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

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NO NEW RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

NO NEW EMERGENCY RULES WERE FILED THIS WEEK				
AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE OF HEARING

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
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TITLE	26	VETERINARY MEDICINE
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TITLE	31	DIETITIANS
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
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TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
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TITLE	112	TREASURER
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TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

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	4/9/2020	7/1/2020
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	4/8/2020	4/8/2020
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	4/8/2020	4/8/2020
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
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	3/30/2020	7/1/2020
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	3/30/2020	7/1/2020
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 (36-07)	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 (36-11)	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						

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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 (36-18)	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	4/7/2020	4/7/2020
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		
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		
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		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
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	4/6/2020	4/6/2020
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	4/6/2020	4/6/2020
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		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
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		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
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		
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

RULE MONITOR

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		
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 (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020				
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		
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	4/8/2020	7/1/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	4/8/2020	7/1/2020
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	4/8/2020	7/1/2020
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 Amendment 4/1/2020 Approved 4/1/2020	7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative			4/1/2020 Approved 4/1/2020					
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		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
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	4/9/2020	4/9/2020
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	4/9/2020	4/9/2020
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	4/9/2020	4/9/2020
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	4/9/2020	4/9/2020
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 (16-09)	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	4/1/2020	6/1/2020
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		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	4/1/2020	7/1/2020
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	4/1/2020	7/1/2020
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		
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	4/1/2020	5/1/2020
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					

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-45)	Guidelines and Standards for Electronic Notarization Legislative			3/27/2020 Amendment 3/31/2020 Approved 4/1/2020					
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						
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	4/1/2020	7/1/2020
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	4/1/2020	7/1/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	4/1/2020	7/1/2020
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 (47-02)	Requirements Governing Water Quality Standards Legislative	3/31/2020	5/19/2020						
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: Accountancy TITLE-SERIES: 1-01

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

RULE NAME: Board Rules and Rules of Professional Conduct

CITE STATUTORY AUTHORITY: W. Va. Code Section 30-9-5

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

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

Section 64-9-1 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:

July 1, 2020

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

July 01, 2025

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

Yes

Brenda S Turley -- 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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4/8/2020 2:51:56 PM

Office of West Virginia
Secretary Of State

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

AGENCY: Agriculture TITLE-SERIES: 61-01

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

RULE NAME: Animal Disease Control

CITE STATUTORY AUTHORITY: §19-9-2, §19-9-4

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

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

Section §64-9-3 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:

April 8, 2020

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

April 08, 2030

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

Yes

Norman Bailey -- 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

LEGISLATIVE

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

AGENCY: Agriculture TITLE-SERIES: 61-10

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

RULE NAME: Fresh Food Act

CITE STATUTORY AUTHORITY: §19-37-3

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

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

Section §64-9-3 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:

April 8, 2020

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

April 08, 2025

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

Yes

Norman Bailey -- 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: Conservation Agency TITLE-SERIES: 63-03

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

RULE NAME: 63-03 State Conservation Committee Grant Program

CITE STATUTORY AUTHORITY: W. Va. Code 19-21A-3(4)

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

Authorization is cited in (house or senate bill number) HB4252

Section §64-9-33 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:

April 7, 2020

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

April 07, 2025

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

Yes

Belinda G Withrow -- 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

LEGISLATIVE

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

AGENCY: Forestry TITLE-SERIES: 22-02

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

RULE NAME: Sediment Control During Commercial Timber-Harvesting Operations

CITE STATUTORY AUTHORITY: W. Va. Code 19-1B-4

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

Authorization is cited in (house or senate bill number) SB 449

Section 64-10-3 Passed On 3/5/2020 12:00:00 AM

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

April 6, 2020

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

April 06, 2030

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

Yes

Wesley H White -- 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: Forestry TITLE-SERIES: 22-03

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

RULE NAME: Sediment Control During Commercial Timber-Harvesting Operations - Logger Certification

CITE STATUTORY AUTHORITY: W. Va. Code 19-1B-7.

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

Authorization is cited in (house or senate bill number) SB 449

Section 64-10-3 Passed On 3/5/2020 12:00:00 AM

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

April 6, 2020

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

April 06, 2030

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

Yes

Wesley H White -- 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 APR -7 P 1:08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: April 6, 2020

TO: Mac Warner
Secretary of State

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

RE: **Adequate provision of emergency medical services to the residents of West Virginia - W. Va. C.S.R. § 64-48**

The Bureau for Public Health of the Department of Health and Human Resources requests that W. Va. C.S.R. §64-48 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. §64-48 establishes and sets forth the requirements for providing emergency medical services to West Virginia residents. 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. §64-48.6.7.1.e - The requirement that Emergency Vehicle Operators successfully complete hazardous materials awareness training meeting Department of Labor, Occupational Safety and Health Administration (OSHA) 1910.120 requirements or greater;

W. Va. C.S.R. §64-48.6.7.1.f – The requirement that Emergency Vehicle Operators successfully complete first aid training meeting United States Department of Labor, OSHA 1910.266, appendix B, requirements or greater; and

W. Va. C.S.R. §64-48.6.7.1.k. - The requirement that Emergency Vehicle Operators successfully complete an emergency vehicle operator course approved by the Commissioner.

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

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

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE April 7, 2020
ADMINISTRATIVE LAW DIVISION

MEMORANDUM

DATE: April 7, 2020

TO: Mac Warner
Secretary of State

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

RE: **Suspension of certain requirements regarding the generation, handling, storage, transportation, treatment and disposal of infectious medical waste - W. Va. C.S.R. § 64-56**

The Bureau for Public Health of the Department of Health and Human Resources requests that W. Va. C.S.R. §64-56, *Infectious Medical Waste,* 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. This rule is operationally complex. Portions are being eased in order to accommodate the anticipated use of Alternate Care Sites that will generate infectious medical waste. In some of the sections, the agency seeks to enlarge the scope of time for certain operations.

W. Va. C.S.R. §64-56 establishes and sets forth the requirements regarding the generation, handling, storage, transportation, treatment and disposal of infectious medical waste. The Bureau for Public Health anticipates the operation of one or more alternative care sites (ACS) to enable the provision of medical care for injured of sick patients or continue care for chronic conditions in non-traditional environments. The operation of ACSs will result in the generation of associated infectious medical waste. Due to the temporary and exigent nature of ACS operation, strict compliance with the provisions that apply to non-commercial infectious medical waste facilities will hinder and delay necessary action in coping with the emergency declared by the Governor, and the agency will therefore observe a suspension for the duration of the declared emergency:

W. Va. C.S.R. §64-56.4.2. – Suspend requirement to obtain permit prior to the physical construction of a new non-commercial infectious medical waste management facility.

W. Va. C.S.R. §64-56.4.4, 4.4.a, 4.5 & 4.6.e – Suspend public notice and public participation requirements regarding intent to apply for permit.

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W. Va. C.S.R. §64-56.4.13 – Suspend permit fee.

W. Va. C.S.R. §64-56.4.14 –***Suspend only the following provision:*** "and has submitted the permit fee."

W. Va. C.S.R. §64-56.4.16.c – Suspend limitation on increasing the amount of infectious waste.

W. Va. C.S.R. §64-56.6.2.d & 6.2.e – ***Suspend only the requirement to use a certain color bag***; red or orange colored bag may be used, and the remaining provisions of these paragraphs shall remain in effect.

W. Va. C.S.R. §64-56.8.2 – Increase each expressed time limitation on the storage of hazardous waste by 30 days.

W. Va. C.S.R. §64-56.9.2.b – Increase the time frame for the delivery of infectious waste by 30 days.

W. Va. C.S.R. § 64-56.12.4 – Suspend requirement of signature by generator to permit transporter to accept waste without that signature.

W. Va. C.S.R. §64-56.12.5 - ***Suspend only the following provision:*** "In the presence of the generator or, in the event of multiple transporters, in the presence of the previous transporter" so that the signature need not be made in the presence of any particular person.

W. Va. C.S.R. §64-56.12.7 – ***Suspend only the following provision:*** "in the presence of the generator or transporter" so that the signature need not be made in the presence of any particular person.

W.Va. C.S.R. §64-56.13.4 – Suspend annual reporting provision ***only*** for alternative care sites operated during the declared emergency.

LEGISLATIVE

FILED
2020 APR -9 P 3: 22
OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

April 6, 2020

The Honorable Mac Warner
Secretary of State
State Capitol Building, Suite 157-K
Charleston, West Virginia 25305-0770

Dear Secretary Warner:

Please place within the Orders File of the State Register the attached Order and Fee Schedule revising the licensure fees for health care facilities licensed by the West Virginia Department of Health and Human Resources.

The health facility licensure fees will be increased by 2.29 percent, which is the rate of growth to the Consumer Price Index over a period of 12 months from January 1, 2019, to December 31, 2019, pursuant to the following authorities:

Hospitals and Similar Institutions, W. Va. Code §16-5B-4;
Nursing Homes, W. Va. Code §16-5C-6(e);
Assisted Living Residences, W. Va. Code §16-5D-6(i);
Residential Care Communities, W. Va. Code §16-5N-6(e);
Chronic Pain Management Clinics, W. Va. Code R. §69-8-4.4.a.;
Medication-Assisted Treatment/Opioid Treatment Programs, W. Va. Code R. §69-11-6.3.a.; and
Medication-Assisted Treatment/Office-Based MAT, W. Va. Code R. §69-12-6.3.a.

The new licensure fees will become effective: June 1, 2020.

Sincerely,

Bill J. Crouch
Cabinet Secretary

BJC:alr

Enclosures

cc: Jolynn Marra
Starlah Wilcox

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

FILED
2020 APR -9 P 3: 22
LEGISLATIVE
OFFICE WEST VIRGINIA
SECRETARY OF STATE

ORDER

In accordance with the provisions of W. Va. Code §16-5B-4; §16-5C-6(e); §16-5D-6(i); §16-5N-6(e); and W. Va. Code R. §69-8-4.4.a.; §69-11-6.3.a.; and §69-12-6.3.a., the Cabinet Secretary of the Department of Health and Human Resources hereby approves and files with the Secretary of State the attached schedule of licensure fees for certain health care facilities. The adjusted health care facility licensure fees shall become effective June 1, 2020.

Bill J. Crouch
Cabinet Secretary

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
Office of Health Facility Licensure and Certification
408 Leon Sullivan Way
Charleston, West Virginia 25301-1713
Telephone: (304) 558-0050 Fax: (304) 558-2515

Bill J. Crouch
Cabinet Secretary

Jolynn Marra
Interim Inspector General

EFFECTIVE: JUNE 1, 2020

	Licensure Fees		
Facility Type	**Initial**	**Renewal**	
Hospitals:			
General, Psychiatric, Rehab			
5-49 Beds	$ 1,114.73	$1,114.73	
50-99 Beds	$ 1,668.67	$1,668.67	
100-199 Beds	$ 2,224.09	$2,224.09	
200 & over	$ 2,784.37	$2,784.37	
Nursing Homes	$ 200.00	$ 23.27	per bed
Assisted Living Residence	$ 65.00	$ 8.28	per bed
Residential Care Communities	$ 65.00	$ 6.17	per bed
Medication Assisted Treatment Programs			
Opioid Treatment Programs:			
1-499 Patients	$ 250.00	$ 543.23	
500-1000 Patients	$ 250.00	$1,086.47	
1001 or more Patients	$ 250.00	$1,629.70	
Office Based Programs:			
1-50 Patients	$ 250.00	$ 271.62	
51-100 Patients	$ 250.00	$ 325.94	
101-200 Patients	$ 250.00	$ 434.58	
201 or more Patients	$ 250.00	$ 543.23	
Chronic Pain Management Clinics			
1-499 Patients	$ 250.00	$ 273.60	
500 - 1000 Patients	$ 250.00	$ 547.21	
1001 or more Patients	$ 250.00	$ 820.81	

State of West Virginia

WV Office of Miners' Health, Safety & Training
Eugene White, Director
#7 Players Club Drive, Suite 2 • Charleston, West Virginia • 25311-1626
Telephone 304-558-1425 • Fax 304-558-1282
minesafety.wv.gov

FILED
2020 APR -7 A 11:56
OFFICE WEST VIRGINIA
SECRETARY OF STATE
LEGISLATIVE

April 7, 2020

The Honorable Mac Warner
Secretary of State
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305

RE: West Virginia Office of Miners' Health, Safety and Training
Suspension of W. Va. Code R. § § 56-19-5.4 and 5.5

Dear Secretary Warner:

By Proclamation dated March 16, 2020, the Governor of the State of West Virginia declared a statewide State of Emergency to address the emergency created by the Covid-19 pandemic. In the March 16, 2020 Proclamation declaring that State of Emergency, the Governor also 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.

By Executive Order 9-20 dated March 23, 2020, the Governor Declared and Ordered that coal mining and coal-fired electric generation facilities, as well as all ancillary and support functions ranging from transportation, maintenance, equipment, and supply vendors are essential businesses and shall remain open.

One ancillary and support function of coal mining is the use of drug testing vendors to conduct preemployment, random, reasonable suspicion and post-accident drug tests of coal miners in accordance with W. Va. Code R. § 56-19-1 *et seq.* Those drug tests consist of both a split sample urine drug test and a breath test for alcohol.

The West Virginia Office of Miners' Health, Safety and Training (WVOMHST) has been informed that conducting a breath test for alcohol, as defined in W. Va. Code R. 56-19-3.5, creates a heightened risk of transmitting the Covid-19 virus among coal miners. WVOMHST believes that allowing employers the option to suspend pre-employment and random breath tests for alcohol will greatly reduce the number of breath tests, therefore, reducing the likelihood of transmitting the Covid-19 virus.

The West Virginia Office of Miners' Health, Safety and Training (WVOMHST) seeks to suspend certain requirements in W. Va. Code Rule § 56-19 pertaining to the preemployment and random breath tests for alcohol for coal miners while still requiring coal operators/employers to conduct breath tests for alcohol when there is reasonable suspicion to suspect a coal miner has been drinking alcohol and/or after a serious accident has occurred at a mine. The following rule suspensions shall continue until WVOMHST terminates this notice or the State of Emergency is lifted, whichever occurs first.

W. Va. Code R. § 56-19-5.4 and 5.5 - These two sections of the rule are suspended in their entirety while the rule suspension time period exists. It is the intent of WVOMHST that for the duration of the rule suspension coal operators/employers shall no longer be required to do a breath test for alcohol when conducting a pre-employment or random drug test. No other sections of the rule are suspended. Coal operators/employers are still required to do a breath test for alcohol when conducting a reasonable suspicion or serious post-accident drug test. Additionally, it is WVOMHST's intent to immediately and temporarily suspend the mining certifications of all certified persons/coal miners who fail or refuse a breath test for alcohol regardless of the type of test should the employer chose to continue the pre-employment and random breath test for alcohol.

Thank you for your time and attention to this matter.

Very truly yours,

Eugene White

Eugene White
Director

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/8/2020 8:31:31 AM

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: Occupational Therapy TITLE-SERIES: 13-03

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

RULE NAME: FEES FOR SERVICES RENDERED BY THE BOARD

CITE STATUTORY AUTHORITY: 30-28-7

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

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

Section 64-9-17 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:

July 1, 2020

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

July 01, 2030

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/8/2020 9:41:49 AM

Office of West Virginia
Secretary Of State

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

AGENCY: Occupational Therapy TITLE-SERIES: 13-07

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

RULE NAME: Request for Waiver of Initial Licensing Fees for Certain Individuals

CITE STATUTORY AUTHORITY: 30-28-7 and 30-1-23

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

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

Section 64-9-17 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:

July 1, 2020

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

July 01, 2025

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/8/2020 9:44:14 AM

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: Occupational Therapy TITLE-SERIES: 13-08

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

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

CITE STATUTORY AUTHORITY: 30-28-7 and 30-1-24

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

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

Section 64-9-17 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:

July 1, 2020

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

July 01, 2025

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

Yes

Vonda K Mainikoff – 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 BOARD OF OPTOMETRY
179 Summers Street, Suite 231
Charleston, WV 25301
Phone: (304) 558-5901 Fax: (304) 558-5908
e-mail: wvbdopt@frontier.com

April 2, 2020

FILED
2020 APR -6 P 2:36
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 E
Charleston, WV 25305

Re: West Virginia Board of Optometry
Temporary Suspension of W. Va. Code R. § 14-10-3.2.c

Dear Secretary of State Warner:

The Honorable Governor of the State of West Virginia, Jim Justice, has declared a State of Emergency to address the emergency created by the worldwide coronavirus (COVID-19) pandemic. In a Proclamation issued March 16, 2020, the Governor 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."

The West Virginia Board of Optometry ("Board") is actively monitoring the effects of the COVID-19 pandemic. The Board is dedicated to fulfilling its primary mission of protecting the public during this time, while continuing to ensure that West Virginia has the workforce it needs to treat and care for optometry patients throughout the State.

At an emergency meeting held March 27, 2020, and pursuant to the Governor's Proclamation, the Board voted to temporarily suspend its rule limiting the number of continuing education (CE) hours that may be obtained by correspondence, the internet, or other electronic means, W. Va. Code R. § 14-10-3.2.c. The suspension of this rule applies only to the CE reporting period of July 1, 2018 to June 30, 2020.

Therefore, during this CE reporting period, a licensee of the Board may complete all of the required 43 hours via correspondence, the internet, or other electronic means. The Board finds it necessary and appropriate to temporarily suspend this rule in response to the COVID-19 outbreak and in order to protect the public health, safety, and welfare.

In communicating this decision to its licensees, the Board has noted that the remaining provisions of W. Va. Code R. § 14-10-3 are unaffected and still apply. The Board has also issued instructions for submitting online CE credits.

The Board would respectfully request that the Secretary of State's Office accept this correspondence as notice of the temporary suspension of W. Va. Code R. § 14-10-3.2.c and post a copy of this correspondence on its website.

MISSION STATEMENT

To ensure that all applicants for licensure and all Doctors of Optometry currently licensed, practice their profession in a manner that benefits and protects the public, and to ensure that the highest quality optometric eye and vision care is provided in a professional, competent, and ethical manner.

Should you have any questions regarding this correspondence, please contact the Board's office by telephone, 304-558-5901, or by email, wvbdopt@frontier.com.

Sincerely,

Pamela Carper
Executive Director
West Virginia Board of Optometry

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2020 9:15:36 AM

Office of West Virginia
Secretary Of State

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

AGENCY: Pharmacy TITLE-SERIES: 15-12

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

RULE NAME: Board of Pharmacy Rules for Immunizations Administered by Pharmacists and Pharmacy Interns

CITE STATUTORY AUTHORITY: 30-5-7

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

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

Section one 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:

April 9, 2020

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

April 09, 2030

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2020 10:53:57 AM

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: Pharmacy TITLE-SERIES: 15-14

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

RULE NAME: Board of Pharmacy Rules for Centralized Prescription Processing

CITE STATUTORY AUTHORITY: 30-5-7

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

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

Section one 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:

April 9, 2020

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

April 09, 2030

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Yes

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WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2020 12:27:37 PM

Office of West Virginia
Secretary Of State

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

AGENCY: Pharmacy TITLE-SERIES: 15-15

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

RULE NAME: Regulations Governing Pharmay Permits

CITE STATUTORY AUTHORITY: 30-5-7

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

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

Section one 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:

April 9, 2020

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

April 09, 2030

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Yes

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WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2020 11:50:44 AM

Office of West Virginia
Secretary Of State

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

AGENCY: Pharmacy TITLE-SERIES: 15-16

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

RULE NAME: Regulations Governing Pharmacists

CITE STATUTORY AUTHORITY: 30-5-7

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

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

Section one 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:

April 9, 2020

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

April 09, 2030

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Yes

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

LEGISLATIVE

Dr. Sue Painter, DNR RNTELEPHONE:
Executive Director

email: rnboard@wv.govFAX (304) 744-0600

web address: wvrnboard.wv.gov

(304) 744-0900

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
90 MacCorkle Avenue, SW
Suite 203
South Charleston, WV 25303-1443

April 3, 2020

FILED
2020 APR -3 P 4: 21
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 1-8

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 S 15-5-6, and more specifically W. Va. Code S 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.

§19-1-8. Curriculum.

8.3. Simulation. A prelicensure nursing education program ("program") may use simulation as a substitute for traditional clinical experiences~~, not to exceed fifty percent (50%) of its clinical hours~~. A program that uses simulation shall adhere to the standards set in this section. Clinical requirements can be met utilizing any available mechanism including, simulation, telecommunications or by any other acceptable form as determined by the school. Board approved schools shall file a report with the Board at least thirty days prior to its October Board meeting outlining how the clinical requirements were met during the declared state of emergency.

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: rnboard@wv.gov

Sincerely,

Sue Painter

Sue Painter, DNP, RN
Executive Director

LEGISLATIVE

Dr. Sue Painter, DNP RN
Executive Director

Telephone: (304) 744-0900
email: rnboard@wv.gov
FAX (304) 744-0600
web address:wvrnboard.wv.gov

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
90 MacCorkIe Avenue, SW
Suite 203
South Charleston, WV 25303-1443

April 9, 2020

FILED
2020 APR 10 A 8: 34
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 13-6.1.f.1.; 19 CSR 13-14.1.c.; 14.2.; 14.8.e.

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.

§19-13-6. Minimum Standards of a Dialysis Technician Training Programs.

6.1.f.1. Classroom instruction~~, which may be supported by audio visuals, shall include~~ can be met utilizing any available mechanism including, simulation, telecommunications or by any other acceptable form as determined by the school. Board approved programs shall file a report with the Board at least thirty days prior to its October Board meeting outlining how the clinical requirements were met during the declared state of emergency.

§19-13-14. Application for Certification; Temporary Permit and Endorsement of Certification.

14.1.c. 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.

14.2. The board may issue a temporary permit to an applicant who files a completed "Application for Credential" following completion of a board approved training program. The temporary permit is effective from the date of issuance until ~~three (3) days following receipt by the applicant and the board of the results of the first written certification examination or after 18 months whichever is sooner~~ the declared state of emergency is lifted and testing is available. In no such case shall applicants submit to testing later than thirty (30) days after the state of emergency has been lifted by the Governor and testing is available.

14.8.e. The results of a local and Federal criminal background check completed with the previous six (6) months, 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.

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: rnboard@wv.gov

LEGISLATIVE

Sincerely,

Sue Painter

Sue Painter, DNP, RN
Executive Director

Orders Report

Docket Number	Agency	Respondent	Date Rendered
16-5B-4, 16-5C-6(E), 16-5D-6(E), 16-5N-6(E)	**Health And Human Resources**	Health Care Facility Licensure Fees	4/6/2020
05-FY-2020	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Pamela Bowers	3/17/2020

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2020-06	A County Commission asks whether it may participate in determining the validity of a lien against an estate if the County Commission also holds a lien against the estate for unpaid emergency ambulance service fees.
2020-07	A City Council member asks whether she may vote on the City's budget which contains a line item appropriation to her employer, a County Public Library.
2020-08	A Chief Deputy Sheriff asks whether her badge is considered part of her uniform and whether the badge may be included in photographs in campaign material.

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 20-20

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 to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Order 9-20 ordered individuals to remain at their homes or residences, except when performing essential activities, and closed or otherwise limited the occupancy of businesses and entities that are not "Essential Businesses and Operations," as that term is defined in Executive Order 9-20; and

WHEREAS, due to the recent number of positive cases of COVID-19 in the Eastern Panhandle of this state, 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 in the Eastern Panhandle; and

WHEREAS, it is necessary for those businesses and entities in the Eastern Panhandle that are Essential Businesses and Operations to further limit the number of employees and members of the public entering and exiting their premises and, therefore, to the maximum extent possible, employers of Essential Businesses and Operations must shift work and their workers off-premises; and

WHEREAS, local health departments have broad authority to regulate matters relating to public health under Chapter 16 of the West Virginia Code; and

WHEREAS, these additional measures are necessary because of the number of positive cases of COVID-19 in the Eastern Panhandle at this time and the propensity of the COVID-19 virus to spread via personal interactions.

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 12:00 AM, Eastern Standard Time, on the Fourth day of April, Two Thousand Twenty, as follows:

1. For the counties of Berkeley, Jefferson, and Morgan, the following provisions of Executive Order 9-20 are hereby amended as follows:

   Section 1, Subparagraph g is hereby deleted in its entirety and replaced with the following:

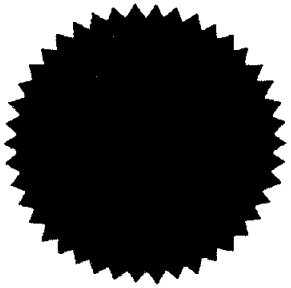
   "g. Engaging in outdoor activity, provided that individuals at all times and as much as reasonably possible maintain social distancing of six feet from one another and abide by a 5-person limitation on gathering size."

2. All Essential Businesses and Operations conducted by both private and public employers in Berkeley County, Jefferson County, and Morgan County shall order their employees and/or contractors, to the maximum extent possible, to work from their home or residence, or to otherwise work remotely.

3. Local health departments in Berkeley County, Jefferson County, and Morgan County, and other appropriate agencies of such counties, are hereby directed to establish and enforce protocols to limit occupancy of any such business and entity that remains open to the public under the terms of this Order and all other Executive Orders issued to date related to the COVID-19 pandemic, on an individual-per-square-foot-basis, to be determined in the discretion of such local health department, in consultation with the State Health Officer.

The West Virginia National Guard is hereby directed to support such county initiatives through the delivery of goods and services, the conveyance of information, and such other lawful purposes as may be necessary or convenient to such counties, to the extent resources are available therefor, in implementing the terms of this Order and lawful orders issued by such agencies. Further, the West Virginia State Police is hereby directed to provide such support in enforcing the terms of this Order and lawful orders issued by such agencies, as may be necessary to and at the request of such counties, to the extent resources are available therefor.

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 Third day of April, 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. 21-20

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 to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Order 9-20 ordered individuals to remain at their homes or residences, except when performing essential activities, and closed or otherwise limited the occupancy of businesses and entities that are not "Essential Businesses and Operations," as that term is defined in Executive Order 9-20; and

WHEREAS, due to the recent number of positive cases of COVID-19 in the Eastern Panhandle of this state, Executive Order 20-20 implemented further measures 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 in the Eastern Panhandle; and

WHEREAS, due to the increase in the number of positives cases of COVID-19 in Harrison County, Kanawha County, and Monongalia County, it is necessary to implement similar heightened measures in these named counties as were included in Executive Order 20-20 for the Eastern Panhandle; and

WHEREAS, it is necessary for those businesses and entities in Harrison County, Kanawha County, and Monongalia County that are Essential Businesses and Operations to further limit the number of employees and members of the public entering and exiting their premises and, therefore, to the maximum extent possible, employers of Essential Businesses and Operations must shift work and their workers off-premises; and

WHEREAS, local health departments have broad authority to regulate matters relating to public health under Chapter 16 of the West Virginia Code; and

WHEREAS, these additional measures are necessary because of the number of positive cases of COVID-19 in Harrison County, Kanawha County, and Monongalia County at this time and the propensity of the COVID-19 virus to spread via personal interactions.

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 12:00 AM, Eastern Standard Time, on the Fifth day of April, Two Thousand Twenty, as follows:

1. For the counties of Harrison, Kanawha, and Monongalia, the following provisions of Executive Order 9-20 are hereby amended as follows:

   Section 1, Subparagraph g is hereby deleted in its entirety and replaced with the following:

   "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 5-person limitation on gathering size."

2. All Essential Businesses and Operations conducted by both private and public employers in Harrison County, Kanawha County, and Monongalia County shall order their employees and/or contractors, to the maximum extent possible, to work from their home or residence, or to otherwise work remotely.

3. Local health departments in Harrison County, Kanawha County, and Monongalia County, and other appropriate agencies of such counties, are hereby directed to establish and enforce protocols to limit occupancy of any such business and entity that remains open to the public under the terms of this Order and all other Executive Orders issued to date related to the COVID-19 pandemic, on an individual-per-square-foot-basis, to be determined in the discretion of such local health department, in consultation with the State Health Officer. The West Virginia National Guard is hereby directed to support such county initiatives through the delivery of goods and services, the conveyance of information, and such other lawful purposes as may be necessary or convenient to such counties, to the extent resources are available therefor, in implementing the terms of this Order and lawful orders issued by such agencies. Further, the West Virginia State Police is hereby directed to provide such support in enforcing the terms of this Order and lawful orders issued by such agencies, as may be necessary to and at the request of such counties, to the extent resources are available therefor.

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 Fourth day of April, 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. 22-20

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 to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Order 9-20 ordered individuals to remain at their homes or residences, except when performing essential activities, and closed or otherwise limited the occupancy of businesses and entities that are not "Essential Businesses and Operations," as that term is defined in Executive Order 9-20; and

WHEREAS, due to the recent number of positive cases of COVID-19 in several areas of this state, Executive Order 20-20 and Executive Order 21-20 implemented further measures 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 in particular counties of West Virginia; and

WHEREAS, due to the increase in the number of positives cases of COVID-19 in Marion County, it is necessary to implement similar heightened measures in this county as were included in Executive Order 20-20 and Executive Order 21-20; and

WHEREAS, it is necessary for those businesses and entities in Marion County that are Essential Businesses and Operations to further limit the number of employees and members of the public entering and exiting their premises and, therefore, to the maximum extent possible, employers of Essential Businesses and Operations must shift work and their workers off-premises; and

WHEREAS, local health departments have broad authority to regulate matters relating to public health under Chapter 16 of the West Virginia Code; and

WHEREAS, these additional measures are necessary because of the number of positive cases of COVID-19 in Marion County at this time and the propensity of the COVID-19 virus to spread via personal interactions.

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 12:00 AM, Eastern Standard Time, on the Ninth day of April, Two Thousand Twenty, as follows:

1. For the county of Marion, the following provisions of Executive Order 9-20 are hereby amended as follows:

   Section 1, Subparagraph g is hereby deleted in its entirety and replaced with the following:

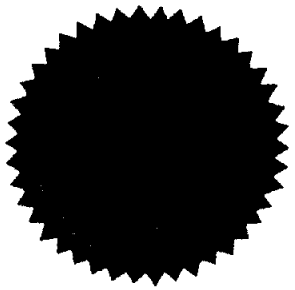
   "g. Engaging in outdoor activity, provided that individuals at all times and as much as reasonably possible maintain social distancing of six feet from one another and abide by a 5-person limitation on gathering size."

2. All Essential Businesses and Operations conducted by both private and public employers in Marion County shall order their employees and/or contractors, to the maximum extent possible, to work from their home or residence, or to otherwise work remotely.

3. The local health department in Marion County, and other appropriate agencies of such county, is hereby directed to establish and enforce protocols to limit occupancy of any such business and entity that remains open to the public under the terms of this Order and all other Executive Orders issued to date related to the COVID-19 pandemic, on an individual-

per-square-foot-basis, to be determined in the discretion of such local health department, in consultation with the State Health Officer. The West Virginia National Guard is hereby directed to support such county initiatives through the delivery of goods and services, the conveyance of information, and such other lawful purposes as may be necessary or convenient to such county agencies, to the extent resources are available therefor, in implementing the terms of this Order and lawful orders issued by such agencies. Further, the West Virginia State Police is hereby directed to provide such support in enforcing the terms of this Order and lawful orders issued by such agencies, as may be necessary to and at the request of such county, to the extent resources are available therefor.

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 Eighth day of April, 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. 23-20

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, among other things, to 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, to 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 to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Orders 7-20, 10-20, 11-20, 12-20, and 17-20 suspended certain provisions and sections of statutes 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 Examiners in Counseling, certain municipalities with municipal elections presently scheduled to be held before June 1, 2020 which are not yet subject to the suspension of timing requirements as it relates to charter amendment in Paragraph 4 of Executive Order 18-20, and the West Virginia Alcohol Beverage Control Administration that are preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

WHEREAS, Executive Order 9-20 ordered all individuals within the state to stay at home or their place of residence unless performing an essential activity, ordered closed all non-essential businesses and operations, and defined essential businesses and operations that could remain open with proper social distancing and other measures to counter the spread of COVID-19 within the state; and

WHEREAS, golf courses have continued to operate on a limited basis under Section 1(g) of Executive Order 9-20, which allows individuals to leave their home or residence to engage in outdoor activity, provided that such individuals at all times and as much as reasonably possible maintain social distancing of six feet from one another and abide by a limitation on gathering size; and

WHEREAS, most golf courses have operated safely and appropriately under the parameters of Section 1(g) of Executive Order 9-20, but there have been reports of certain golf courses continuing to allow multiple individuals to ride in a single golf cart and otherwise not mandating proper social distancing and hygiene at such courses; 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 mandating stringent safety and health protocols for any continued use of public or private golf courses throughout the state.

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,** the following statutory regulations and provisions are to be suspended for the duration of the State of Emergency:

1. In the discretion of the West Virginia Board of Examiners in Counseling who shall issue additional guidance, the requirement that a nonresident professional counselor or a nonresident marriage and family therapist who holds a valid out-of-state license or

other authorization to engage in the practice of professional counseling or marriage and family therapy which, in the opinion of the board, the requirements and qualifications for which are at least as stringent as those provided in W. Va. Code §§ 30-31-8 and 9, and who renders counseling services in this state for no more than thirty days in any calendar year (W. Va. Code § 30-31-11(b)(2)), provided that this suspension relates only to the 30-day practice limitation of such regulatory statute.

2. Any municipality with an election day previously scheduled by municipal charter under Chapter 8 of the West Virginia Code for any date prior to June 1, 2020, may delay the date of the municipal election day under the provisions of Paragraph 4 of Executive Order 18-20; provided that any municipal election day delay ordered by the municipal governing body under this Executive Order shall be scheduled for July 7, 2020, or as soon thereafter as practicable after consultation with the Secretary of State.
3. Deadline to renew licenses and permits from the West Virginia Alcohol Beverage Control Administration for brewers, importers, resident brewers, brewpubs, Class A retail dealers – taverns (W. Va. Code § 11-16-9); and distilleries, mini-distilleries, wineries, farm wineries, multi-capacity licensees, private wine restaurants, private wine bed and breakfasts, private wine spas, and private wine stadiums (W. Va. Code § 60-8-3, § 60-4-14 and § 60-4-15); provided, this suspension shall not include the license renewal for Class B retail dealers – beer retailers, wine retailers, wine specialty shops, wine direct shippers, beer distributors, and other licenses and permits not explicitly mentioned above; and provided further that this suspension shall not apply to the 10-year rights to sell liquor at retail, commonly known as the "Rebid 2020," and those rebid payments are due on or before June 30, 2020 (See W. Va. Code §60-3A-1 et seq.). In the event that this State of Emergency is declared to be terminated prior to June 30, 2020, all licenses subject to this Order and Executive Order 7-20, shall be given the greater of 30 days or to June 30, 2020 to file their renewal applications. Finally, nothing in this Order or Executive Order 7-20 prohibits a license holder to renew their license prior to June 30, 2020, if he or she chooses to make such license renewal.

FURTHER, 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 12:00 AM, Eastern Standard Time, on the Tenth day of April, Two Thousand Twenty, as follows:

4. That all public and private golf courses shall mandate proper hygiene and sanitary procedures in line with applicable West Virginia Department of Health and Human Resources guidelines and cleaning protocols and shall mandate proper social distancing of at least six feet between individuals, including a limitation of one individual per golf cart for individuals who do not reside together, and shall encourage all individuals who are physically able to do so to walk rather than use golf carts to decrease contact with common surfaces at such golf courses.
5. To the extent that counties have sufficient time, resources, and capabilities to add a municipality's election to the June 9, 2020, primary election ballot, irrespective of the previously scheduled municipal election date or provisions of Executive Order 18-20, pursuant to W. Va. Code § 8-5-5(b) a municipality and county may execute an agreement to hold the municipal election concurrently with the county's 2020 primary election if practicable under the circumstances, which election shall be administered according to the provisions of Chapters 3 and 8 of the West Virginia Code where applicable; provided that for any municipal election date established by a municipal charter, the municipal governing body may adopt a new municipal election day consistent with the June 9, 2020, primary election date in accordance with the provisions of Paragraph 4 of Executive Order 18-20; and provided further that nothing in this Executive Order shall require any county to enter into an agreement with a municipality if such is not practicable as determined by the appropriate county officials.

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 Ninth day of April, 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
Office of the Attorney General

Patrick Morrisey
Attorney General

FILED
2020 APR -6 P 2: 36
OFFICE WEST VIRGINIA
SECRETARY OF STATE

AG OPINION

(304) 558-2021
Fax (304) 558-0140

April 2, 2020

The Honorable James W. Davis, Jr.
Hancock County Prosecuting Attorney
1114 Ridge Avenue
New Cumberland, WV 26047

Dear Prosecuting Attorney Davis:

You have asked for an Opinion of the Attorney General about the proper procedure for filling a vacancy in the Weirton Fire Department for the position of fire chief. This Opinion is being issued pursuant to West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." To the extent this Opinion relies on facts, it is based solely on the factual assertions in your correspondence with the Office of the Attorney General and communications with the City of Weirton related to your request.

In 2002, the Weirton City Council "create[d] a single combination fire department, consisting of both paid and volunteer fire fighters." *Weirton Heights Volunteer Fire Dep't, Inc. v. State Fire Comm'n*, 218 W. Va. 668, 669, 628 S.E.2d 98, 99 (2005). The Weirton Fire Department currently has a vacancy for the chief position. Because this is a paid firefighter position, filling the vacancy is governed by West Virginia Code Chapter 8, Article 15, Part IV. *See* W. Va. Code § 8-15-11(a). The open fire chief position in Weirton must therefore be filled, "so far as practicable, by promotions from among individuals holding positions in the next lower grade in the department." *Id.* § 8-15-22. But "no individual shall be eligible for promotion from the lower grade to the next higher grade until such individual shall have completed at least two years of continuous service in the next lower grade." *Id.*

At the Weirton Fire Department there is only one captain—the grade below chief—who satisfies the time-in-service requirement. That captain, however, declined a promotion to fire chief. Your letter thus asks what alternate procedures the Weirton Fire Civil Service Commission ("Commission") must follow when filling the chief vacancy.

Your letter raises the following legal questions:

1. *Must the Commission fill the position of chief through the appointment process outlined in West Virginia Code § 8-15-20?*

2. *If the chief position must be filled through the appointment process, which requires a competitive examination, who is eligible to take the examination?*

We conclude that the Commission must fill the position of chief through the statutory appointment process and that the examination for the position must be open to all individuals who meet the statutory requirements for appointment.

Discussion

The civil service provisions governing paid firefighters are mandatory and cannot be waived. W. Va. Code § 8-15-11(b); *see also Cawley v. Bd. of Trustees of Firemen's Pension or Relief Fund of City of Beckley*, 138 W. Va. 571, 581-82, 76 S.E.2d 683, 689 (1953). These provisions provide that, whenever possible, a vacancy in a paid firefighting department must be filled by promotion. W. Va. Code § 8-15-22. But as explained above, the only individual eligible for promotion to chief has declined the promotion. There are only three other ways to fill a vacancy in a paid fire department: appointment, reinstatement, or reduction in grade. *Id.* § 8-15-11(b). As fire chief is the highest grade in the department, it cannot be filled by reduction in grade. Similarly, a reinstated firefighter must take the lowest grade in the department. *See id.* § 8-15-17(f). The only avenue to fill the vacancy is therefore appointment. *Id.* § 8-15-20(a); *see also* 50 W. Va. Op. Att'y Gen. 535, 536 (1963).

When filling a position by appointment, the Commission must certify the "three individuals . . . who received the highest averages at preceding competitive examinations held under the civil service provisions of this article within a period of three years next preceding the date of the prospective appointment." W. Va. Code § 8-15-20(a). Here, over the past three years only one individual took the fire chief exam—the captain who declined promotion to chief.

There are no exceptions to the statutory framework for filling a vacancy like this, nor to the requirement that an individual is eligible for appointment only after passing the exam. Thus—and consistent with the conclusion of a 1963 Opinion issued by this Office—the only way to fill the fire chief vacancy under these circumstances is to administer a new fire chief exam to expand the pool of individuals qualified for appointment to the open role. *See* 50 W. Va. Op. Att'y Gen. at 537. The answer to your first question is thus yes; the Commission must fill the chief vacancy by appointing an individual under Section 8-15-20 after administering a new competitive exam.

Your second question asks who is eligible to sit for the new fire chief exam. The Code provides that "[a]ll competitive examinations shall be open to all applicants who have fulfilled the preliminary requirements specified in the other civil service provisions of this article." W. Va. Code § 8-15-18. There are two mandatory requirements for individuals who are not currently members of the Weirton Fire Department: The applicant must have completed an apprenticeship

and certification program, *id.* § 8-15A-2, and must meet certain age requirements, *id.* § 8-15-17(d). In addition to these mandatory requirements, the Commission has discretion to allow only those individuals who have passed a medical examination to sit for the written test. *Id.* § 8-15-20(a). The Commission may also decline to administer the chief exam to those addicted to drugs or alcohol, those "guilty of any crime, or of infamous or notoriously disgraceful conduct," those previously "dismissed from public service for delinquency or misconduct," and those who fail to fully comply with the Commission's rules and regulations. *Id.* § 8-15-19.

The statute does not allow for additional restrictions on who may sit for the chief exam. Section 8-15-18 states that competitive examinations "*shall* be open to *all* applicants who have fulfilled the preliminary requirements specified in the other civil service provisions of this article." W. Va. Code § 8-15-18 (emphases added). The word "shall" is mandatory. *See* syl. pt. 1, *Nelson v. W. Va. Pub. Employees Ins. Bd.*, 171 W. Va. 445, 300 S.E.2d 86 (1982). And by emphasizing that the exam shall be available to all applicants who meet other statutory requirements, the Legislature underscored that it did not give individual appointing bodies discretion to set additional requirements. Further, the *expressio unius est exclusio alterius* canon of interpretation, or "the express mention of one thing implies the exclusion of another," confirms that by specifying certain requirements the Legislature did not intend for the Commission to add more. *See* syl. pt. 4, *Christopher J. v. Ames*, 241 W. Va. 822, 828 S.E.2d 884 (2019) (citation omitted). As such, the answer to your second question is that all individuals who satisfy the statutory requirements to sit for a competitive examination may take the fire chief exam.

Our conclusions on these two questions are consistent with the 1963 Opinion of this Office. In that situation, as here, there was no one eligible for promotion nor had anyone passed the requisite exam during the preceding three years. This Office advised that the relevant position must be filled by competitive examination open to all who met the statutory requirements. 50 W. Va. Op. Att'y Gen. at 538-39. Although some of the statutes have changed over the past 57 years, none of those amendments alter our answers when faced with a similar situation here.

Finally, this analysis describes the procedure for permanently filling the fire chief vacancy. We recognize that because our State and Nation are engaging in "social distancing" to help stop the spread of severe acute respiratory syndrome coronavirus 2 ("COVID-19"), it may be difficult to quickly administer a chief exam under Section 8-15-20. The City of Weirton may thus consider appointing a provisional chief because the COVID-19 situation almost certainly constitutes an "urgent reason[]" under the statute. *See* W. Va. Code § 8-15-21. Under this Code section, the appointing entity may allow one qualified individual of its choice to sit for the competitive chief exam (rather than administering it to all interested and qualified individuals), and if that individual passes the exam, he or she may be appointed provisional chief. *Id.* Any individual appointed under this provision may serve up to three months. *See id.*

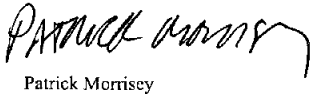
* * *

In sum, the Weirton Fire Civil Service Commission must fill the position of fire chief through the appointment process outlined in West Virginia Code § 8-15-20. The Commission may appoint a provisional chief for up to three months without making the fire chief examination

AG OPINION

generally open, but must give all individuals who meet the statutory requirements the opportunity to sit for the exam before making a permanent appointment.

Sincerely,



Patrick Morrisey
Attorney General

Lindsay See
Solicitor General

John M. Masslon II
Assistant Solicitor General

2020
ELECTIONS CALENDAR

WEST VIRGINIA SECRETARY OF STATE'S OFFICE
ELECTIONS DIVISION

Office Main: 1-304-558-6000
Toll-Free Number: 1-866-767-8683
elections@wvsos.gov

Revised 4/7/2020

2020 ELECTIONS IN WEST VIRGINIA

PRIMARY ELECTION – June 9, 2020

GENERAL ELECTION – November 3, 2020

Races on the ballot in 2020:

President of the United States	County Commission
U.S. Senate	Prosecuting Attorney
U.S. House of Representatives	Sheriff
Governor	Assessor
Secretary of State	Magistrate
Auditor	Surveyor
Treasurer	Board of Education
Commissioner of Agriculture	Conservation District Supervisor
Attorney General	Greater Huntington Park & Recreation District
Justice of the Supreme Court	Delegate to the National Convention (At-Large)
State Senate	Delegate to the National Convention (Congressional District)
House of Delegates	

COMPUTATION OF TIME

"If any applicable provision of this code or any legislative rule or other administrative rule or regulation . . . designates a particular date on, before or after which an act, event, default or omission is required or allowed to occur, and if the particular date designated falls on a Saturday, Sunday, legal holiday or designated day off, then the date on which the act, event, default or omission is required or allowed to occur is the next day that is not a Saturday, Sunday, legal holiday or designated day off."

- W. Va. Code § 2-2-1(e)

"When a proceeding is directed to take place or any act to be done on any particular day of the month or within any period of time prescribed or allowed . . . if that day or the last day falls on a Saturday, Sunday, legal holiday . . . the next day that is not a Saturday, Sunday, legal holiday . . . shall be deemed to be the one intended . . . ."

- W. Va. Code § 2-2-2(a)

"Accordingly, in the opinion of the Attorney General, where the last day upon which an act must, or may, be done falls upon a Sunday, the Monday following should be considered as the last day upon which the act can be done."

- See Report and Opinions of the Attorney General, pages 216-17 (1941)

REVISED ELECTION CALENDAR 2020

January 1 – June 3, 2020	**Receive Application for Absentee Ballot from Military or Overseas Voter (UOCAVA)** Received no earlier than the **first** day of January of an election year, or **84** days preceding the election, whichever is earlier, but not later than the **6th** day preceding the election, which application shall, upon the voter's request, be accepted as an application for ballots for all elections in the calendar year. - W. Va. Code § 3-3-5(b)(1)
January 1 – June 3, 2020	**Accept Applications for Mail-in Absentee Ballot from Eligible Voters** Period begins during which an eligible voter may submit an absentee ballot application, completed in his or her own handwriting, to the County Clerk in person, by mail, by fax or by email. Application may be received beginning **January 1** preceding the Primary Election and not later than **June 3** (6 days preceding Primary Election). - W. Va. Code § 3-3-5(b)(2)
April 1 – April 7, 2020	**1st Quarter Report (New)** **SB 622 is in effect June 7, 2019; this bill requires quarterly financial reports.** Reports due on April 1, 2020 of each year and filed within 6 days thereafter This report covers transactions from January 1, 2020 through March 31, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.
April 21, 2020	**49 days before Primary Election**

April 21, 2020	**Election Officials and Alternates Appointed** No later than **49 days** before the election, the County Commission shall appoint the election officials for each designated election board as follows: 1. Eligible persons nominated and timely filed by the executive committees as poll clerks, election commissioners; 2. Additional persons selected by the County Commission to serve as election commissioners; and 3. Persons to fill any positions for which no nominations were filed. The County Commission shall also appoint emergency absentee voting commissioners *(at the same meeting or at a subsequent meeting)*. The County Commission shall: 1. Appoint the alternates nominated by the executive committees; 2. Appoint additional alternates; and 3. Determine the number of persons who may be instructed to attend training as alternates. - W. Va. Code §§ 3-1-30, 3-3-5c
April 21, 2020	**Write-In Candidate Filing Deadline for Election of ONLY Nonpartisan offices:** 1. Justice of the Supreme Court 2. Circuit Judge (unexpired) 3. Board of Education Member 4. Soil Conservation District Supervisor Eligible persons who seek to be elected by write-in votes to an office which is to be filled at the Primary Election shall file a write-in candidate's certificate of announcement by the **49th day** before the Primary Election. - W. Va. Code § 3-6-4a
April 24, 2020	**46 days before Primary Election**

April 24, 2020	**Delivery of Absentee Ballots to County Clerk** The board of ballot commissioners are to have the official absentee ballots printed and delivered to the County Clerk **46 days** before the election. - W. Va. Code § 3-3-11(a)
April 24, 2020 – June 3, 2020 (June 4, 2020 if applications are received on June 3, 2020)	**Mail Absentee Ballots** No later than the 46th day before the election, the County Clerks must mail absentee ballots to voters from whom they have received applications. Following the 46th day before the election, ballots must be sent within one day of receiving applications. Upon acceptance of a completed application, determine whether the requirements have been met and transmit absentee ballot(s), envelopes, instructions, and any other supplies required for voting the ballot. If determined the requirements have not been met, transmit balloting materials and give notice to the voter that the ballot will be provisional. - W. Va. Code § 3-3-5
April 25, 2020	**Approved Voter Registration Program for Eligible High School Students** No later than **45 days** before the election the County Clerk shall conduct an approved program of voter registration services for eligible high school students at each high school within the county. - W. Va. Code § 3-2-8(b)(2)
April 27, 2020 (Deadline depends upon date of appointment)	**Notice Mailed to Election Officials** Within **7 days** following appointment, county commission notifies, by first-class mail, all election commissioners, poll clerks and alternates of their appointment, including a response form. - W. Va. Code § 3-1-30(h)
May 4, 2020 (Deadline depends upon date of appointment)	**Election Officials Respond to Notification from County Clerk confirming ability to serve.** When an election official or alternate fails to return the response notice (or otherwise confirm to the County Clerk his or her agreement to serve within the required time, the position shall be considered vacant and the County Clerk shall proceed to fill the vacancies within **14 days** following the date of appointment. - W. Va. Code § 3-1-30(i)

May 10, 2020 (within 30 days of election)	**Instructional Program for Election Officials** Within **30 days** prior to election, County Clerk conducts instructional program using training materials produced by Secretary of State, to all election officials, explaining and illustrating procedures for conducting elections, duties of the various election officials and methods of voting. - W. Va. Code § 3-1-46
May 14– 20, 2020	**Publish Sample Ballot for Early Voting** Not more than **26 nor less than 20 days** preceding the Primary Election, Ballot Commissioners publish sample official primary ballot for each party, nonpartisan candidates, and public questions as follows: 1. For counties in which **2 or more** qualified newspapers publish a daily newspaper, publish a Class I-0 legal advertisement in the **2** qualified daily newspapers of different political parties within the county having the largest circulation 2. For counties having no more than **1** daily newspaper, or having only **1 or more** qualified weekly newspapers, publish sample as Class I legal advertisement in qualified newspaper having largest circulation - §§ 3-5-10, 59-3-1 *et seq.*
May 19, 2020 (Deadline)	**Voter Registration Deadline** Voter registration for an election shall close **21 days** before the election, or on the **1st day** thereafter which is not a Saturday, Sunday or legal holiday. Completed application of eligible voter for registration, transfer, change of political party or other change submitted by the close of voter registration will be effective for any subsequent election, if: 1. Received at office of the County Clerk, no later than the hour of the close of registration; 2. Accepted by a designated agency or motor vehicle licensing office no later than the close of registration; 3. Accepted through a registration outreach program and received by the County Clerk no later than the close of registration; 4. Addressed to the appropriate County Clerk and postmarked by the postal service no later than the date of the close of registration; (Continued on next page)

	5. Accepted through an approved electronic voter registration system and received no later than the close of business on the final day of registration; or 6. The verification notice mailed to the applicant is not returned as undeliverable Voters must change party affiliation by close of registration in order to participate in that party's Primary Election. - W. Va. Code §3-2-6
May 20 - June 2, 2020	**Inspection of ballots, electronic poll books and vote recording devices.** **1** inspection can be done for Early Voting and Election Day materials *or* they can be done separately if Election Day materials are not ready. *Note: Vote recording devices used for Early Voting may only be used on Election Day if they are retested.* **Preparation** of materials is completed and **Notification** given to County Commission and Ballot Commissioners no later than **7 days** before election (Early Voting = May 20; Election Day = June 2). **Convene** County Commissioners and Ballot Commissioners no later than **5 days** before election. (Early Voting = May 22; Election Day = June 4). Class I-0 public notice regarding place and time of inspection is published no later than **3 days** before inspection. - W. Va. Code §§3-4A-13, 59-3-1 *et seq.*
May 20 – June 8, 2020	**Authorized Late Voter Registration Accepted from Certain Uniformed and Overseas Voters** Between the **20th day** before the election and **1 day** before the election, members of the uniformed services and overseas citizens whose employment supports national security, who have been discharged **60** days preceding an election, and spouses/dependents **residing** with said individuals, may register to vote in person at the County Clerk's Office. Appropriate documentation/affidavit must be presented as required by law. - W. Va. Code § 3-2-6a; - CSR § 153-44-1 *et seq.*

May 22, 2020	**Accept Voter Registration Card by Mail without Postmark** **No later than 3 days** following the close of registration is the last day an application for registration may be accepted if addressed to the appropriate County Clerk and received by mail with the postmark missing or illegibility. - W. Va. Code § 3-2-6(b)(2)(A)
May 23, 2020 (deadline)	**Correct Incomplete Applications for Voter Registrations** Within **4 business days** after the close of registration, County Clerk may correct applications for voter registration containing incomplete information if applicant provides the required information. - W. Va. Code § 3-2-6(b)(1)
May 25 – May 29, 2020	**Primary Report (New)** **SB 622 is in effect June 7, 2019; this bill requires all candidates participating in the primary election to file the Primary Report in addition to all Quarterly Reports.** Reports due on the 15th day preceding the primary election and filed within 4 days thereafter This report covers transactions from April 1, 2020 through May 24, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.
May 27 – June 6, 2020	**Early Voting In Person** Beginning on the **13th** day and continuing through the **3rd** day before the election, voter may vote an early ballot at the county courthouse, an annex or a designated community voting location during normal business hours; additionally, early voting must be conducted between 9 a.m. and 5 p.m. on the last **2** Saturdays before the Primary Election. - W. Va. Code § 3-3-3

June 2, 2020	**Public Test of Tabulating Equipment** **1 week** prior to the start of the count of the votes, all automatic tabulating equipment must be tested to ascertain that it will accurately count the votes for all offices and on all measures. Notice must be provided no more than **2** weeks but not less than **48 hours** before test by publication of Class I-0 legal advertisement. (Notice must be provided May 26 – June 7.) After processing pre-audited ballots, the County Commission certifies the equipment to be free from error as determined by the test. Testing material and certification is to be placed in a sealed container until the start of canvass. - W. Va. Code §§ 3-4A-26, 59-3-1 *et seq.*
June 2 – 8, 2020	**Instructional Program Make-Up Session** Within last **7 days** before election, County Clerk conducts make-up session for election officials unable to attend regular session. - W. Va. Code § 3-1-46(c)
June 2 -8, 2020	**Publish Official List of Candidates or Sample Ballot for Election Day** On the last day on which a newspaper is published immediately preceding the Primary Election, Ballot Commissioners publish the official list of candidates and issues, or the sample ballot, as follows: 1. For counties in which **2 or more** qualified newspapers publish a daily newspaper, publish as Class I-0 legal advertisement in the **2** qualified daily newspapers of different political parties within the county having the largest circulation; or 2. For counties having no more than **1** daily newspaper, or having only **1 or more** qualified weekly newspapers, publish as Class I legal advertisement in qualified newspaper having largest circulation. - W. Va. Code §§ 3-5-10, 59-3-1 *et seq.*
June 2 - 9, 2020 (Deadline: Noon on June 9)	**Receive Requests for Emergency Absentee Ballot** No earlier than **7 days** preceding the election and no later than **noon** of Election Day, a voter or a member of the voter's immediate family (or in counties with an extended policy, a staff member of a nursing home) may request a ballot for voting (Continued on next page)

	emergency absentee. A voter may be eligible to receive an emergency absentee ballot in the following circumstances: • Voter in the hospital on Election Day; • Replacement poll worker appointed after the period for Early Voting; • Voter in licensed health care facilities within an adjacent county or within 35 miles of the county seat (county policy required); • Voter in nursing home within the county if he or she has resided there for a period of less than 30 days (county policy required); or • Voter becomes confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, or immobility due to advance age or other medical reason (county policy required). - W. Va. Code §§ 3-3-1, 3-3-5c(d)
June 3, 2020	**Deadline for Absentee by Mail Application** Not later than the **6th day** preceding the election, last day to receive application for absentee ballot by mail. Ballot shall be mailed no later than following day. - W. Va. Code § 3-3-5(b)(1), 3-3-5(e)(1)
June 6, 2020 (Deadline)	**Deadline for Early Voting in Person** Last day to vote an early ballot in person (occurs on a Saturday) - W. Va. Code § 3-3-3
June 8, 2020	**Deadline to Hand-Deliver Absentee Ballot to the Clerk's Office** No later than **1 day** preceding the election, the last day for County Clerk to accept hand delivered absentee ballot by mail. No person may personally deliver more than **2** absentee ballots in any election. - W. Va. Code § 3-3-5(k)
June 8, 2020	**Election Commissioners Receive Election Supplies** No later than **1 day** before Primary Election, the last day on which election commissioner(s) of each precinct, as designated by County Commissioners, shall receive necessary election supplies from County Clerk. - W. Va. Code §§ 3-1-24(a), 3-4A-13(f)

June 8, 2020	**Failure to Pick Up Supplies, Delivery Thereof** By close of County Clerk's Office **1 day** prior to Primary Election, Board of Ballot Commissioners (or chairman thereof) forthwith dispatches, by special messenger, election supplies to any election commissioner who has failed to pick up supplies by designated time. - W. Va. Code § 3-1-25
June 9, 2020 (NOTE: by Executive Order of the Governor, Election Day was postponed from May 12 to June 9 due to public health concerns amid the COVID-19 pandemic.)	**PRIMARY ELECTION DAY** Polls open 6:30 a.m. and close 7:30 p.m. - W. Va. Code §§ 3-1-31, 3-5-1 In counties using electronic voting systems, County Clerk must deliver vote recording devices to polling places not less than **1 hour** prior to polls opening. - W. Va. Code § 3-4A-16 If appointed election official fails to appear at polling place by 5:45 a.m., election officials shall contact County Clerk for assistance in filling vacancy. - W. Va. Code § 3-1-30(j) *et. seq.* Upon request by or for persons eligible to vote emergency absentee ballot made no later than noon of Election Day, emergency absentee voting commissioners deliver application and ballot to voter in hospital (or nursing home if authorized). - W. Va. Code § 3-3-5c A voter whose registration record lists one address but has since moved to another within the county may update the registration at the polling place and shall vote in the precinct of current residence using a provisional ballot. - W. Va. Code §§ 3-2-22(a)(6), 3-2-31(c) A voter whose legal name has changed may update the registration by filing an affidavit of change of legal name at the polling place on Election Day. - W. Va. Code § 3-2-22(d)(2)

June 9, 2020	**Post Summary Returns** Upon completion of the count, the returns are to be open to the public by posting a summary of the returns as have been tabulated at the central counting center. - W. Va. Code § 3-4A-27(e)
June 10, 2020	**Absentee Ballots without Postmark Accepted** **1 day** after Election Day, absentee ballots without postmark are accepted if delivered by the US Postal Service or other express shipping service and received by the County Clerk, no later than the day after Election Day. (Does not apply to UOCAVA ballots.) - W. Va. Code § 3-3-5(g)(1)
June 15, 2020	**Absentee Ballots Postmarked by Election Day Accepted** No later than the hour at which the board of canvassers convenes to begin the canvass, absentee ballots by mail shall be accepted if ballot bears a postmark of the US Postal Service dated no later than Election Day and the ballot is received by the County Clerk, within the required time. Absentee ballots from military are accepted without postmark if received prior to start of canvass. - W. Va. Code §§ 3-3-5(g)(2) 3-5-17
June 15, 2020	**Canvass Returns** On the **5th day**, except for Sundays, after Primary Election, County Commission, as the board of canvassers, meets to canvass Primary Election returns. The board of canvassers shall meet from day to day adjourning no longer than is absolutely necessary until the canvass is complete.
Deadline depends on date canvass is completed in all jurisdictions.	**Declare Results** Upon completion of canvass, publicly declare the election results and wait **48 hours** (do not count Saturdays, Sundays and legal holidays) to allow for recount requests to be submitted. *Multi-county races must wait until the last county declares results for the **48 hours** to begin. Notice will be provided by the Elections Division on the start times.*

Deadline depends on date results are declared	**Recount** Recount request must be made within **48 hours** of the declaration of results. If a candidate is on the ballot in more than one county, the **48 hours** begins after the final county's board of canvassers declares the results. A candidate may demand a recount. **Note:** If a recount has been demanded, the board of canvassers shall have **48 hours** in which to send notice to all candidates who filed for the office in which a recount has been demanded. Such recount shall be set for no sooner than **3 days** after serving the notice. After the notice is served, candidates so served shall then have an additional **24 hours** in which to demand a recount of precincts not requested to be recounted by candidate originally requesting recount. The recount is open to the public. However, only those authorized may handle election materials. - W. Va. Code §§ 3-5-17, 3-6-9
Deadline depends on date results are declared and recounts	**Certify Results** **48 hours** after the declaration, CERTIFY election results in races where a recount was NOT requested. - W. Va. Code §§3-5-17, 3-6-9, 3-6-10
Deadline depends on date of election certification	**Contest Primary Election** Within **10 days** after the results of election are **certified**, candidate may contest the Primary Election before the County Commission in which any primary procedures, practices or results may be in issue. A contest is a legal proceeding. Legal counsel *should* (but not mandatorily) be obtained by parties involved. - W. Va. Code §§ 3-5-20, 3-7-1, 3-7-6
July 9, 2020 (Deadline – may occur as soon as possible following certification)	**Transmit Certificates of Results** The certification of the results of the Primary Election should be sent to Secretary of State **as soon as possible** but no later than **30 days** after the primary. Board of canvassers transmits original certificates of election results for all offices to be filled by the voters of more than one county to the Secretary of State, along with copies of certificates of results for county candidates. - W. Va. Code § 3-5-17, 3-5-18

July 1, 2020	**Terms of Board of Education and Soil Conservation District Supervisors Begin** New members of the Board of Education and Soil Conservation District elected to full terms and un-expired terms take office. - W. Va. Code §§ 18-5-1b, 19-21A-6
July 1 – July 7, 2020	**2nd Quarter Report (New)** **SB 622 is in effect June 7, 2019; this bill requires quarterly reports.** Reports due on July 1 of each year and filed within 6 days thereafter This report covers transactions from April 27, 2020 through June 30, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.

GENERAL ELECTION DATES

July 6, 2020 (Deadline)	**Notice of Precinct Change** At least **1 month** before any precinct changes, the last day on which to complete Class II-0 legal notice of County Commission's intention to change, divide or consolidate voting precincts for the General Election; notice published once each week for **2** successive weeks in **2** qualified newspapers of opposite politics. - W. Va. Code §§ 3-1-7(b), 59-3-1 *et seq.*
August 3, 2020 (NOTE: actual deadline in Code is August 1. However, that deadline falls on a Saturday, so the deadline is extended to the next business day per W. Va. Code § 2-2-2)	**Deadline for No Party Organization/Unaffiliated Candidates to File Nominating Petitions, Certificate of Announcements and Pay Filing Fee** No later than **August 3** preceding the General Election, certificates nominating candidates to be file no later than August 3, 2020 with the Secretary of State or County Clerk, depending upon the office being sought. (Continued on next page)

	If nomination certificate is not timely filed and filing fee not timely paid, they may not be accepted by the filing office. - W. Va. Code §§ 3-5-23, 3-5-24
August 3 - 18, 2020	**Special Filing Period for Board of Education Vacancy Occurring after Close of Filing for Primary Election** No earlier than the 1st Monday in August and no later than **77 days** before the General Election, candidate filing period for unexpired term of Board of Education to fill vacancy which occurs after the close of the Primary Election candidate filing but not later than **84 days** before the General Election. The certificate of announcement and filing fee shall be remitted to the County Clerk no earlier than **August 1** and no later than **77 days** before the General Election. - W. Va. Code § 3-5-19(c)
August 5, 2020	**90 days before the General Election**
August 5, 2020 (Deadline)	**Deadline for Ordering Precinct Change** Last day for County Commission **(after at least a 1 month notice)** to enter an order changing the boundaries of any precinct into **2 or more** precincts, or consolidate **2 or more** precincts into **1**, or to change the location of the polling place whenever the public convenience may require it. Within **15** days after such order is issued, the County Commission shall publish the order as a Class II-0 legal advertisement. - W. Va. Code §§ 3-1-7(b), 59-3-1 *et seq.*
August 5, 2020	**Adopt Policy Extending Emergency Absentee Voting** Last day County Commission may adopt policy extending the emergency absentee voting procedures to: 1. Hospitals or other duly licensed health care facilities within an adjacent county or within **35** miles of the county seat; and 2. Nursing homes within the county; or 3. A voter who becomes confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, immobility due to advance age or other medical reason. County Commission must adopt this policy **90 days** before election and a copy of this policy must be filed with the Secretary of State. - W. Va. Code § 3-3-5c(a)

August 5, 2020	**Petition for Suspension of Election Official** Petition seeking suspension of an election official must be filed with County Commission at least **90 days** before an election. The petition must be signed by **25** registered voters of the precinct where election official last served. Upon presentation of evidence of listed grounds, County Commission may, upon majority vote, suspend the eligibility to serve as an election official for **2** years. County Commission may, on its own motion, suspend an election official for specific causes for **4** years. - W. Va. Code § 3-1-28
August 5, 2020	**Notice of Emergency Precinct Change** In the case of an emergency <u>and</u> with the approval of the Secretary of State, last day on which to complete notice of County Commission's intention to change, divide or consolidate voting precincts is at least **1 month** before any precinct boundary change. Notice must be published once each week for **2** successive weeks in **2** qualified newspapers of opposite politics as Class II-0 legal ad. - W. Va. Code §§ 3-1-7, 59-3-1 *et seq.*
August 8, 2020	**Report Failure to File Financial Statement to Prosecuting Attorney** **60 days** after Primary Election the Secretary of State and the County Clerk is to give notice of the failure of any candidates, agents or treasures to file required, detailed, itemized financial statements of transactions connected with Primary Election to Prosecuting Attorney where candidate resides. - W. Va. Code § 3-8-7(a) **Written notification to candidates/committees that failed to file financial statements** **60 days** after the Primary Election), a written notice is to be sent by certified mail to candidates/committees that failed to file the required finance reports relating to the Primary Election. - W. Va. Code § 3-8-7(e) - Code of State Rules (CSR) § 151-51 *et seq.*
August 11, 2020	**84 days before General Election Day**

August 11, 2020 (Deadline)	**Notice of Number of Election Officials** The County Commission designates the number and type of election boards for the various precincts and gives written notice to the county executive committees of the **2** major political parties stating the number of nominations which may be made for poll clerks and commissioners. *Recommended that notice of the number of emergency absentee voting commissioners needed is also provided at this time.* - W. Va. Code § 3-1-29
August 11, 2020	**Last Day for Candidate to Withdraw from General Election** The last day for candidate to file a notarized statement of withdrawal with the same officer with whom the certificate of announcement was filed must be provided to the County Clerk No later than **84 days** before the General Election - W. Va. Code § 3-5-11(b)(2)
August 11, 2020	**Disqualification for failure to file Primary Financial Statements** Late financial statements must be received in the filing office by close of business on this day. Failure to file is an automatic disqualification and the candidate's name is removed from the ballot. If disqualified, the executive committee may appoint according to the provisions of §3-5-19(a)(4). - W. Va. Code § 3-8-7(c)(1)
August 11 – October 28, 2020	**Accept Applications for Mail-in Absentee Ballot from Eligible Voters** Period begins during which an eligible voter may submit an absentee ballot application, completed in his or her own handwriting, to the County Clerk in person, by mail, by fax or by email. Application must be received no earlier than **84 days** preceding the General Election and not later than **6 days** preceding General Election. - W. Va. Code § 3-3-5(b)(2)
August 17, 2020 (Deadline for committee)	**Executive Committee or Chair Appointment to Fill Vacancy in Nomination** (For committee -- After Primary Election, but not later than **78 days** preceding General Election.) Last day an executive committee may fill vacancy in nomination if the vacancy occurs **84 days** before the General Election and is caused by any of the reasons below:

	• Candidate automatically disqualified due to failure to file campaign finance reports • Candidate determined disqualified by State Executive Committee • Incapacity of candidate • Withdrawal of a candidate • Vacancy in certain partisan offices not on the General Election ballot (filing fee required)
August 19, 2020 (Deadline for chair)	(Not later than **2 days** following the deadline for the executive committee) If appropriate political executive committee has not filled vacancies in its General Election nominations, according to the provisions of this section such vacancies may be filled by the committee's chairman by filing with the proper officer. - W. Va. Code § 3-5-19
August 19 – 24, 2020	**Secretary of State Certifies Names** Secretary of State certifies to each County Clerk the names of each political party's nominees entitled to be placed on the General Election ballot between last day to fill vacancies in nomination and the drawing to determine ballot order - W. Va. Code §§ 3-5-18
August 25, 2020	**70 days before the General Election**
August 25, 2020	**Drawing for Order of Names on Ballot** (On the **70th day** next preceding the date of the General Election) For all ballot systems, drawing by lot shall be conducted at 9 a.m. in the office of the County Clerk to determine the order of names of candidates for any office or division for which more than one is to be elected. - W. Va. Code § 3-6-2(d)(2)
August 25, 2020	**Estimate Number of Absentee Ballots** No later than **70 days** before the election the County Clerk estimates number of official absent and early voter's ballots required. - W. Va. Code § 3-3-11(a)

August 25, 2020	**Election Official Nominations Filed** No later than **70 days** before the General Election, each county executive committee, or its chairman or secretary on its behalf, shall file in writing with the County Commission a list of persons nominated by a majority vote of the committee at a duly called meeting, as election officials and the positions for which they are designated, and those persons nominated as alternates. The number of alternates for each party may not exceed the number of precincts in the county. - W. Va. Code §3-1-30
September 4, 2020	**60 days before General Election**
September 4, 2020	**Emergency Order to Change Precincts** In case of an emergency and with the permission of the Secretary of State, the County Commission may enter an order to consolidate, divide or change the boundaries of a precinct within a county no later than **60 days** before the election. Within **15 days** after such order is issued, the County Commission shall publish the order as Class II-0 legal advertisement. W. Va. Code §§ 3-1-7, 59-3-1 *et seq*
September 8, 2020	**56 days before General Election**
September 8, 2020	**Notice of Number of Sets of Emergency Absentee Voting Commissioners Needed** **56 days** before the General Election, the County Clerk notifies the County Commission of the number of sets of emergency absentee ballot commissioners necessary.
September 15, 2020	**49 days before the General Election**
September 15, 2020	**Election Officials and Alternates Appointed** No later than **49 days** before the election, the County Commission shall appoint the election officials for each designated election board as follows: 1. Eligible persons nominated and timely filed by the executive committees as poll clerks, election commissioners; 2. Additional persons selected by the County Commission to serve as election commissioners; and

	3. Persons to fill any positions for which no nominations were filed. The County Commission shall also appoint emergency absentee voting commissioners *(at the same meeting or at a subsequent meeting).* The County Commission shall: 1. Appoint the alternates nominated by the executive committees; 2. Appoint additional alternates; and 3. Determine the number of persons who may be instructed to attend training as alternates. - W. Va. Code §§ 3-1-30, 3-3-5c
September 15, 2020	**Write-In Candidate Filing Deadline for General Election** Eligible persons who seek to be elected by write-in votes to an office which is to be filled at the General Election shall file a write-in candidate's certificate of announcement by the **49th day** before the General Election. - W. Va. Code § 3-6-4a
September 18, 2020	**46 days before the General Election**
September 18, 2020	**Delivery of Absentee Ballots to County Clerk** (No less than **46 days** prior to General Election) Last day for board of ballot commissioners to have printed and delivered to County Clerk the official absent voters' ballots. - W. Va. Code § 3-3-11(a)
September 18 – October 28, 2020 (October 29, 2020 if applications are received on October28, 2020)	**Mail Absentee Ballots** No later than the 46th day before the election, the County Clerks must mail absentee ballots to voters from whom they have received applications. Following the 46th day before the election, ballots must be sent within one day of receiving applications. Upon acceptance of a completed application, determine whether the requirements have been met and transmit absentee ballot(s), envelopes, instructions, and any other supplies required for voting the ballot. If determined the requirements have not been met, transmit balloting materials and give notice to the voter that the ballot will be provisional.

	- W. Va. Code § 3-3-5
September 22, 2020 (Deadline, depending on date of appointment)	**Notice Mailed to Election Officials** Within **7 days** following appointment, county commission notifies, by first-class mail, all election commissioners, poll clerks and alternates of their appointment, including a response form. - W. Va. Code § 3-1-30(h)
September 29, 2020 (Deadline, depending on date of appointment)	**Election Officials Respond to Notification from County Clerk confirming ability to serve.** When an election official or alternate fails to return the response notice (or otherwise confirm to the County Clerk his or her agreement to serve within the required time, the position shall be considered vacant and the County Clerk shall proceed to fill the vacancies within **14 days** following the date of appointment. - W. Va. Code § 3-1-30(i)
October 1 – October 7, 2020	**3rd Quarter Report (New)** **SB 622 is in effect June 7, 2019; this bill requires quarterly financial reports.** Reports due on October 1, 2020 of each year and filed within 6 days thereafter This report covers transactions from July 1, 2020 through September 30, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.

October 4, 2020	**Instructional Program for Election Officials** Within **30 days** prior to election, County Clerk conducts instructional program using training materials produced by Secretary of State, to all election officials, explaining and illustrating procedures for conducting elections, duties of the various election officials and methods of voting. - W. Va. Code § 3-1-46(c)
October 7, 2020	**Voter History** After each primary, general, municipal or special election, the County Clerk shall enter the voting records into the statewide voter registration database within **120 days** after the election. - W. Va. Code § 3-2-18(e)
October 8 – 14, 2020	**Publish Sample Ballot for Early Voting** Not more than **26 nor less than 20 days** preceding the General Election, Ballot Commissioners publish sample official general ballot, nonpartisan candidates, and public questions as follows: 1. For counties in which **2 or more** qualified newspapers publish a daily newspaper, publish a Class I-0 legal advertisement in the **2** qualified daily newspapers of different political parties within the county having the largest circulation 2. For counties having no more than **1** daily newspaper, or having only **1 or more** qualified weekly newspapers, publish sample as Class I legal advertisement in qualified newspaper having largest circulation - §§ 3-6-3, 59-3-1 *et seq.*
October 13, 2020	**Voter Registration Deadline** Voter registration for an election shall close **21 days** before the election, or on the **1st day** thereafter which is <u>not</u> a Saturday, Sunday or legal holiday. Completed application of eligible voter for registration, transfer, change of political party or other change submitted by the close of voter registration will be effective for any subsequent election, if: 1. Received at office of the County Clerk, no later than the hour of the close of registration; 2. Accepted by a designated agency or motor vehicle licensing office no later than the close of registration;

	3. Accepted through a registration outreach program and received by the County Clerk no later than the close of registration; 4. Addressed to the appropriate County Clerk and postmarked by the postal service no later than the date of the close of registration; 5. Accepted through an approved electronic voter registration system and received no later than the closeof business on the final day of registration; or 6. The verification notice mailed to the applicant is not returned as undeliverable - W. Va. Code §§ 3-2-6
October 14 – October 27, 2020	**Inspection of ballots, electronic poll books and vote recording devices.** **1** inspection can be done for Early Voting and Election Day materials *or* they can be done separately if Election Day materials are not ready. *Note: Vote recording devices used for Early Voting may only be used on Election Day if they are retested.* **Preparation** of materials is completed and **Notification** given to County Commission and Ballot Commissioners no later than **7 days** before election (Early Voting = October 14; Election Day = October 27). **Convene** County Commissioners and Ballot Commissioners no later than **5 days** before election. [Early Voting = October 16; Election Day = October 29). Class I-0 public notice regarding place and time of inspection is published no later than **3 days** before inspection. - W. Va. Code §§3-4A-13, 59-3-1 *et seq.*
October 14 –November 2, 2020	**Authorized Late Voter Registration Accepted from Certain Uniformed and Overseas Voters** Between the **20th day** before the election and **1 day** before the election, members of the uniformed services and overseas citizens whose employment supports national security, who have been discharged **60** days preceding an election, and spouses/dependents **residing** with said individuals, may register to vote in person at the County Clerk's Office. Appropriate documentation/affidavit must be presented as required by law. - W. Va. Code § 3-2-6a; - CSR § 153-44-1 *et seq.*

October 16, 2020	**Accept Voter Registration Card by Mail without Postmark** No later than **3 days** following the close of registration is the last day an application for registration may be accepted if addressed to the appropriate County Clerk and received by mail with the postmark missing or illegible. - W. Va. Code § 3-2-6(b)(2)(A)
October 19, 2020	**Correct Incomplete Applications for Voter Registration** County Clerk may correct applications for voter registration containing incomplete information if applicant provides the required information within **4 business days** after the close of registration. - W. Va. Code § 3-2-6(b)(1)
October 19 – October 23, 2020	**General Report (New)** **SB 622 is in effect June 7, 2019; this bill requires all candidates participating in the general election to file the General Report in addition to all Quarterly Reports.** Reports due on the **15th day** preceding the general election and filed within **4 days** thereafter This report covers transactions from October 1, 2020 through October 18, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8
October 21 – October 31, 2020	**Early Voting in Person Conducted** Beginning on the **13th** day and continuing through the **3rd** day before the election, voter may vote an early ballot at the county courthouse, an annex or a designated community voting location during normal business hours; additionally, early voting must be conducted between 9 a.m. and 5 p.m. on the last **2** Saturdays before the Primary Election. - W. Va. Code § 3-3-3
October 27, 2020	**Public Test of Tabulating Equipment** **1 week** prior to the start of the count of the votes, all automatic tabulating equipment must be tested to ascertain that it will accurately count the votes for all offices and on all measures. Notice must be provided <u>no more</u> than **2** weeks but <u>not less</u> than **48 hours** before test by publication of Class I-0 legal

	advertisement. (Notice must be provided October 20 – November 1.) After processing pre-audited ballots, the County Commission certifies the equipment to be free from error as determined by (Continued on next page) the test. Testing material and certification is to be placed in a sealed container until the start of canvass. - W. Va. Code §§ 3-4A-26, 59-3-1 *et seq.*
October 27 – November 2, 2020	**Instructional Program Make-Up Session** Within last **7 days** before election, County Clerk conducts make-up session for election officials unable to attend regular session. - W. Va. Code § 3-1-46(c)
October 27 – November 2, 2020	**Publish Official List of Candidates or Sample Ballot for Election Day** On the last day on which a newspaper is published immediately preceding the General Election, Ballot Commissioners publish the official list of candidates and issues, or the sample ballot, as follows: 1. For counties in which **2 or more** qualified newspapers publish a daily newspaper, publish as Class I-0 legal advertisement in the **2** qualified daily newspapers of different political parties within the county having the largest circulation; or 2. For counties having no more than **1** daily newspaper, or having only **1 or more** qualified weekly newspapers, publish as Class I legal advertisement in qualified newspaper having largest circulation. - W. Va. Code § 3-6-3, 59-3-1 *et seq.*
October 27 – Noon, November 3, 2020	**Receive Requests for Emergency Absentee Ballot** No earlier than **7 days** preceding the election and no later than **noon** of Election Day, a voter or a member of the voter's immediate family (or in counties with an extended policy, a staff member of a nursing home) may request a ballot for voting emergency absentee. A voter may be eligible to receive an emergency absentee ballot in the following circumstances: • Voter in the hospital on Election Day; • Replacement poll worker appointed after the period for Early Voting;

	• Voter in licensed health care facilities within an adjacent county or within 35 miles of the county seat (county policy required); • Voter in nursing home within the county if he or she has resided there for a period of less than 30 days (county (Continued on next page) policy required); or • Voter becomes confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, or immobility due to advance age or other medical reason (county policy required). - W. Va. Code §§ 3-3-1(c), 3-3-5c(d)
October 28, 2020	**Deadline for Absentee by Mail Application** Not later than the **6th day** preceding the election, last day to receive application for absentee ballot by mail. Ballot shall be mailed no later than following day. - W. Va. Code § 3-3-5(b)(1), 3-3-5(e)(1)
October 29, 2020 (By close of business at the filing office)	Write-In Candidate Filing Deadline in Case of Death of Candidate Vacancy occurs no earlier than **48 days (September 16)** and no later than **5 days (October 29)** before the General Election, the certificate shall be received no later than the close of business **5 days** before the election, or the close of business on the day following the occurrence of the vacancy, whichever is later. Write-in candidates file a certificate of announcement to become certified write-in candidates in case of the death of a candidate. - W. Va. Code § 3-6-4a(c)(2)
October 31, 2020 (Deadline)	**Deadline for Early Voting in Person** Last day to vote an early ballot in person (occurs on a Saturday) - W. Va. Code § 3-3-3
November 2, 2020	**Deadline to Hand-Deliver Absentee Ballots to the County Clerk's Office** The last day for County Clerk to accept hand delivered absentee ballot by mail is no later than **1 day** preceding the election. No person may personally deliver more than **2** absentee ballots in any election. - W. Va. Code § 3-3-5(k)

November 2, 2020	**Election Commissioners Receive Election Supplies** No later than **1 day** before General Election, the last day on which election commissioner(s) of each precinct, as designated by County Commissioners, shall receive necessary election supplies from County Clerk. - W. Va. Code § 3-1-24, 3-4A-13(f)
November 2, 2020	**Failure to Pick Up Supplies** By close of County Clerk's Office **1 day** prior to General Election, Board of Ballot Commissioners (or chairman thereof) forthwith dispatches, by special messenger, election supplies to any election commissioner who has failed to pick up supplies by designated time. - W. Va. Code § 3-1-25
November 3, 2020	**GENERAL ELECTION DAY** Tuesday after first Monday in November of even years. Polls open at 6:30 a.m. and close 7:30 p.m. - W. Va. Code § 3-1-31 In counties using electronic voting systems, County Clerk must deliver vote recording devices to polling places not less than **1** hour prior to polls opening. - W. Va. Code § 3-4A-16 If appointed election official fails to appear at polling place by 5:45 a.m., election officials shall contact County Clerk for assistance in filling vacancy. - W. Va. Code § 3-1-30(j) Upon request by or for persons eligible to vote emergency absentee ballot made no later than noon of Election Day, emergency absentee voting commissioners deliver application and ballot to voter in hospital (or nursing home if authorized). - W. Va. Code § 3-3-5c A voter whose registration record lists one address but has since moved to another within the county may update the registration (Continued on next page)

	at the polling place and shall vote in the precinct of current residence using a provisional ballot. - W. Va. Code §§ 3-2-22(a)(6), 3-2-31(c) A voter whose legal name has changed may update their registration by filing an affidavit of change of legal name at the polling place on Election Day without using a provisional ballot. - W. Va. Code § 3-2-22(d)(2)
November 3, 2020	**Post Summary Returns** Upon completion of the count, the returns are to be open to the public by posting a summary of the returns as have been tabulated at the central counting center. - W. Va. Code § 3-4A-27(e)
November 4, 2020	**Absentee Ballots Without Postmark Accepted** **1 day** after Election Day, absentee ballots without postmark are accepted if delivered by the US Postal Service or other express shipping service and received by the County Clerk, no later than the day after Election Day. (Does not apply to UOCAVA ballots.) - W. Va. Code § 3-3-5(g)(1)
November 9, 2020	**Absentee Ballots Postmarked by Election Day Accepted** No later than the hour at which the board of canvassers convenes to begin the canvass, absentee ballots by mail shall be accepted if ballot bears a postmark of the US Postal Service dated no later than Election Day and the ballot is received by the County Clerk, within the required time. Absentee ballots from military are accepted without postmark if received prior to start of canvass. - W. Va. Code §§ 3-3-5(g)(2) 3-5-17
November 9, 2020	**Canvass Returns** On the **5th day**, excluding Sundays, after General Election, County Commission, as the board of canvassers, meets to canvass General Election returns. The board of canvassers shall meet from day to day adjourning no longer than is absolutely necessary until the canvass is complete.

Deadline depends on date canvass is completed in all jurisdictions.	**Declare Results** Upon completion of canvass, publicly declare the election results and wait **48 hours** (do not count Saturdays, Sundays and legal holidays) to allow for recount requests to be submitted. Multi-county races must wait until the last county declares results for the **48** hours to begin. Notice will be provided by the Elections Division on the start times.
Deadline depends on date results are declared	**Recount** Recount request must be made within **48 hours** of the declaration of results. If a candidate is on the ballot in more than one county, the **48 hours** begins after the final county's canvassing board declares the results. A candidate may demand a recount. **Note:** If a recount has been demanded, the board of canvassers shall have **48 hours** in which to send notice to all candidates who filed for the office in which a recount has been demanded. Such recount shall be set for no sooner than **3 days** after serving the notice. After the notice is served, candidates so served shall then have an additional **24 hours** in which to demand a recount of precincts not requested to be recounted by candidate originally requesting recount. The recount is open to the public. However, only those authorized may handle election materials. - W. Va. Code § 3-6-9
Deadline depends on date results are declared and recounts	**Certify Results** **48 hours** after the declaration, CERTIFY election results in races where a recount was NOT requested. - W. Va. Code §§ 3-5-17, 3-6-9, 3-6-10
Deadline depends on date election results are declared	**Contest General Election** Within **10 days** after the results of election are **certified**, candidate may contest the General Election before the County Commission in which any general procedures, practices or results may be in issue. A contest is a legal proceeding. Legal counsel *should* (but not mandatorily) be obtained by parties involved. - W. Va. Code §§ 3-7-1, 3-7-6

December 3, 2020 (Deadline)	**Transmit Certificates of Results** The certification of the results of the General Election should be sent to Secretary of State **as soon as possible** but no later than **30 days** after the primary. Board of canvassers transmits original certificates of election results for all offices to be filled by the voters of more than one county to the Secretary of State, along with copies of certificates of results for county candidates - W. Va. Code § 3-6-11
January 1 – January 7, 2021	**4th Quarter Report (New)** **SB 622 is in effect June 7, 2019; this bill requires quarterly reports.** Reports due on January 1 of each year and filed within 6 days thereafter This report covers transactions from October 19, 2020 through December 31, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.
January 4, 2021 (NOTE: the statutory deadline is January 2, which falls on a Saturday. The next business day is January 4 per W. Va. Code § 2-2-2.)	**Report Failure to File Financial Statement to Prosecuting Attorney** **(60 days** after General Election) Secretary of State and County Clerk give notice of any failure of candidates, agents or treasurers to file required, detailed, itemized financial statements of transactions connected with General Election to Prosecuting Attorney where candidate resides. - W. Va. Code § 3-8-7(a)

March 3, 2021	**Voter History** (Within **120 days** following General Election) After each primary, general, municipal or special election, the County Clerk shall enter the voting records into the statewide voter registration database. - W. Va. Code § 3-2-18(e)

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

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2020 APR -6 A 10: 54
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

April 6, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **April 3, 2020**.

LETTERS OF INTENT RECEIVED

April 3, 2020 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #20-5-11835-Z, for the provision of home health services in Tyler County; capital expenditure: $10,000.

April 3, 2020 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #20-5-11836-Z, for the provision of home health services in Roane County; capital expenditure: $10,000.

April 3, 2020 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #20-4/7/8-11837-Z, for the provision of home health services in Grant, Pocahontas, Randolph and Tucker counties; capital expenditure: $10,000.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

March 30, 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 30, 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.

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 24, 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 31, 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.

March 31, 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 31, 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.

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

March 31, 2020 – Review cycle begins;

April 30, 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;

May 5, 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;

June 1, 2020 – Decision on the project will be issued by the Authority.

CERTIFICATE OF NEED APPROVAL ISSUED

March 30, 2020 – St. Joseph's Hospital of Buckhannon, Inc., Buckhannon, Upshur County, CON File #20-7-11792-P, for the development of an ambulatory health care facility in Tucker County through the provision of podiatric medicine and orthopedic services; capital expenditure: $10,000.

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

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

Marion County Health Department

300 Second Street
Fairmont, West Virginia 26554
(304) 366-3360

Pursuant to WV GOVERNOR JIM JUSTICE, EXECUTIVE ORDER NO.9-20, Mar24, 2020

WV Code 15-5-6 authorizes that Governor to, control ingress and egress to and from an area where large-scale threat exists, the movement of persons within the area and the occupancy of premises therein.

CDC and WV Department of Health and Human Resources recommend the public practice social distancing, meaning staying home whenever possible and otherwise maintaining a six feet distance from other individuals, to minimize the transmission of COVID-19.

Essential businesses remaining open will need to reduce operations to ensure minimum contact with members of the public and essential employees these businesses must always require proper social distancing.

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.

WV Code 16-2-11(a)(10) Local Boards of Health are authorized to enforce public health laws of this state.

WV Code 16-2-13 requires the county health officer to take an oath of office and is required to administer laws of this state.

Because the state of West Virginia and Marion County is observing a continued increase in Corona virus (COVID-19) cases, and because many individuals are shedding this virus and are considered infections without experiencing symptoms, actions must be taken to limit community spread.

Because the Commonwealth of Pennsylvania (PA) has a higher rate of Corona virus infection in its citizens than West Virginia and because state- owned liquor stores in PA were closed by their Governor on March 16 due to the coronavirus pandemic, it has been observed that due to the proximity of Pennsylvania to Marion County West Virginia, many people are patronizing stores that sell spirits and hard liquors. As a means of diminishing any increase of Corona virus in Marion County from individuals arriving from out of state, it is the recommendation of Marion County Health Department and its Health Officer that liquor sales be limited to only West Virginia residents.

Therefore, Marion County Health Department requires observance of the following conditions for protection of citizens and visitors of West Virginia and Marion County, effective this day, April 07, 2020 at 12:00 noon until rescinded:

All liquor stores, retail outlets, and/or other merchants with or without specifically designated sections of stores involved in the sale of spirits and hard liquors must abide by these measures at the date and time listed above.

Having only essential employees during working hours.

Maintaining a distance of six feet between customers and staff at all times, using floor markings or tape at cash registers or other places where individuals congregate.

Limiting individuals to no more than ten people including staff and clientele during store hours or when open for business.

Providing adequate handwashing or sanitizing agents especially at places where paper or other items are exchanged between staff and clientele.

Frequently wipe down surfaces with 10% bleach solution or similar CDC approved cleaner anywhere and individual's hands may reach including telephones, keyboards, light switches, doorknobs, handrails, etc.

Placing an employee outside the premises or adjacent to the door where spirits and hard liquors are sold to ensure that only those citizens with a valid West Virginia driver's license, or WV State issued identifications card, be allowed to enter, shop and purchase alcohol;

Purchases are limited to three alcohol items each business day: and.

Any other common-sense measures that will limit spread of communicable diseases.

Above orders are applicable to all entities and/or individuals operating in Marion County.

Marion County Health Department will use any and all means available to protect the health and safety of its citizens under §16-2-11(a)(10)

Failure to adhere to these orders may result in closure of your business. I thank you in advance for your attention to these instructions.

Govind M. Patel, MD
Marion County Health Officer