAS, Chapter 11, Article 21, Section 55 requires certain persons to prepare and file declarations of estimated 2020 income tax; and Section 56 requires estimated income taxes to be paid in quarterly installments on April 15, 2020 and June 15, 2020; and

WHEREAS, Chapter 11, Article 24, Section 13 requires annual corporation net income tax returns to be filed on or before April 15, 2020; and Section 14 requires tax shown to be due on the return to be paid by April 15, 2020; and

WHEREAS, Chapter 11, Article 24, Section 16, requires certain corporations to prepare and file declarations of estimated 2020 income tax; and Section 17 requires estimated tax shown due on the declaration to be paid in quarterly installment payments; and

WHEREAS, Chapter 11, Article 10, Section 17 imposes interest on personal and corporation net income taxes not timely paid; and

WHEREAS, Chapter 11, Article 10, Section 18 imposes additions to tax when personal, fiduciary, and corporation net income tax returns are not timely filed and additions to tax when personal, fiduciary, and corporation net income taxes due April 15, 2020 are not timely paid; and

WHEREAS, Chapter 11, Article 10, Section 18a imposes additions to tax for failure to timely pay estimated personal, fiduciary, and corporation net income tax estimated taxes; and

WHEREAS, Chapter 11A, Article 1, Section 3 provides that second-half 2019 ad valorem property taxes not paid before April 1, 2020 become delinquent on April 1, 2020; and

WHEREAS, Chapter 11A, Article 2, Section 10a requires county sheriffs, on or after April 1, 2020, to prepare and publish a legal advertisement giving notice that 2019 property taxes are now delinquent and that unless paid by April 30, 2020 the property will be included in the delinquent property list published in the newspaper.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE and ORDER** that, effective as of 12:00 AM Eastern Daylight Time on the Twenty-sixth Day of March, Two Thousand Twenty, the applicable provisions of the above-referenced regulatory statutes are hereby suspended and the following provisions shall control:

1. 2019 annual personal income tax returns, 2019 annual fiduciary income tax returns, and 2019 annual corporation net income tax returns due April 15, 2020, may now be filed on or before July 15, 2020, without interest and additions to tax being imposed; and

2. Taxes shown to be due on personal, fiduciary, and corporation net income tax returns originally due April 15, 2020, shall be deemed to be timely paid if paid on or before July 15, 2020, without interest and additions to tax being imposed; and

3. Declarations of estimated personal, fiduciary, and corporation net income taxes and pass-thru entity income taxes due between April 15, 2020 and July 15, 2020, may now be filed on or before July 15, 2020 without interest and additions to tax being imposed; and

4. Payments of estimated personal, fiduciary, and corporation net income taxes and pass-thru entity income taxes originally due between April 15, 2020 and July 15, 2020, shall be deemed to be timely paid if paid on or before July 15, 2020, without interest and additions to tax being imposed; and

5. Second-half 2019 ad valorem property tax that would become delinquent on April 1, 2020, shall now become delinquent if not paid on or before May 1, 2020; and

6. County sheriffs may not declare 2019 ad valorem property taxes to be delinquent before May 2, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-sixth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

ascap
WE CREATE MUSIC

RICHARD H. REIMER
Senior Vice President
Business & Legal Affairs

OTHER

March 19, 2020

VIA FEDERAL EXPRESS

Ms. Judy Cooper, Manager
Administrative Law Division
Office of Secretary of State
1900 Kanawha Boulevard East
Charleston, WV 25305-0770

FILED
2020 MAR 23 A 11:49
OFFICE WEST VIRGINIA SECRETARY OF STATE

Re: West Virginia Compliance -- 2020 Filing

Dear Ms. Cooper:

In compliance with the requirements of Sections 47-2A-2 and 3 of the West Virginia Code, enclosed for filing with your office is a Certification of Compliance of John Johnson certifying that true and correct copies of each form of general license agreement offered by the American Society of Composers, Authors and Publishers to "Proprietors" in the State of West Virginia are contained on the DVD-ROM that is also enclosed. For the convenience of West Virginia "Proprietors," I am also enclosing a portable USB drive containing a current list of ASCAP's members and a separate portable USB that contains a searchable database of ASCAP members and their works. Given the magnitude of the database, an application such as Microsoft Access is necessary in order to use the latter USB drive.

Please note that included among the license agreements ASCAP offers to West Virginia Proprietors is a "Jukebox License." Under the Jukebox License, the Jukebox License Office ("JLO"), a joint venture of ASCAP, BMI and SESAC, licenses the public performances of music in the ASCAP, BMI and SESAC repertories that are performed by means of "coin-operated phonorecord players" (as that term is defined by the federal copyright statute). The JLO Jukebox License provides for payment of license fees to the JLO, which collects license fees on behalf of ASCAP, BMI and SESAC.

Sincerely yours,

Richard H. Reimer

RHR:pw
enc.

American Society of Composers, Authors and Publishers
250 West 57 Street, New York, NY 10107
Phone: 212.621.6261 Email: rreimer@ascap.com Fax: 212.787.1381

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

FILED
2020 MAR 23 A 11:48
OFFICE WEST VIRGINIA SECRETARY OF STATE

March 23, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **March 20, 2020**.

LETTERS OF INTENT RECEIVED

March 20, 2020 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #20-6-11827-H, for the development of a 10-bed hospital in the hospital formerly used by Fairmont Regional Medical Center in Fairmont, Marion County, as a campus and department of Ruby Memorial Hospital; capital expenditure: $8,790,000.

March 20, 2020 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #20-6-11828-H, for the construction of a 25-bed hospital in Fairmont, Marion County, as a campus and department of Ruby Memorial Hospital; capital expenditure: $35,300,000.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

March 20, 2020 – Braxton County Memorial Hospital, Gassaway, Braxton County, CON File #20-7-11823-P, for the development of an ambulatory health care facility through the relocation of a Rural Health Clinic in Braxton County; capital expenditure: $10,000.

March 20, 2020 – Mon Health Marion Neighborhood Hospital, Morgantown, Monongalia County, CON File #20-6-11824-H, for the development of a 10-bed hospital in Marion County providing a fully functioning emergency room and corresponding services with all the normal diagnostic and support services of an acute care hospital; capital expenditure: $25,000,000.

APPLICATION FOR EXEMPTION RECEIVED

March 16, 2020 – Parkersburg Addiction Recovery, LLC d/b/a Peer Solutions, Parkersburg, Wood County, CON File #20-5-11825-X, for the development of an outpatient behavioral health center.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATIONS

March 3, 2020 - Camden-Clark Memorial Hospital Corporation, Parkersburg, Wood County, CON File #20-5-11812-P, for the development of an ambulatory health care facility through the acquisition of the radiology services currently operated by Parkersburg Radiology Services, Inc., located in Vienna, Wood County; capital expenditure $98,000.

March 5, 2020 - Diversified Assessment & Therapy Services, Kenova, Wayne County, CON File #20-3-11813-BH, for the provision of ICF/IID group home services for children/adolescents in Putnam County; capital expenditure: $245,000.

March 6, 2020 – Daily Business Solutions, Martinsburg, Berkeley County, CON File #20-9-11803-BH, for the provision of independent case management services to the consumers of the Eastern Panhandle; no capital expenditure.

March 12, 2020 - Stonerise Home Health Services 2 LLC, Charleston, Kanawha County, CON File #20-7-11820-A, for the operation of home health services in Lewis, Gilmer and Braxton counties on behalf of a joint venture between Stonewall Jackson Memorial Hospital and Stonerise at Home Holdings; capital expenditure: $290,000.

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

March 16, 2020 – Review cycle begins;

April 15, 2020 – 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;

April 20, 2020 – 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;

May 15, 2020 – Decision on the project will be issued by the Authority.

PROJECTS DETERMINED NOT REVIEWABLE

March 17, 2020 – Charleston Area Medical Center, Charleston, Kanawha County, CON File #20-3-11816-X, for the complete relocation of its Occupational Lung Center from 600 Morris Street to 301 RHL Boulevard, both locations are in Charleston, Kanawha County; capital expenditure is below the expenditure threshold.

March 20, 2020 – Riverside Health and Rehabilitation Center, St. Albans, Kanawha County, CON File #20-3-11815-X, for the provision of rehabilitative therapy services on an outpatient basis to residents that have been discharged to their homes; no capital expenditure.

OTHER

CERTIFICATE OF NEED APPROVAL ISSUED

March 17, 2020 - Wetzel County Hospital, Inc., Morgantown, Monongalia County, CON File #20-10-11779-H, to become the licensed operator of Wetzel County Hospital and any related facilities and services; capital expenditure: $12,500,000.

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

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

FILED
2020 MAR 26 P 3:37
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

ADMINISTRATIVE NOTICE 2020-16

Extension of April 15, 2020 Due Date for Filing 2019 Annual Income Tax Returns Due to the COVID-19 Outbreak

The West Virginia State Tax Department is providing special tax filing and payment relief to individuals and corporations whose 2019 annual income return is due April 15, 2020. This extension is in response to the coronavirus (COVID-19) outbreak.

Filing deadline: The deadline to file 2019 annual income tax returns for individuals, trusts or estates, and corporations has been extended from April 15, 2020, to July 15, 2020. This extension does not apply to any other tax collected by the Tax Commissioner.

Estimated tax payments: This relief also extends to estimated tax payments for tax year 2020 that are due between April 15, 2020 and June 15, 2020 for individuals, trusts or estates, corporations, and pass-thru entities. They too will be due July 15, 2020.

Relief Limited to Income Tax: This relief does not apply to employer withholding tax returns and payments or to any other tax collected by the Tax Commissioner.

No Filing of Extension Request Needed: The Department will automatically provide this relief, so filers do not need to take any additional steps to qualify for this extension of time.

Payment deadline: Payment relief for individuals and corporations. Income tax payment deadlines for individual and corporate annual income returns with a due date of April 15, 2020, are extended until July 15, 2020. This payment relief applies to all individual income tax returns, income tax returns filed by C corporations, and income tax returns filed by trusts or estates with a statutory due date of April 15, 2020. The Department will automatically provide this relief, so filers do not need to take any additional steps to qualify for this extension of time.

Penalties and interest: Failure to pay any balance of tax due by July 15, 2020 will result in the accrual of penalties and interest beginning July 16, 2020. Individuals, trusts and estates, and corporations that request an extension of time to file to October 15, 2020, must still pay any liability by July 15, 2020 to avoid the accrual of interest and penalties. Calculation of the underpayment of estimated tax penalty, and associated interest, will be calculated on the estimated payments due during the period April 15, 2020 to July 15, 2020 using the date of July 15, 2020.

Issued: March 26, 2020

Dale W. Steager
State Tax Commissioner

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999