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

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	§§30-5-7	Written Comments Only June 2, 2020, 5:00 pm Ryan Hatfield 2310 Kanawha Blvd. E Charleston, WV 25311 ryan.l.hatfield@wv.gov

NO NEW EMERGENCY RULES 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	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
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
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TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
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TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
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TITLE	38	MINING AND RECLAMATION
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TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
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TITLE	114	INSURANCE COMMISSION
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TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
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TITLE	178	RACING COMMISSION
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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
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	4/30/2020	7/1/2020
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	4/30/2020	7/1/2020
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	4/20/2020	7/1/2020
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	4/20/2020	7/1/2020
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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (36-18)	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	5/6/2020	5/6/2020
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	5/6/2020	5/6/2020
Education (126-042)	Assuring the Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/12/2019	1/24/2020					2/13/2020	7/1/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	5/5/2020	5/5/2025
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	5/5/2020	5/5/2025
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	5/5/2020	8/1/2020
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	5/5/2020	8/1/2020
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	5/4/2020	6/4/2020
Health (64-114)	Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak Legislative			4/16/2020 Approved 4/16/2020 Amendment 4/21/2020 Approved 4/21/2020					
Health and Human Resources (69-15)	Recovery Residence Certification and Accreditation Program Legislative			4/29/2020 ERD by 6/10/2020					
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		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Housing Development Fund (88-03)	Purchasing Procedure Procedural	4/22/2020	5/22/2020						
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	5/4/2020	6/4/2020
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
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	5/4/2020	8/2/2020
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	5/4/2020	8/2/2020
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	4/23/2020	5/23/2020	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				
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

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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	5/6/2020	6/1/2020
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	5/4/2020	8/2/2020
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	5/4/2020	5/4/2020
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	4/30/2020	5/31/2020	4/30/2020 Approved 4/30/2020					
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	4/30/2020	5/31/2020	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	4/27/2020	4/27/2020
Pharmacy (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020	6/2/2020	4/20/2020 Approved 4/20/2020					
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	4/27/2020	4/27/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	5/1/2020	5/1/2020
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	5/1/2020	5/1/2020
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	5/4/2020	8/4/2020
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Respiratory Care (30-10)	Conideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	11/7/2019	12/9/2019		12/10/2019	Approved 12/19/2019	BUNDLED HB4252	5/4/2020	7/1/2020
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	4/24/2020	5/29/2020	3/25/2020 Amendment 4/24/2020 Amendment 4/27/2020 ERD by 6/8/2020					
Secretary of State (153-45)	Guidelines and Standards for Electronic Notarization Legislative	4/30/2020	6/1/2020	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	5/5/2020	7/1/2020
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	5/5/2020	7/1/2020
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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Department of Agriculture
Kent A. Leonhardt, Commissioner
Joseph L. Hatton, Deputy Commissioner

LEGISLATIVE

MEMORANDUM

TO: Mac Warner, Secretary of State

FROM: Kent Leonhardt, Commissioner of Agriculture

DATE: April 30, 2020

RE: Suspension of 61CSR33 Rural Rehabilitation Program.

FILED
2020 MAY -1 P 12:11
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

61 CSR 33 (rule) establishes requirements for the rural rehabilitation loan program pursuant to W.Va. Code §19-1-11 and sets forth requirements for the rural rehabilitation loan committee including, amongst other things, the application process, refinancing, restructuring of distressed loans, collection proceedings and various related lending matters.

Borrowers who have been adversely affected financially by the coronavirus and the downturn in business due to government actions are unable to service their debt and, in many instances, are unable to meet the established requirements for refinancing and restructuring loans. On April 23, 2020, the rural rehabilitation loan committee met and by unanimous vote authorized the Commissioner of Agriculture to suspend the following rules until the end of the state of emergency declaration:

W. Va. §C.S.R. 61-33-9. Delinquencies and Collection Proceedings. Sets forth collection proceedings for delinquent loans.

W. Va. §C.S.R. 61-33-10. Refinancing. Requires a 5-year waiting period before refinancing any loan.

W. Va. §C.S.R. 61-33-14. Determination of Distressed Loans. Details specific procedural requirements for borrowers desiring to restructure their loans. Requires the Commissioner to provide distressed borrowers the opportunity to personally appear before the loan committee.

W. Va. §C.S.R. 61-33-15. Consideration of Applications for Restructuring. Sets forth criteria for borrowers that do not take into consideration the current pendemic.

The loan committee will continue to provide professional review of all loans and requests for refinancing and restructuring and apply best practices to each loan. This suspension will remain in effect until the state of emergency is lifted.

mailing address: 1900 Kanawha Blvd. East, Charleston, WV 25305-0170
physical address: 217 Gus R. Douglass Lane, Charleston, WV 25312
telephone: 304-558-3550 • fax: 304-558-2203

www.agriculture.wv.gov

State of West Virginia
DEPARTMENT OF COMMERCE

FILED
2020 MAY -5 P 2:42
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

May 1, 2020

The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25301

Secretary Warner:

RE: Repeal of Series 7 and 11 of Title 36 of the Code of State Rules

The Board of Coal Mine Health and Safety (hereinafter, the "Board") organized under the West Virginia Department of Commerce has voted to authorize the repeal of **SERIES 7 AND 11 OF TITLE 36 OF THE CODE OF STATE RULES** pursuant to the regulatory review and reform initiatives established in West Virginia Code § 29A-3-20 (2016) and Executive Order No. 3-18. The Board has determined that both Series 7 and Series 11 of Title 36 of the Code of State Rules are outmoded, unnecessary and duplicative of the West Virginia Code.

W. Va. 36 CSR 7: Rules and Regulation Governing Shortwall Mining within the State of West Virginia; effective May 4, 2010; repeal effective July 23, 2020.

W. Va. 36 CSR 11: Rules and Regulations Governing When Underground Mine Foreman-Fire Boss Required; Assistants; Certification; the Reopening of Abandoned Mines and the Deenergization of Self-Propelled Electric Coal Feeders; Performance Requirements; effective May 4, 2010; repeal effective July 23, 2020.

As the Cabinet Secretary with authority to grant or withhold consent to this repeal (W. Va. Code § 5F-2-2(a)(13)) I respectfully request that the repeal of these series be effected on **Thursday, July 23, 2020** pursuant to W. Va. Code R. § 153-1-5.17.

Please let me know if you have any questions or require further information.

Best Regards,

C. Edward Gaunch

C. Edward Gaunch
Cabinet Secretary

State Capitol | 1900 Kanawha Boulevard East, Building 3, Suite 600, Charleston, WV 25305
(304) 558-2234 | Fax: (304) 957-0175 | www.wvcommerce.org

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
5/6/2020 11:24:05 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: Counseling

TITLE-SERIES: 27-13

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: W. Va. Code §§30-1-22 and 30-31-5

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

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

Section §27-13-1

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:

May 6, 2020

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

March 06, 2025

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

Yes

Cheryl Henry -- 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
5/6/2020 11:38:22 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: Development Office

TITLE-SERIES: 145-15

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER MATCHING FUNDS PROGRAM

CITE STATUTORY AUTHORITY: 5B-8-1

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

Authorization is cited in (house or senate bill number) SB449

Section 64-10-1

Passed On 2/12/2020 12:00:00 AM

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

May 6, 2020

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

May 06, 2025

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

eFILED
5/5/2020 3:37:36 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: Election Commission TITLE-SERIES: 146-01

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

RULE NAME: CORPORATE AND MEMBERSHIP ORGANIZATION POLITICAL ACTIVITY

CITE STATUTORY AUTHORITY: W. Va. Code 3-8-8

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

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

Section 64-9-9 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:

May 5, 2020

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

May 05, 2025

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

Yes

Donald Kersey -- 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
5/5/2020 5:15:09 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: Election Commission TITLE-SERIES: 146-03

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

RULE NAME: REGULATION OF CAMPAIGN FINANCE

CITE STATUTORY AUTHORITY: W. Va. Code 3-1A-5, 3-8-2, 3-8-7, 3-8-8, 3-8-9 and 29A-3-1

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

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

Section 64-9-9 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:

May 5, 2020

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

May 05, 2025

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

Yes

Donald Kersey -- 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
5/5/2020 9:37:57 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: Fire Commission TITLE-SERIES: 87-01

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

RULE NAME: Fire Code

CITE STATUTORY AUTHORITY: 29-3-5, 15A-11-3

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

Authorization is cited in (house or senate bill number) 4275

Section 64-6-1(a) Passed On 3/7/2020 12:00:00 AM

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

August 1, 2020

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

August 01, 2025

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

Yes

Stacy L Nowicki-Eldridge -- 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
5/5/2020 9:49:43 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: Fire Commission TITLE-SERIES: 87-04

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

RULE NAME: State Building Code

CITE STATUTORY AUTHORITY: 29-3-5b, 15A-11-11

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

Authorization is cited in (house or senate bill number) 4275

Section 64-6-1(b) Passed On 3/7/2020 12:00:00 AM

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

August 1, 2020

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

August 01, 2025

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

Yes

Stacy L Nowicki-Eldridge -- 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
5/4/2020 4:39:26 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: 64-48

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

RULE NAME: Emergency Medical Services

CITE STATUTORY AUTHORITY: 16-1-4, 16-4C-6, 16-4C-14, and 16-4C-23

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(d) 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 4, 2020

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

June 04, 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
5/4/2020 4:37:45 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: 78-03

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

RULE NAME: MINIMUM LICENSING REQUIREMENTS FOR RESIDENTIAL CHILD CARE AND TREATMENT FACILITIES FOR CHILDREN AND TRANSITIONING ADULTS IN WEST VIRGINIA

CITE STATUTORY AUTHORITY: 49-2-121, 27-17-3, 27-1A-4(g), 27-1A-6(6) and 27-1A-7

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(m) 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 4, 2020

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

June 04, 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
5/4/2020 11:37:42 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: Medicine TITLE-SERIES: 11-01B

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

RULE NAME: Licensure, Disciplinary and Complaint Procedures, Contuining Education, Physician Assistants

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-7(a), §30-3E-3(a)(1)-(12), 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) Senate Bill 668

Section §30-3E-3 Passed On 3/6/2019 12:00:00 AM

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

August 2, 2020

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

August 02, 2025

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

Yes

Mark A Spangler -- 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
5/4/2020 11:30:04 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: Medicine TITLE-SERIES: 11-13

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

RULE NAME: Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-23.

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

Authorization is cited in (house or senate bill number) Senate Bill 396

Section §30-1-23 Passed On 3/8/2019 12:00:00 AM

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

August 2, 2020

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

August 02, 2025

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

Yes

Mark A Spangler -- 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
5/6/2020 4:48:32 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: Optometry TITLE-SERIES: 14-01

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

RULE NAME: Rules Of The West Virginia Board of Optometry

CITE STATUTORY AUTHORITY: 30-8-1, et.seq., 30-1-21

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

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

Section 64-9-18 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, 2029

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

Yes

Pamela P Carper -- 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
5/4/2020 2:54:14 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: Osteopathic Medicine TITLE-SERIES: 24-02

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

RULE NAME: OSTEOPATHIC PHYSICIAN ASSISTANTS

CITE STATUTORY AUTHORITY: W. Va. Code § 30-1-7(a), §30-3E-3(a)(1)-(10)

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

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

Section 64-9-19a 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:

August 2, 2020

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

August 02, 2025

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

Yes

Jonathan Osborne -- 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
5/4/2020 1:29:17 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: Osteopathic Medicine TITLE-SERIES: 24-08

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

RULE NAME: WAIVER OF INITIAL LICENSING FEES FOR CERTAIN INITIAL LICENSURE APPLICANTS

CITE STATUTORY AUTHORITY: W. Va. Code §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 64-9-19a 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:

May 4, 2020

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

May 04, 2025

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

Yes

Jonathan Osborne -- 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
5/1/2020 10:44:11 AM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

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 and 29A-3-15

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/02/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Ryan Hatfield

ADDRESS: 2310 Kanawha Blvd E

2310 Kanawha Blvd E

EMAIL: ryan.l.hatfield@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
5/1/2020 4:51:06 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: Registered Professional Nurses TITLE-SERIES: 19-03

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

RULE NAME: REQUIREMENTS FOR REGISTRATION AND LICENSURE AND CONDUCT CONSTITUTING PROFESSIONAL MISCONDUCT

CITE STATUTORY AUTHORITY: W. Va. §30--7-4

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

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

Section 64-9-27 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:

May 1, 2020

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

May 01, 2030

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
5/1/2020 4:58:39 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: Registered Professional Nurses TITLE-SERIES: 19-15

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: W. Va. §30--7-4 and W. Va. §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 64-9-27 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:

May 1, 2020

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

May 01, 2030

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
5/4/2020 3:36:05 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: Respiratory Care TITLE-SERIES: 30-02

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

RULE NAME: 30CSR2 Establishment of Fees

CITE STATUTORY AUTHORITY: 30-34-6 & 30-34-6a.(a)(7)

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

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

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

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

August 4, 2020

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

August 04, 2030

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

Yes

Nancy J Massey -- 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
5/4/2020 3:49:22 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: Respiratory Care TITLE-SERIES: 30-10

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

RULE NAME: CONSIDERATION OF PRIOR CRIMINAL CONVICTIONS IN INITIAL LICENSURE DETERMININATIONS

CITE STATUTORY AUTHORITY: 30-34-6 & 30-34-6a.1

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

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

Section 64-9-28-c 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

Nancy J Massey -- 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
5/5/2020 8:30:06 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: SpeechLanguage Pathology And Audiology TITLE-SERIES: 29-01

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

RULE NAME: Licensure of Speech Pathology and Audiology

CITE STATUTORY AUTHORITY: 30-32-7

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

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

Section 64-9-31 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

Patty Nesbitt -- 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
5/5/2020 10:37:49 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: SpeechLanguage Pathology And Audiology TITLE-SERIES: 29-04

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

RULE NAME: DISCIPLINARY AND COMPLAINT PROCEDURES FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

CITE STATUTORY AUTHORITY: 30-32-7

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

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

Section 64-9-31 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

Patty Nesbitt -- 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.

Orders Report

Docket Number	Agency	Respondent	Date Rendered
[redacted]	**Health Care Authority**	VOCA Corporation of West Virginia, Inc.	4/20/2020
[redacted]	**Health Care Authority**	Diversified Assessment & Therapy Services	5/1/2020
[redacted]	**Health Care Authority**	Stonerise Home Health Services 2 LLC	5/1/2020
[redacted]	**Health Care Authority**	Ten Up Ministries Inc	5/1/2020
[redacted]	**Health Care Authority**	Berkeley Medical Center	5/1/2020
[redacted]	**Health Care Authority**	Daily Business Solutions	5/1/2020
[redacted]	**Health Care Authority**	Logan General Hospital LLC	4/24/2020
[redacted]	**Health Care Authority**	Grant Memorial Hospital	4/22/2020
[redacted]	**Health Care Authority**	Parkersburg Addiction Recovery LLC	4/20/2020
[redacted]	**Health Care Authority**	UPMC Western Maryland Corporation	4/20/2020
[redacted]	**Medicine, West Virginia Board Of**	Furhan Rashid Qureshi, MD	4/24/2020
[redacted]	**Medicine, West Virginia Board Of**	Nabil Gaballa Guirguis, MD	3/4/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 33-20

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, Executive Orders 20-20, 21-20, 22-20, 24-20, and 25-20 ordered additional heightened measures to be taken in certain counties of this state, in order 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 such counties; and

WHEREAS, since the issuance of Executive Order 9-20, as well as Executive Orders 20-20, 21-20, 22-20, 24-20, and 25-20, the implementation of successful public health measures has resulted in revised projections of rates of infection and COVID-19 related deaths in West Virginia, as well as ever-strengthening supply chains for personal protective equipment and other medical equipment and supplies, resulting in greater preparedness and response capacity throughout the state; and

WHEREAS, in consultation with county officials, including local health officials, the state's public health experts have advised that it is, at this time, appropriate to terminate the additional heightened measures ordered by Executive Order 21-20 with respect to Kanawha County, Executive Order 24-20 with respect to Ohio County, and Executive Order 25-20 with respect to Jackson County; and

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 May, Two Thousand Twenty, that the provisions of Executive Order 21-20 with respect to Kanawha County, the provisions of Executive Order 24-20 with respect to Ohio County, and Executive Order 25-20 in its entirety, as pertaining only to Jackson County, are terminated, but continue to remain in effect for such other counties as are listed in Executive Order 21-20 and Executive Order 24-20, respectively.

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 May, 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. 34-20

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, Executive Orders 20-20, 21-20, 22-20, 24-20, and 25-20 ordered additional heightened measures to be taken in certain counties of this state, and Executive Order 24-20 specifically ordered additional heightened measures to be taken in Cabell County, Ohio County, Wayne County, and Wood County, in order 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 such counties; and

WHEREAS, since the issuance of Executive Order 9-20, as well as Executive Orders 20-20, 21-20, 22-20, 24-20, and 25-20, the implementation of successful public health measures has resulted in revised projections of rates of infection and COVID-19 related deaths in West Virginia, as well as ever-strengthening supply chains for personal protective equipment and other medical equipment and supplies, resulting in greater preparedness and response capacity throughout the state; and

WHEREAS, Executive Order 33-20 previously terminated the additional heightened measures ordered by Executive Order 21-20 with respect to Kanawha County, Executive Order 24-20 with respect to Ohio County, and Executive Order 25-20 with respect to Jackson County; and

WHEREAS, in consultation with county officials, including local health officials, the state's public health experts have advised that it is, at this time, appropriate to terminate the additional heightened measures ordered by Executive Order 24-20 with respect to the remaining counties subject to that Order, being Cabell County, Wayne County, and Wood County; and

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 May, Two Thousand Twenty, that Executive Order 24-20 is terminated and without further effect.

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 May, 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. 35-20

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 enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the State, to use available resources of the State and of its political subdivisions that are reasonably necessary to cope with the emergency, 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 27-20 previously ordered that all individuals who reside or work in nursing homes throughout the State be tested for the COVID-19 virus, and that local health departments and other county or city agencies throughout the State provide any and all assistance and/or resources requested to conduct such testing; and

WHEREAS, individuals in assisted living residences, under W. Va. Code §16-5D-1 *et seq.*, and residential care communities, under W. Va. Code §16-5N-1 *et seq.*, throughout the State are some of the most vulnerable in our population and any instance of the COVID-19 virus at such a facility presents a serious issue that must be immediately identified and responded to; and

WHEREAS, the health care professionals and other employees working in those assisted living residences and residential care communities must also be closely monitored and protected for their own safety and to ensure the safety of the residents of such facilities; and

WHEREAS, our child care centers must likewise be closely monitored to ensure the safety of the children in the care of such facilities, as well as their staff and employees; and

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,** as follows:

1. The West Virginia Department of Health and Human Resources and its Bureau for Public Health (the "DHHR"), with the assistance and coordination of the West Virginia National Guard (the "WVNG"), shall immediately test or cause to be tested all individuals who reside or work in assisted living residences and residential care communities licensed by the DHHR's Office of Health Facility Licensure and Certification, such testing to be conducted pursuant to the terms of this Order unless such individuals have been previously tested under Executive Order 27-20.
2. The DHHR, with the assistance and coordination of the WVNG, shall immediately test or cause to be tested all individuals who work in child care centers licensed by the DHHR's Bureau for Children and Families pursuant to 78 CSR 1, to ensure a safe environment for the children in the care of such facilities, as well as staff and employees.
3. Local health departments and other county or city agencies throughout the State shall provide any and all assistance and/or resources to the DHHR and/or the WVNG as may be requested by the DHHR and/or the WVNG in effecting the terms of this Order.

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

DONE at the Capitol in the City of Charleston, State of West Virginia, this Sixth day of May, 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
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Bill J. Crouch
Cabinet Secretary

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

MEMORANDUM

FILED
2020 MAY -6 P 4:27
WV SECRETARY OF STATE

TO: Interested Parties

FROM: Stephanie Hickerson, P. E., Manager
Drinking Water Treatment Revolving Fund

DATE: May 6, 2020

RE: Claywood Park PSD – Freeport Water Line Ext. Project
Environmental Review – Finding of No Significant Impact (FONSI)
WVIJDC Project #: **2018W-1782**
SRF Project #: **19DWTRFA010**
Wood/Wirt County

Please find attached the Claywood Park Public Service District's Freeport Water Line Extension Project's Finding of No Significant Impact (FONSI).

The review process indicated no significant environmental impacts would result from the proposed action. Consequently, a preliminary decision has been made not to prepare an Environmental Impact Statement.

This action is based on a careful review of the Environmental Information Document and other supporting data. These documents are on file in the West Virginia Bureau for Public Health, Environmental Engineering Division, and are available for public review upon request.

Comments supporting or disagreeing with this preliminary decision may be submitted for consideration to Stephanie D. Hickerson, at 350 Capitol Street, Room 313, Charleston, West Virginia 25301-3713. You may also FAX your comments to our office at (304) 558-0691.

After evaluating all comments received, the Bureau will make a decision no sooner than thirty (30) calendar days from the date of this FONSI. No administrative action will be taken with respect to this proposal during this time frame.

SDH

Attachment

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981

OTHER

Distribution List:

Cerrone Associates Inc.
Region V Regional Planning & Development Council
Claywood Park Public Service District
Division of Culture & History
U.S. Fish and Wildlife Service
West Virginia Development Office
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
Department of the Army COE, Pittsburgh District

FINDINGS OF NO SIGNIFICANT IMPACT

FILED
2020 MAY -6 P 4: 27
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

May 6, 2020

TO: ALL INTERESTED PARTIES

In accordance with the state regulations found in Title 64, Series 49, "Drinking Water Treatment Revolving Fund", the Bureau for Public Health, Environmental Engineering Division, has performed an environmental review on the proposed project described below and on the attached environmental assessment:

Claywood Park PSD
PO Box 127
Parkersburg, WV 26102-0127
WVIJDC Project #: **2018W-1782**
SRF Project #: 19DWTRFA010

Freeport Waterline Extension Project

(Official Project Name and Number)

Claywood Park PSD
PO Box 127
Parkersburg, WV 26102-0127

(Project Applicant)

Claywood Park PSD
Parkersburg, WV

(Project Location, City, County, State)

$ 637,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 1,137,000.00

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
Claywood Park PSD Waterline Extension Project
WV IJDC Project No.: **2018W-1782/** SRF Project No.: **19DWTRFA010**

I. PROPOSED PROJECT:

The Claywood Park Public Service District (PSD) owns and operates a water treatment and distribution system that serves 3,612 customers in Wood and Wirt Counties, West Virginia. This project will extend water service to approximately 45 customers in the Freeport Area in Wirt County. The project will consist of the installation of approximately 12,325 LF (2.3 mi) of 6", 4,100 LF (0.8 mi) of 4", 4,824 LF (0.9 mi) of 3", 1,125 LF (0.2 mi) of 2" water line, one (1) constant pressure booster station and all necessary valves and appurtenances.

II. PURPOSE AND NEED:

Over the last several years, the Claywood Park Public Service District has been petitioned by residents in the Freeport area along Route 47 in Wirt County for public water. Erratic water supply and poor water quality have plagued this area for some time and the situation has recently intensified. The district's existing system currently ends not far west from this community and providing water here is viable. This will provide these residents with a safe and reliable source for potable water.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

With the do nothing alternative, the Freeport residents would continue to obtain drinking water from their private wells and continue to experience erratic water supply and poor water quality. Adoption of this alternative would cause those residents to continue to utilize those wells, which is not acceptable since a readily available source of public water can be extended to those residents.

IV. EVALUATION OF ALTERNATIVES:

Do Nothing- With the do nothing alternative, the Freeport residents would continue to obtain drinking water from their private wells and continue to experience erratic water supply and poor water quality. Adoption of this alternative would cause those residents to continue to utilize those wells, which is not acceptable since a readily available source of public water can be extended to those residents.

Separate System- This alternative involves providing a new source of water, new water storage and a new distribution main line system to provide public drinking water and fire protection to the service area. This option has the highest construction cost and life cycle cost and thus was not the preferred alternative.

Extension off Existing System- This alternative involves extending water service from Claywood Park PSD to the Freeport area. A new six inch main will tie into the end of an existing six inch

line at the end of the District's current system at the eastern edge of wood County and run along Route 47. This is the selected alternative due to the lower construction cost and life cycle cost.

V. DESCRIPTION OF EXISTING ENVIRONMENT:

Through the use of an Environmental Screening Checklist the following environmental factors have been addressed (references have been provided as appropriate) and it has been determined this project has no significant impact on any of these elements:

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Culture and History, dated February 4, 2019 states: "According to our records, there are no previously documented archaeological sites within the proposed project area. Our records also indicate that a small section of the project area previously underwent a Phase I archaeological study in 2001 during a bridge replacement project. Submitted information indicates that a majority of the proposed construction activities will be confined to previously disturbed areas and/or in existing road rights-of-way. Therefore, it is unlikely that any significant deposits will be encountered during the proposed construction activities. As a result, it is our opinion that the project will have no effect on archeological historic properties.

   A letter from the WV Division of Culture and History, dated February 4, 2019 states: "We have reviewed the submitted information and determined that the proposed project will affect no architectural properties eligible for or included in the National Register of Historic Places."

2. **National Historic Preservation Act of 1966** – No impact on historical sites, reference above.

3. **Clean Air Act, Pub. L. 84-159** – Letters from the WV DEP, Division of Air Quality, dated, December 21, 2018, mentions the project does not appear to require any pre-construction permits, authorizations, or air quality analyses by the WVDAQ except to the extent that any of the three conditions mentioned in the letter are met.

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service regarding Claywood Park PSD Freeport Water Ext. Project, dated April 7, 2020, states, "The U.S. Fish and Wildlife Service has determined that four federally listed species may occur within the project area. These are the endangered Indiana bat, snuffbox mussel, and clubshell mussel, and the threatened northern long-eared bat." "The Service does not anticipate that this project is likely to adversely affect the Indiana bat..". "The proposed project is not located within any radii around know hibernacula or roost trees and will not affect any known northern long-eared bat hibernacula, therefore any take of northern long-eared bat associated with this project is exempted under the 4 (d) rule and no conservation measures are required." "The proposed project is within close proximity to and crosses Goose Creek and potentially the Hughes River, which provides habitat for snuffbox and clubshell mussels. Based on the Claywood Park PSD's commitment to implement erosion and sedimentation controls and utilize a HDD crossing method, the results of the geotechnical survey and report, and the inadvertent release avoidance measures detailed in the contingency plan, the

OTHER

Service does not anticipate that this project is likely to adversely affect any federally listed mussels."

   A letter from WV Division of Natural Resources– dated January 14, 2019– states that "We have no known records of any RTE species or sensitive habitats within the project area. If any stream work is proposed for Goose Creek or the Hughes River, mussel surveys are required"

5. **Protection of Wetlands** – A letter from the United States Army Corps of Engineers' (Corps) dated January 3, 2019, states: "Based on your description of the proposed work, and other information available, it appears the project may include the discharge of dredged and/or fill material into waters of the United States. Therefore, under Section 404, a DA authorization may be required. It is the responsibility of the applicant, or the applicant's consultant, to determine the presence and limits of potential waters of the United States, including wetlands, within the project area.

6. **Fish and Wildlife Coordination Act** – Reference item #4.

7. **Wild and Scenic River Act** – A letter from the WV Division of Natural Resources – dated August 28, 2018 – states that "A segment of the Bluestone River in Summers County is the only river holding Wild and Scenic designation in the State."

8. **Farmland Protection Policy** – A letter from the Natural Resources Conservation Service dated August 24, 2015 states that the proposed project does not impact Prime Farmland, Statewide important Farmland, or Locally important farmland because they are located along existing highway right of ways, or already converted urban areas.

9. **Flood Plain Management** – As stated by Cerrone Assoc. "The proposed waterline extension work skirts the edge of the floodplain in areas as it follows along Route 47 in floodplain areas. However, this line does not impact the flood plain in any permanent way, and the value of the proposed infrastructure is in no way affected by being within a floodplain, as it is underground infrastructure specifically designed to exist in this condition. The proposed hydroconstant booster station falls well outside the floodplain and above the floodplain plus three feet elevation."

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved May 3, 2019).

11. **Environmental Justice** – Executive Order 12898 requires federally funded activities to identify and address disproportionately high and adverse human health effects of the activities on minority and low-income populations. This project has no impact on environmental justice.

12. **Lead Paint Abatement** – There are no lead paint considerations for this project because it will involve only PVC and Duction Iron Pipe installation.

VI. CLIMATE CHANGE/ENERGY EFFICIENCY

A greenhouse gases evaluation was conducted for this project. For this line extension project its assumed that there is no net change in the release of greenhouse gases due to the project. When providing water to new customers that have been acquiring their household's water through either a private well which runs on a pump or by hauling water using vehicles these private collection methods and the greenhouse gases released will cease. With the extension project, there may be an increase in the production capacity and plant operating time, but the increase in greenhouse gases will be offset by ending what the private water collection methods released. An energy efficiency evaluation was also conducted as part of the review. This evaluation concluded that there would be an increase in energy efficiency with a reasonable payback if a 5HP 45gpm drive based hydroconstant booster station is installed.

VII. ENVIRONMENTAL CONSEQUENCES:

Primary adverse impacts will be limited to dust, noise, air pollution, and soil erosion during the construction phase of the project. These impacts should be short-term and minimized by work practices and engineering controls.

VIII. MITIGATING MEASURES:

Mitigation measures have been outlined for bat habitat, mussels, and air quality disturbances during the project as noted above in Section V. Additionally, the contractor/s will be required to follow the plans and specifications for the project and abide by all permits and regulations.

IX. PUBLIC PARTICIPATION:

Various public meetings have taken place for this project. The project has also been on the PSD's meeting agenda several times. These meetings are advertised by posting a notice at least three (3) days prior to the meeting (via sunshine law). The PSD Meetings are held at the PSD office, are open to the public, and allow for public comment and discussion to occur if desired.

X. DOCUMENTATION:

References used to complete this Environmental Assessment are noted in **Section V**.

OTHER

Statutory Checklist

All DWTRF funded projects must comply with the following environmental statutes and executive orders.

Project Sponsor: Claywood Park PSD **Phone:** (304) 422-6042

Address: PO Box 127, Parkersburg, WV 26102-0127

Public Water System: Claywood Park PSD **County:** Wirt/Wood

Project: Water System Improvements Project

Statutory or Regulatory Compliance	Affected By Project?		Compliance?		Mitigating Measures Required?		Mitigating Measures Complete?	References (must be included for each statute)
	Yes	No	Yes	No	Yes	No	Date or NA	
Archeological & Historic Preservation Act of 1974		X	X			X	NA	WV Div. Cult/Hist
National Historic Preservation Act of 1966		X	X			X	NA	WV Div. Cult/Hist
Clean Air Act, Pub. L. 84-159, as amended		X	X			X	During Construction Period	Contract Documents
Coastal Barrier Resources Act								NA
Coastal Zone Management								NA
Endangered Species Act	X			X	X		Do not disturb bat habitat during construction, use HDD crossing method	US Fish & Wildlife, WVDNR
Protection of Wetlands		X	X			X		Engineer's Statement
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVDNR
Farmland Protection Policy								NRCS
Floodplain Management		X	X			X		Engineer's Statement
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	WVBPH
Lead Paint Abatement on Water Tanks		X	X			X	NA	Engineer's Statement

Prepared By: Stephanie Hickerson **Title:** Engineer

Signature: [signature] **Date:** 5/6/2020 **Telephone:** 304-356-4292

Address: WVBPH, 350 Capitol Street, Room 313, Charleston, WV 25301

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

FILED

2020 MAY -4 A 10: 58

OFFICE WEST VIRGINIA SECRETARY OF STATE

OTHER

May 4, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **May 1, 2020.**

APPLICATION FOR EXEMPTION RECEIVED

April 28, 2020 – Lifeline Addiction Specialists, PLLC, Beckley, Raleigh County, CON File #20-3-11845-X, for the development of an Office-Based Medication Assisted Treatment program to be located at 3671 Teays Valley Road, Hurricane, Putnam County.

PROJECT DETERMINED NOT REVIEWABLE

May 1, 2020 – Berkeley Medical Center, Martinsburg, Berkeley County, CON File #20-9-11830-X, for the provision of x-ray services at its imaging center at Spring Mills Medical Center; capital expenditure: $200,000.

EXEMPTION APPLICATION APPROVED

May 1, 2020 - Ten Up Ministries, Inc. d/b/a The Anchor Project Center, St. Albans, Kanawha County, CON File #20-2-11834-X, for the development of an outpatient substance abuse treatment program in Huntington, Cabell County.

CERTIFICATE OF NEED APPROVALS ISSUED

May 1, 2020 - Daily Business Solutions, Martinsburg, Berkeley County, CON File #20-9-11803-BH, for the provision of independent case management services to the consumers of the Eastern Panhandle; no capital expenditure.

May 1, 2020 - Diversified Assessment & Therapy Services, Kenova, Wayne County, CON File #20-3-11813-BH, for the provision of ICF/IID group home services for children/adolescents in Putnam County; capital expenditure: $245,000.

May 1, 2020 - Stonerise Home Health Services 2 LLC, Charleston, Kanawha County, CON File #20-7-11820-A, for the operation of home health services in Lewis, Gilmer and Braxton counties on behalf of a joint venture between Stonewall Jackson Memorial Hospital and Stonerise at Home Holdings; capital expenditure: $290,000.

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 Military Affairs and Public Safety
Division of Administrative Services, Justice and Community Services
1124 Smith Street, Suite 3100
Charleston, WV 25301
(304) 558-8814

JEFF S. SANDY, CFE, CAMS
CABINET SECRETARY

JENNIFER A. WILSON
DIRECTOR

April 27, 2020

FILED

2020 MAY -1 P 2: 38

OFFICE WEST VIRGINIA SECRETARY OF STATE

Ms. Judy Cooper
Director
Administrative Law Division
Office of the Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Ms. Cooper:

Please include the following Notice of Public Review in the next State Register:

The Division of Administrative Services/Justice and Community Services is announcing the availability of the FY 2020 West Virginia Justice Assistance Grant Program application and strategy for public review and comment. These grant funds will address drug and violent crime problems facing the West Virginia criminal justice system, as well as the citizens of West Virginia. Copies of the strategy may be obtained from our office, The West Virginia Division of Administrative Services/Justice and Community Services, 1124 Smith Street, Ste. 3100 Charleston, West Virginia 25301-1323. Telephone (304) 558-8814.

Should you have any questions, please contact me at (304) 558-8814, extension 22430.

Sincerely,

Tanisha Travis

Tanisha C. Travis
Justice Program Manager

TCT/ANM

Justice & Community Services