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Administration Law Division

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

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NEW RULES WERE FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Osteopathic Medicine (24-09)	Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness Legislative	§§30-1-4 and 30-14-14	Written Comments Only May 15, 2020, 4:30 pm Chase O. Holcomb 405 Capitol Street, Ste. 402 Charleston, WV 25301 chase.o.holcomb@wv.gov
Water Development Authority (44-04)	Purchasing Procedure Procedural	§22C-1-6	Written Comments Only May 18, 2020, 5:00 pm Marie Prezioso 1009 Bullitt Street Charleston, WV 25301 mprezioso@wvwda.org

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE OF HEARING**
Health (64-114)	Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak	§§16-3-1, 16-1-4, 29A-3-15	April 16, 2020	Comment Period must be filed by May 16, 2020

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

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TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
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RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/7/2019 8/22/2019	7/8/2019 9/22/2019		7/23/2019 9/27/2019	Modified & Approved 10/24/2019 Filed 11/8/2019	BUNDLED HB4252	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 (61-11B)	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		
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		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
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	4/10/2020	6/1/2020
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	4/10/2020	6/1/2020
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
Election Commision (146-01)	Corporate and Membership Organization Political Activity Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Election Commission (146-03)	Regulation of Campaign Finance Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Environmental Protection - Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 11/17/2019	BUNDLED HB4217		

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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		
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	4/15/2020	4/15/2020
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	4/15/2020	4/15/2020
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	4/15/2020	4/15/2020
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	4/15/2020	4/15/2020
Health (64-71)	Primary Care Seed Money Grants Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/19/2019	BUNDLED SB339	4/15/2020	4/15/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/21/2019	7/22/2019	4/3/2018 Effective 4/3/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-111)	Medical Cannabis Program Laboratories Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-112)	Medical Cannabis Program Dispensiaries Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-113)	Medical Cannabis Program Safe Harbor Letter Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/24/2019	Modifed & Approved 12/18/2019 Filed 12/19/2019	BUNDLED SB339		
Health (64-114)	Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak Legislative			4/16/2020 Approved 4/16/2020					
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	4/13/2020	4/13/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	4/13/2020	4/13/2020
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	4/15/2020	6/3/2020
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	4/13/2020	4/13/2020
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019	BUNDLED SB449	3/16/2020	5/1/2020
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		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Massage Therapy Licensure Board (194-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252	4/16/2020	4/30/2020
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	4/16/2020	4/30/2020
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	4/15/2020	4/20/2020
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
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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	4/15/2020	5/15/2020	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		
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	4/10/2020	4/10/2020

RULE MONITOR

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

RULE MONITOR

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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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					4/10/2020	5/10/2020
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
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 Development Authority (44-04)	Purchasing Procedure Procedural	4/15/2020	5/18/2020						
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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4/10/2020 3:01:37 PM

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

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

RULE NAME: Rule For The West Virginia Board of Dentistry

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

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

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

Section §64-9-7 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:

June 1, 2020

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

June 01, 2030

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

Yes

Susan Combs -- 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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4/10/2020 2:42:29 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: Dentistry WV Board of TITLE-SERIES: 5-08

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

RULE NAME: Dental Advertising

CITE STATUTORY AUTHORITY: W. Va. Code §30-4-6

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

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

Section §64-9-7 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:

June 1, 2020

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

June 01, 2030

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

Yes

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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: Health TITLE-SERIES: 64-03

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

RULE NAME: Public Water Systems

CITE STATUTORY AUTHORITY: 16-1-4

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

Authorization is cited in (house or senate bill number) SB 339

Section 64-5-1(a) Passed On 3/4/2020 12:00:00 AM

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

April 15, 2020

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

April 15, 2025

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

Yes

April L Robertson -- 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 16 P 4:41

OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Commissioner's Office

Bill J. Crouch
Cabinet Secretary

Catherine C. Slemp, MD, MPH
Commissioner & State Health Officer

ORDER REGARDING COVID-19 AS A REPORTABLE DISEASE OR CONDITION

The Commissioner of the Bureau for Public Health has determined that due to an outbreak of the Coronavirus Disease 2019 (COVID-19), and subsequent declaration of a state of emergency by the Governor, that the outbreak constitutes a public health emergency, that it requires public health follow up, and that the collection of data or other information on the disease can assist in determining the need for or effectively implementing public health programs to protect and promote the health of the people of West Virginia.

Further, that on March 5, 2020, the Commissioner entered an Order amending the Legislative Rule titled *Reportable Diseases, Events and Conditions* to include the COVID-19 as a Category I.A. reportable disease in accordance with W. Va. Code R. §64-7-3.3.b.

And now, based upon the foregoing and in accordance with the provisions of W. Va. Code §§16-3-1 *et seq.* and W. Va. Code R. §64-7-3.1.a, which authorizes the Commissioner to add or delete a disease or condition in any category of the rule, the Commissioner does hereby ORDER as follows:

1. That each laboratory required to report in accordance with W. Va. Code R. §64-7 shall be a validated submitter to the WVHIN or WVEDSS, and shall provide immediate real time electronic laboratory reporting in accordance with W.Va. Code R. §64-7.3.3.a.1., *provided,* that laboratories may continue processing test results while they become registered submitters to the WVHIN or WVEDSS, which registration for electronic reporting and progress toward validation must be initiated within three business days of the effective date of this Order;

2. That each laboratory required to report in accordance with W.Va. Code R. §64-7 shall immediately report to the Bureau negative and positive results of each COVID-19 antibody or virus detection test performed, and shall continue to report positive results to the local health department;

3. That in furtherance of compliance with this rule, all health care providers shall, to the greatest extent practicable, utilize laboratories capable of electronic reporting;

4. That this Order shall be effective immediately upon its filing with the Office of the Secretary of State; and

350 Capitol Street, Room 702 • Charleston, West Virginia 25301 • 304-558-2971 • 304-558-1035 (fax) • dhhr.wv.gov

5. That this Order shall be made as an Appendix to W. Va. Code R. §64-7-1 *et seq.* until such time as the Legislature amends the rule series pursuant to W. Va. Code §§29A-3-1 *et seq.*

LEGISLATIVE

ENTERED THIS DATE: April 16, 2020

BY: Catherine C. Slemp

Catherine C. Slemp, MD, MPH
Commissioner and State Health Officer
Bureau for Public Health

FILED
2020 APR 16 P 4: 42
OFFICE WEST VIRGINIA
SECRETARY OF STATE

FILED
2020 APR 10 P 4: 53
OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: April 10, 2020

TO: Mac Warner
Secretary of State

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

BJC

RE: **Suspension of certain requirements regarding *Sewer Systems, Sewage Treatment Systems, and Sewage Tank Cleaners*, 64CSR9**

The Bureau for Public Health of the Department of Health and Human Resources requests that W. Va. C.S.R. §64-9, *Sewer Systems, Sewage Treatment Systems, and Sewage Tank Cleaners,* 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. §64-9 establishes minimum requirements for sewer systems, sewage treatment or disposal plants which serve public sewer systems, and the certification of sewage tank installers. Strict compliance with the provisions that apply to the time for reviewing applications for individual sewage systems 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. §64-9.4.4 - Increase the expressed time frame for the review of individual sewer system permit applications from 21 working days to 42 working days.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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4/15/2020 1:46:30 PM

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: Health TITLE-SERIES: 64-30

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

RULE NAME: Fees for Permits

CITE STATUTORY AUTHORITY: 16-1-11(d)

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

Authorization is cited in (house or senate bill number) SB339

Section 64-5-1(b) 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 15, 2020

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

April 15, 2025

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

Yes

April L Robertson -- 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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4/15/2020 2:21:21 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: Health TITLE-SERIES: 64-32

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

RULE NAME: Vital Statistics

CITE STATUTORY AUTHORITY: 16-5-3

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

Authorization is cited in (house or senate bill number) SB 339

Section 64-5-1(c) 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 15, 2020

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

April 15, 2025

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Yes

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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4/15/2020 1:08:05 PM
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: Health TITLE-SERIES: 64-70

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

RULE NAME: Primary Care Support Program

CITE STATUTORY AUTHORITY: 16-2H-2(d)

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

Authorization is cited in (house or senate bill number) SB 339

Section 64-5-1(e) 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 15, 2020

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

April 15, 2025

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Yes
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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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Secretary Of State

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

AGENCY: Health TITLE-SERIES: 64-71

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

RULE NAME: Primary Care Seed Money Grants

CITE STATUTORY AUTHORITY: 16-2H-2(d)

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

Authorization is cited in (house or senate bill number) SB339

Section 64-5-1(f) 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 15, 2020

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

April 15, 2020

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Yes
April L Robertson -- 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

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR MEDICAL SERVICES
Commissioner's Office
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3712
Telephone: (304) 558-1700 Fax: (304) 558-1451

Bill J. Crouch
Cabinet Secretary

Cynthia E. Beane
Commissioner

April 14, 2020

FILED
2020 APR 14 P 3: 12
OFFICE WEST VIRGINIA
SECRETARY OF STATE

To: West Virginia Secretary of State
Capitol Complex, Main Building

From: Cynthia Beane, MSW, LCSW
Commissioner

Subject: Material for filing in the Secretary of State's Office

The material indicated below is being forwarded. Please file and publish in the State Register in accordance with the Administrative Procedure Act.

New Medicaid Chapter	☐
Medicaid Chapter Update	☐X
New Medicaid Policy	☐
Medicaid Policy Update	☐
State Plan Amendment for title XIX, Medicaid	☐
Other	☐

The following is an explanation of the above material:

Chapter Number: 400
Title: Member Eligibility

Please acknowledge receipt of this material by signing and returning a copy of this document to the attention of:

Margaret Brown
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3707

Signature of Person Receiving Above Material

Date

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR MEDICAL SERVICES
Commissioner's Office
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3712
Telephone: (304) 558-1700 Fax: (304) 558-1451

Bill J. Crouch
Cabinet Secretary

Cynthia E. Beane
Commissioner

April 14, 2020

FILED
2020 APR 14 P 3: 12
OFFICE WEST VIRGINIA
SECRETARY OF STATE

To: West Virginia Secretary of State
Capitol Complex, Main Building

From: Cynthia Beane, MSW, LCSW
Commissioner

Subject: Material for filing in the Secretary of State's Office

The material indicated below is being forwarded. Please file and publish in the State Register in accordance with the Administrative Procedure Act.

New Medicaid Chapter	☐
Medicaid Chapter Update	☐X
New Medicaid Policy	☐
Medicaid Policy Update	☐
State Plan Amendment for title XIX, Medicaid	☐
Other	☐

The following is an explanation of the above material:

Chapter Number: 519.2
Title: Anesthesia Services

Please acknowledge receipt of this material by signing and returning a copy of this document to the attention of:

Margaret Brown
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3707

Signature of Person Receiving Above Material

Date

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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4/13/2020 3:38:46 PM

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: Health And Human Resources TITLE-SERIES: 69-14

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

RULE NAME: Collection and Exchange of Data Related to Overdoses

CITE STATUTORY AUTHORITY: 16-5T-5

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

Authorization is cited in (house or senate bill number) SB 339

Section 64-5-1(l) 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 13, 2020

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

April 13, 2025

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

Yes

April L Robertson -- 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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4/13/2020 3:34:28 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: Health Care Authority TITLE-SERIES: 65-09

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

RULE NAME: Critical Access Hospitals

CITE STATUTORY AUTHORITY: 16-5B-14(d)

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

Authorization is cited in (house or senate bill number) SB 339

Section 64-5-2 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 13, 2020

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

April 13, 2025

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

Yes

April L Robertson -- 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
4/15/2020 3:00:09 PM

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: Human Services TITLE-SERIES: 78-24

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

RULE NAME: Qualifications for a Provisional License to Practice as a Social Worker within the Department of Health and Human Resources

CITE STATUTORY AUTHORITY: 30-30-16(c)(2)

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

Authorization is cited in (house or senate bill number) SB 339

Section 64-5-1(n) 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:

June 3, 2020

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

June 03, 2025

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

Yes

April L Robertson -- 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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4/13/2020 3:45:24 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: Human Services TITLE-SERIES: 78-26

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

RULE NAME: Pilot Program for Drug Screening of Applicants for Cash Assistance

CITE STATUTORY AUTHORITY: 9-3-6

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

Authorization is cited in (house or senate bill number) SB 339

Section 64-5-1(o) 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 13, 2020

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

April 13, 2025

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

Yes

April L Robertson -- 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
4/16/2020 4:31:52 PM

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: Massage Therapy Licensure Board TITLE-SERIES: 194-05

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

RULE NAME: Application For Waiver of Initial Licensing Fees For Certain Individuals

CITE STATUTORY AUTHORITY: 30-1-23 and 30-37-6

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

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

Section 64-9-13 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 30, 2020

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

April 30, 2030

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

Yes

Linda Lyter -- 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
4/16/2020 4:26:50 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: Massage Therapy Licensure Board TITLE-SERIES: 194-06

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

RULE NAME: Considertion of Prior Criminal Convictions In Initial Licensure Determinations

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

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

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

Section 64-9-13 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 30, 2020

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

April 30, 2030

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

Yes

Linda Lyter -- 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
4/15/2020 3:59:29 PM
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: Nursing Home Administrators Licensing Board TITLE-SERIES: 21-01

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

RULE NAME: Nursing Home Administrator's 21CSR1

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

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

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

Section §64-9-16 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 20, 2020

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

April 20, 2025

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

Yes
Veronica S Cummings -- 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
4/15/2020 2:23:15 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-09

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

RULE NAME: Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness

CITE STATUTORY AUTHORITY: 30-1-4 and 30-14-14

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/15/2020 4:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Chase O. Holcomb

ADDRESS: 405 Capitol Street
Suite 402

EMAIL: chase.o.holcomb@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/10/2020 12:24:04 PM

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: 15-07

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

RULE NAME: Board of Pharmacy Rules for Regulation of Pharmacy Technicians

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 10, 2020

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

April 10, 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 Board of Examiners for Speech-Language Pathology and Audiology

FILED

2020 APR 14 P 1:47

OFFICE WEST VIRGINIA SECRETARY OF STATE

Board Members
Erin Leigh-Ann Browning, M.A., CCC-SLP, President
Vickie Pullins, M.A., CCC-SLP, Secretary
Dr. Michael J. Zagarella, Au.D., CCC-A
Dr. Vernon N. Mullins, Au.D., CCC-A
Joe E. Richards, M.A., Citizen Member
[redacted]
Patricia J. Nesbitt, Executive Director

April 14, 2020

Via U.S. Mail and E-mail
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 Examiners for Speech-Language Pathology and Audiology Temporary Suspension of W. Va. Code R. §§ 29-1-10.1.a, 29-1-10.4.a for Certain Applicants

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 Governor has also ordered the closure of schools, grades pre-K through 12, in the State of West Virginia through at least April 30, 2020.

The West Virginia Board of Examiners for Speech-Language Pathology and Audiology ("Board") is actively monitoring the effects of the COVID-19 pandemic. The Board is charged with licensing and regulating the practice of speech-language pathology and audiology in the State of West Virginia. W. Va. Code §§ 30-32-1 et seq. West Virginia Code requires an individual to apply for and obtain a license from the Board in order to practice speech-language pathology and audiology in this State. W. Va. Code § 30-32-1. The Board has statutory authority to promulgate rules setting forth the application and licensure fees. W. Va. Code § 30-32-6. At present, the Board charges an application fee of $100.00 and a license fee of $100.00. W. Va. Code R. §§ 29-1-10.1.a, 29-1-10.4.a. As explained herein, the Board believes it necessary, in order to fulfill its primary mission of protecting the public during this crisis, to temporarily suspend these two rules (fees) for certain applicants.

Following his Proclamation, the Governor ordered West Virginia residents to stay at home unless performing an essential activity. See Executive Order No. 09-20, issued March 23, 2020. Among the "essential activities" enumerated in that Order is "obtaining non-elective medical care and treatment and other similar vital services for an individual or a family member of the individual." Further, on March 26, 2020, the WV Department of Health and Human Resources issued a directive, effective at 8 p.m. on March 24, 2020, that "all non-emergent, non-urgent in-person medical, surgical, dental, and any other

99 Edmiston Way, Box 11 – Suite 214, Buckhannon, WV 26201
Email: wvbaslpa@wv.gov
Web Site: www.wvspeechandaudiology.com
Phone: 304-473-4289 Fax: 304-473-4291 In-state toll free number: 877-462-5460
~Patricia Nesbitt – Executive Director~

health care practice or procedure must have immediately ceased." The DHHR directive further states, "[u]nder all circumstances where clinically possible,

use of telephonic or video communication to provide telemedicine services is strongly urged." These orders and directives are necessary to combat and limit the spread of COVID-19.

With schools being closed during the COVID-19 pandemic, and in light of the Governor's orders, students do not have in-person access to speech-language pathology and audiology services. Furthermore, only "[l]icensed speech-language pathologists and audiologists may provide services in this state by telepractice." W. Va. Code § 30-32-16(a); see also W. Va. Code R. § 29-1-15.6. The Board understands that some providers of speech-language pathology and audiology services in West Virginia schools are certified to do so by the West Virginia Department of Education ("WVDE"), but they do not hold a license with the Board. For these providers to continue to serve students via telepractice, they will need to apply for and obtain a license from the Board.

To encourage those providers to do so, and pursuant to the Governor's Proclamation, the Board has voted to suspend the application fee and license fee requirements, set forth in W. Va. Code R. §§ 29-1-10.1.a, 29-1-10.4.a, for applications submitted by WVDE-certified individuals from now until June 30, 2020. The Board believes such measures are necessary for West Virginia students to continue to receive vital speech-language pathology and audiology services.

To clarify, only the application fee and license fee are suspended for those applicants who submit proof of WVDE certification; all other requirements, qualifications, and procedures set forth in W. Va. Code §§ 30-32-1 et seq. and W. Va. Code R. §§ 29-1-1 et seq. still apply to such applicants. Further, these fees are only suspended for applications submitted on or before June 30, 2020. Any license applied for during this time period, if granted, is valid until December 31, 2020 and may be renewed pursuant to the Board's statutes and rules.

The Board has detailed provisions in its statutes and rules to guide practitioners in employing telepractice, including practice standards, ethical requirements, supervision requirements, and patient confidentiality requirements, see W. Va. Code § 30-32-16, W. Va. Code R. § 29-1-15, and will communicate those as necessary during the crisis.

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. §§ 29-1-10.1.a, 29-1-10.4.a for WVDE-certified applicants, and post a copy of this correspondence on its website.

Should you have any questions regarding this correspondence, please contact the Board's office (currently working remotely) by telephone, 304-642-9962, or by email, wvbeslpa@wv.gov

Sincerely,

Patricia Nesbitt

Patricia Nesbitt
Executive Director
West Virginia Board of Examiners for Speech-Language Pathology and Audiology

99 Edmiston Way, Box 11 – Suite 214, Buckhannon, WV 26201
Email: wvbeslpa@wv.gov
Web Site: www.wvspeechandaudiology.com
Phone: 304-473-4289 Fax: 304-473-4291 In-state toll free number: 877-462-5460
~Patricia Nesbitt – Executive Director~

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

4/10/2020 1:14 PM

Office of West Virginia
Secretary Of State

INTERPRETIVE

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

AGENCY: Tax TITLE-SERIES: 110-43

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

RULE NAME: SPECIAL VALUATION METHOD FOR CERTAIN WIRELESS TECHNOLOGY PROPERTY

CITE STATUTORY AUTHORITY: W. Va. Code § 11-3-33.

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

May 10, 2020

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

Yes

Allen R Prunty -- 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
4/15/2020 1:39:17 PM
Office of West Virginia
Secretary Of State

PROCEDURAL

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Water Development Authority TITLE-SERIES: 44-04

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

RULE NAME: PURCHASING PROCEDURAL RULES

CITE STATUTORY AUTHORITY: 22C 1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/18/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: MARIE PREZIOSO

ADDRESS: 1009 BULLITT STREET

CHARLESTON, WV 25301

EMAIL: mprezioso@wvwda.org

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/16/2020 9:45:04 AM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Health TITLE-SERIES: 64-114

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

16-3-1, 16-1-4, and 29A-3-15

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

PRIMARY CONTACT:

NAME: April Robertson

ADDRESS: 1 Davis Square Suite 100

Charleston, WV 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

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

FILED

2020 APR 16 A 9:47

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Bureau for Public Health, Department of Health and Human Resources

RULE: 64 CSR 114

STATUTORY AUTHORITY: W. Va. Code § 16-1-4, 16-3-1 and 29A-3-15.

DATE FILED AS AN EMERGENCY RULE: April 16, 2020.

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

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

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

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

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

Additional notes or comments (if any): _____

_____.

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
[redacted]	**Health**	COVID-19 as a Reportable Disease or Condition	4/16/2020
[redacted]	**Health And Human Resources**	Health Care Facility Licensure Fees	4/6/2020
[redacted]	**Health Care Authority**	Charleston Area Medical Center, Inc.	4/9/2020
[redacted]	**Health Care Authority**	Clean & Clear Advantage, LLC	4/10/2020
[redacted]	**Health Care Authority**	West Virginia University Hospitals, Inc.	4/9/2020
[redacted]	**Health Care Authority**	East Mountain Health Advantage, Inc.	4/6/2020
[redacted]	**Health Care Authority**	Recovery Resource Group LLC	4/6/2020
[redacted]	**Health Care Authority**	St. Joseph's Hospital of Buckhannon, Inc.	3/30/2020
[redacted]	**Health Care Authority**	Wetzel County Hospital	3/25/2020
[redacted]	**Health Care Authority**	Center for Service Coordination, LLC	3/23/2020

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
[redacted]	**Timmy Cottrell**	Division Of Highways	2/18/2020
[redacted]	**Melissa Denniston**	Mason County Board Of Education	2/18/2020
[redacted]	**Joseph Bell**	Department Of Health And Human Resources	2/20/2020
		William R. Sharpe, Jr. Hospital	2/20/2020
[redacted]	**Joan Coy**	Department Of Health And Human Resources	2/20/2020
		Mildred Mitchell-Bateman Hospital	2/20/2020
[redacted]	**Theresa V Raines**	Wood County Board Of Education	2/20/2020
[redacted]	**Michelle Ferris**	Department Of Health And Human Resources	2/20/2020
		William R. Sharpe, Jr. Hospital	2/20/2020
[redacted]	**Deanna Romano**	Southern West Virginia Community and Technical College	2/20/2020
[redacted]	**Theresa V Raines**	Wood County Board Of Education	2/21/2020
[redacted]	**Margie Apesos**	Hancock County Board Of Education	2/21/2020
[redacted]	**Dennis Hayes, et al.**	Marion County Board Of Education	2/25/2020
[redacted]	**James Brandon Smith**	Division Of Rehabilitation Services	2/25/2020
		Division Of Personnel	2/25/2020
[redacted]	**Debbie McGinnis**	Department Of Environmental Protection	2/25/2020
[redacted]	**Georgetta A Bradstreet**	West Virginia University	2/26/2020
[redacted]	**Patricia A Westfall**	Raleigh County Board Of Education	2/27/2020
[redacted]	**Jayna Marie Copley**	Department Of Health And Human Resources	2/28/2020
		William R. Sharpe, Jr. Hospital	2/28/2020
[redacted]	**Jessica Francez**	Department of Veterans Assistance	2/28/2020
[redacted]	**Mark Alan Hooker**	Offices of the Insurance Commissioner	2/28/2020
[redacted]	**Anthony Allen Anderson**	Bridgevalley Community and Technical College	3/2/2020
[redacted]	**Ronda Lawrence**	Mercer County Board Of Education	3/2/2020

4/15/2020 3:36:59 PM

2020-0737-DHHR	**Brian Ashworth**	Department Of Health And Human Resources	3/3/2020
		Mildred Mitchell-Bateman Hospital	3/3/2020
2020-0514-MinED	**Reynaldo Galindo**	Marion County Board Of Education	3/3/2020
2020-0448-DOT	**Eric O'Dell**	Division Of Highways	3/3/2020
2020-0240-DOT	**Carlin L Thaxton II**	Division Of Highways	3/3/2020
2019-1396-WVU	**Thomas Evans**	West Virginia University	3/3/2020
2019-1170-WayED	**Teresa Baker**	Wayne County Board Of Education	3/4/2020
2020-0181-DVA	**Cassi Smith**	Department of Veterans Assistance	3/4/2020
2020-0449-MinED	**William D Campbell**	Marion County Board Of Education	3/6/2020
2020-0172-WooED	**Aaron Ellis**	Wood County Board Of Education	3/6/2020
2019-0784-MinED	**Bonita Hadox**	Marion County Board Of Education	3/6/2020
2019-0440-MinED	**Gene Rexrode II**	Marion County Board Of Education	3/6/2020
2020-0744-DHHR	**Christine Rigsby**	Department Of Health And Human Resources	3/6/2020
		Mildred Mitchell-Bateman Hospital	3/6/2020
2020-0526-MAPS	**Christina Rae Wilfong**	Division of Corrections and Rehabilitation	3/9/2020
		Bureau of Juvenile Services	3/9/2020
		Kenneth "Honey" Rubenstein Center	3/9/2020
		Division Of Personnel	3/9/2020
2020-0342-PenED	**Beth A Kimble**	Pendleton County Board Of Education	3/11/2020
2020-0140-MonED	**Vanedra Mustain**	Monroe County Board Of Education	3/11/2020
2020-0531-MonED	**Vanedra Mustain**	Monroe County Board Of Education	3/11/2020
2020-0038-DHHR	**Samantha Rae Dunlavy**	Department Of Health And Human Resources	3/11/2020
		William R. Sharpe, Jr. Hospital	3/11/2020
2019-1785-MAPS	**Justin Marshall Wade**	Division of Corrections and Rehabilitation	3/12/2020
		Northern Regional Jail	3/12/2020
2020-0013-BOC	**Angela Hollandsworth**	Workforce West Virginia	3/16/2020
2020-0913-LinED	**Jamie Jones**	Lincoln County Board Of Education	3/16/2020

2020-0884-HanED	**Elizabeth Louise Lundberg**	Hancock County Board Of Education	3/16/2020
2020-0889-MerED	**Yvonne Nanette Sigmon**	Mercer County Board Of Education	3/16/2020
2020-1012-DHHR	**James Kouns**	Department Of Health And Human Resources	3/17/2020
		Mildred Mitchell-Bateman Hospital	3/17/2020
2019-1611-NicED	**Lois Morris**	Nicholas County Board Of Education	3/17/2020
2020-0748-NicED	**Lois Morris**	Nicholas County Board Of Education	3/17/2020
2019-0078-DHHR	**Curt Taylor**	Department Of Health And Human Resources	3/17/2020
		Mildred Mitchell-Bateman Hospital	3/17/2020
2020-0238-BarED	**Paula Townsend**	Barbour County Board Of Education	3/17/2020
2019-1364-DOT	**Brian Shaffer**	Division Of Highways	3/20/2020
2019-0682-JefED	**Kathleen Ann Holsinger**	Jefferson County Board Of Education	3/24/2020
2019-0442-MrnED	**David Glen Hughes**	Marion County Board Of Education	3/25/2020
2019-0441-MrnED	**Mark Byron Keller**	Marion County Board Of Education	3/25/2020
2019-0447-MrnED	**Stephen M Larry**	Marion County Board Of Education	3/25/2020
2019-1383-DOT	**Joshua James**	Division Of Highways	3/26/2020
2019-1651-MAPS	**Shawn Michael Nutter**	Division of Corrections and Rehabilitation	3/26/2020
		Bureau of Prisons and Jails	3/26/2020
		Mount Olive Correctional Complex and Jail	3/26/2020
2020-0471-DOT	**Gerald Robinson**	Division of Highways	3/30/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 24-20

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, Executive Order 21-20, and Executive Order 22-20 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 Cabell County, Ohio County, Wayne County, and Wood County, it is necessary to implement similar heightened measures in these named counties as were included in Executive Order 20-20, Executive Order 21-20, and Executive Order 22-20; and

WHEREAS, it is necessary for those businesses and entities in Cabell County, Ohio County, Wayne County, and Wood 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 Cabell County, Ohio County, Wayne County, and Wood 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 Eleventh day of April, Two Thousand Twenty, as follows:

1. For the counties of Cabell, Ohio, Wayne, and Wood, 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 Cabell County, Ohio County, Wayne County, and Wood 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 Cabell County, Ohio County, Wayne County, and Wood 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 Tenth 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. 25-20

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, Executive Order 21-20, Executive Order 22-20, and Executive Order 24-20 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 Jackson County, it is necessary to implement similar heightened measures in this county as were included in Executive Order 20-20, Executive Order 21-20, Executive Order 22-20, and Executive Order 24-20; and

WHEREAS, it is necessary for those businesses and entities in Jackson 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 Jackson 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 Fourteenth day of April, Two Thousand Twenty, as follows:

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

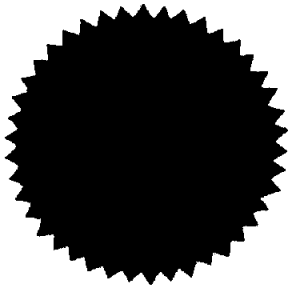
   Section 1, Subparagraph g is hereby deleted in its entirety and replaced with the following:

   "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 Jackson 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 Jackson 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 Thirteenth 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

Mac Warner

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 26-20

By the Governor

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

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

WHEREAS, Executive Orders 7-20, 10-20, 11-20, 12-20, 17-20, and 23-20 suspended certain provisions and sections of statute that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, there have been additional statutory regulations identified by the West Virginia Board of Examiners for Speech-Language Pathology and Audiology that are preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

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

1. In the discretion of the West Virginia Board for Speech-Language Pathology and Audiology who shall issue additional guidance, the requirement that a nonresident speech-language pathologist or audiologist who holds a valid out-of-state license or other authorization to engage in the practice of speech-language pathology and audiology 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 §§ 30-32-1, and who renders services in this state for no more than five days in any calendar year (W. Va. Code § 30-32-2(6)), provided that this suspension relates only to the five day practice limitation of such regulatory statute.

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 Thirteenth 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

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

April 13, 2020

FILED
2020 APR 13 P 12: 12 OTHER
OFFICE WEST VIRGINIA
SECRETARY OF STATE

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **April 11, 2020**.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

April 6, 2020 – Cavalier Mobile X-Ray Co., Youngstown, Ohio, CON File #20-WV-11832-P, for the expansion of mobile diagnostic imaging services to all counties in West Virginia; capital expenditure: $143,000.

April 6, 2020 – Focused on You, LLC, Milton, Cabell County, CON File #20-2/3-11833-BH, for the provision of service coordination, also known as case management services, under the Title XIX I/DD Waiver Program; capital expenditure: $10,000.

PROJECT DETERMINED REVIEWABLE

April 9, 2020 – Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #20-3-11794-X, for the acquisition of a private physician practice located in a medical office suite at Sedgely Office Park; capital expenditure: less than the expenditure threshold.

PROJECT DETERMINED NOT REVIEWABLE

April 6, 2020 – Recovery Resource Group LLC, Huntington, Cabell County, CON File #20-2-11817-X, for the complete relocation of its office from 542 9th Street, Huntington to 522 9th Street, Huntington; no capital expenditure.

EXEMPTION APPLICATIONS APPROVED

April 9, 2020 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #20-6-11821-X, for the transfer of ten skilled nursing beds from St. Joseph's Hospital of Buckhannon to West Virginia University Hospitals.

April 10, 2020 - Clean & Clear Advantage, LLC, Parkersburg, Wood County, CON File #20-5-11818-X, for the establishment of an alcohol and drug treatment facility in Parkersburg, Wood County.

RENEWAL GRANTED

April 6, 2020 - East Mountain Health Advantage, Inc., Winchester, Virginia, CON File #18-9-11348-P, for the construction of a medical office building in Berkeley County; capital expenditure: $16,988,000.

Renewal granted through September 30, 2020.

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

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

FILED
2020 APR 16 A 9:57
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

April 16, 2020

NEWS ITEM

The Health Care Authority (Authority), pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

April 13, 2020 - Focused on You, LLC, Milton, Cabell County, CON File #20-2/3-11833-BH, for the provision of service coordination, also known as case management services, under the Title XIX I/DD Waiver Program; capital expenditure: $10,000.

April 13, 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 14, 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.

April 15, 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.

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

The review cycle begins on **April 15, 2020.**

On or before **May 15, 2020**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and

location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **May 20, 2020**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decisions will be issued on or before **June 15, 2020**.

A press release will be issued after the decisions are made. Anyone wishing to be directly notified of the Decisions should submit a written request to Barbara Skeen, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1600. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

4/16/20
Date

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