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

Education

Health and Human Resources

Bureau for Public Health

Health Care Authority

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Psychologists

Real Estate Appraiser Licensing and Cert. Bd.

Respiratory Care

Secondary School Activities Commission

Social Work Examiners

Underground Facilities Damage Prevention Bd.

CHRONOLOGICAL INDEX, VOLUME XXXVII ISSUE 20			
NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Education (126-028)	West Virginias Universal Access to a Quality Early Education System (Policy 2525) Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only June 12, 2020, 4:00 pm Janet Bock-Hager, Coordinator WVDE Office of Early & Elementary Learning Capitol Bldg. 6, Room 215 1900 Kanawha Boulevard E Charleston, WV 25305 jbockhager@k12.wv.us
Education (126-044AA)	WV College and Career Readiness Standards for English Language Arts (Policy 2520.1A) Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only June 12, 2020, 4:00 pm Jan Barth, Asst. State Superintendent WVDE Div. of Teaching & Learning Capitol Bldg. 6, Room 215 1900 Kanawha Boulevard E Charleston, WV 25305 jbarth@k12.wv.us
Health and Human Resources (69-15)	Recovery Residence Certification and Accreditation Program Legislative	§16-59-2(g)	Written Comments Only June 8, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only June 12, 2020, 4:00 pm Bernie Dolan, Executive Director WV Secondary School Activities Comm. 2875 Staunton Turnpike Parkersburg, WV 26104 Bernie.dolan@wvssac.org

Secondary School Activities Commission (127-03)	Provisions Governing Contests Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only June 12, 2020, 4:00 pm Bernie Dolan, Executive Director WV Secondary School Activities Comm. 2875 Staunton Turnpike Parkersburg, WV 26104 Bernie.dolan@wvssac.org
Underground Facilities Damage Prevention Bd. (214-01)	Board Meetings, Organization, and Operation Procedural	§24C-1-1, et seq.	Written Comments Only June 12, 2020, 5:00 pm Carrie Clendening 206 Berkeley Street Charleston, WV 25302 carrie@wv811.com

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
TITLE	22	FORESTRY
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TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
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TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/7/2019 8/22/2019	7/8/2019 9/22/2019		7/23/2019 9/27/2019	Modified & Approved 10/24/2019 Filed 11/8/2019	BUNDLED HB4252	4/9/2020	7/1/2020
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		
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
Education (126-028)	WV Universal Access to a Quality Early Education System (Policy 2525) Legislative Exempt	5/13/2020	6/12/2020						
Education (126-042)	Assuring the Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/12/2019	1/24/2020					2/13/2020	7/1/2020
Education (126-044AA)	WV College and Career Readiness Standards for English Language Arts (Policy 2520.1A) Legislative Exempt	5/13/2020	6/12/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	5/8/2020	6/8/2020	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		
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

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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (24-09)	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 (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020	6/2/2020	4/20/2020 Approved 4/20/2020					
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	5/13/2020	7/1/2020
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	5/11/2020	5/11/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Commission (174-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/31/2019	6/30/2019		7/2/2019	Modified & Approved 9/26/2019 Filed 10/7/2019	BUNDLED HB4252	4/1/2020	7/1/2020
Real Estate Commission (174-07)	Conisderation of Prior Criminal Convictions In Initial License Eligibility Determination Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 12/3/2019	BUNDLED HB4252	4/1/2020	7/1/2020
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	5/11/2020	8/11/2020
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
Secondary School Activities Comm. (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/13/2020	6/12/2020						
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative Exempt	5/13/2020	6/12/2020						
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						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	5/12/2020	7/1/2020
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	5/12/2020	7/1/2020
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
Underground Facilities Damage Prevention Bd. (214-01)	Board Meetings, Organization, and Operation Procedural	5/12/2020	6/12/2020						
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						

RULE MONITOR

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

eFILED
5/13/2020 3:34:56 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-028

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: West Virginias Universal Access to a Quality Early Education System (Policy 2525)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 639 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/12/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Janet Bock-Hager, Coordinator

ADDRESS: WVDE Office of Early and Elementary Learning, Capitol Bldg. 6, Room 215

1900 Kanawha Boulevard, E, Charleston, WV 25305

EMAIL: jbockhager@k12.wv.us

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
5/13/2020 3:31:34 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-044AA

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: West Virginia College- and Career-Readiness Standards for English Language Arts (Policy 2520.1A)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/12/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jan Barth, Assistant State Superintendent

ADDRESS: WVDE Division of Teaching and Learning, Capitol Bldg. 6, Room 215

1900 Kanawha Blvd., E, Charleston, WV 2530

EMAIL: jbarth@k12.wv.us

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)

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

FILED LEGISLATIVE
2020 MAY -8 P 4:14
OFFICE WEST VIRGINIA SECRETARY OF STATE

MEMORANDUM

DATE: May 8, 2020

TO: Mac Warner
Secretary of State

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

RE: **Food Establishments - W. Va. C.S.R. § 64-17**

The Bureau for Public Health of the Department of Health and Human Resources requests that W. Va. C.S.R. §64-17, *Food Establishments*, 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. §64-17 establishes and sets forth the requirements for the operation of food establishments in West Virginia. Strict compliance with the following provisions will hinder and delay necessary action in coping with the emergency declared by the Governor:

W. Va. C.S.R. §64-17.3.1 incorporates by reference the Federal Department of Agriculture 2013 Food Code (the "Food Code"), which establishes minimum inspection frequencies for food establishments in section 8-401.10. Regular inspections will be suspended through June 30, 2020. However, there will be no suspension of inspections in response to complaints or imminent public health hazard investigations.

W. Va. C.S.R. §64-17.3.1 incorporates by reference section 8-303.20 of the Food Code, requiring that an inspection be performed prior to renewal of permit. Because regular inspections are suspended until June 30, 2020, the Food Code requirement for a current year inspection will be temporarily suspended for permit renewals to be issued in 2020.

W. Va. C.S.R. §64-17-3.1.b establishes a deadline of July 1, 2019, to engage a certified food protection manager, and this deadline is extended to December 31, 2020.

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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/8/2020 3:51:52 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health And Human Resources TITLE-SERIES: 69-15

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

RULE NAME: Recovery Residence Certification and Accreditation Program

CITE STATUTORY AUTHORITY: 16-59-2(g)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/08/2020 5:00 p.m.

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East
Charleston, WV 25301

EMAIL: april.l.robertson@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)

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

May 14, 2020

FILED
2020 MAY 14 A 10:23
OFFICE OF 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: 509
Title: Hospice 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

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/13/2020 11:50:22 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: Psychologists TITLE-SERIES: 17-07

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

RULE NAME: CONSIDERATION OF PRIOR CRIMINAL CONVICTIONS IN INITIAL LICENSURE DETERMINATIONS AND APPLICATION FOR WAIVER OF INITIAL LICENSING FEES FOR CERTAIN INDIVIDUALS

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-24

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

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

Section §64-9-24 Passed On 3/25/2020 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

Kathy G Lynch -- 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
5/11/2020 3:11:57 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: Real Estate Appraiser Licensing And Certification Board TITLE-SERIES: 190-02

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

RULE NAME: 190CSR2

CITE STATUTORY AUTHORITY: WV Legislature

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

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

Section 25 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 11, 2020

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

May 11, 2025

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

Yes
Patricia R Pope -- 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
5/11/2020 1:56:44 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: 30-09

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

RULE NAME: Student Temporary Permit

CITE STATUTORY AUTHORITY: 30-34-6 & 30-34-9

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-b Passed On 3/6/2020 12:00:00 AM

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

August 11, 2020

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

August 11, 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
5/13/2020 3:36:54 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-02

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

RULE NAME: Athletics, Provisions Governing Eligibility (Series 2)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/12/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Bernie Dolan, Executive Director

ADDRESS: West Virginia Secondary School Activities Commission

2875 Staunton Turnpike, Parkersburg, WV 26104

EMAIL: bernie.dolan@wvssac.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
5/13/2020 3:39:38 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-03

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

RULE NAME: Provisions Governing Contests (Series 3)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/12/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Bernie Dolan, Executive Director

ADDRESS: West Virginia Secondary School Activities Commission

2875 Staunton Turnpike, Parkersburg, WV 26104

EMAIL: bernie.dolan@wvssac.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
5/12/2020 11:53:23 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: Social Work Examiners

TITLE-SERIES: 25-01 Qualifications for the Profession of Social Work

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

RULE NAME: 25CSR1

CITE STATUTORY AUTHORITY: §30-30-6

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

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

Section §64-9-30 (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:

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

Vickie L James -- 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
5/12/2020 11:52:07 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: Social Work Examiners

TITLE-SERIES: 25-03 Fee Schedule

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

RULE NAME: 25CSR3

CITE STATUTORY AUTHORITY: §30-30-6

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

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

Section §64-9-30 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

Vickie L James -- 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

5/12/2020 3:24:45 PM

Office of West Virginia
Secretary Of State

PROCEDURAL

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Underground Facilities Damage Prevention Board TITLE-SERIES: 214-01

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

RULE NAME: BOARD MEETINGS, ORGANIZATION, AND OPERATION

CITE STATUTORY AUTHORITY: 24c-1-1

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/12/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Carrie Clendening

ADDRESS: 206 Berkeley

Charleston, WV 25302

EMAIL: carrie@wv811.com

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)

Orders Report

Docket Number	Agency	Respondent	Date Rendered
20-8-11840-X	**Health Care Authority**	Burlington United Methodist Family Services Inc.	5/6/2020
20-8-11698-X	**Health Care Authority**	United Hospital Center Inc	5/6/2020
20-8-11812-P	**Health Care Authority**	Camden-Clark Memorial Hospital Corporation	5/6/2020
20-8-11827-H	**Health Care Authority**	West Virginia University Hospitals Inc	5/6/2020
19-69-W	**Medicine, West Virginia Board Of**	Joshua Mordechai Muyderman, MD	5/12/2020
18-111-W	**Medicine, West Virginia Board Of**	Rajwardhan Harishcandra Yadav, MD	5/12/2020
19-154-W	**Medicine, West Virginia Board Of**	Bill Herbert Harris, MD	5/12/2020
19-158-W	**Medicine, West Virginia Board Of**	Richard Ernest Person, MD	5/12/2020
19-130-W	**Medicine, West Virginia Board Of**	Ajay Virmani, MD	4/24/2020
20-27-W	**Medicine, West Virginia Board Of**	Roger Dale Anderson, MD	4/24/2020
19-125-W	**Medicine, West Virginia Board Of**	Cyrus Mali, MD	5/2/2020
20-20-W	**Medicine, West Virginia Board Of**	Frank Lewis Petrola, MD	5/2/2020

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2020-09	A Retired City Police Officer and candidate for sheriff asks whether he may include photographs of himself in uniform in his campaign material.

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 36-20

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 required all businesses and operations in West Virginia, except Essential Businesses and Operations as defined therein, to cease all activities within the state except for such minimum basic operations as are necessary to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or related functions, and the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, and provided exceptions for businesses such as home-based businesses and small businesses that do not invite in the general public and which have five or less employees in the office while requiring proper social distancing and hygiene practices be maintained at such businesses; and

WHEREAS, Executive Order 3-20 closed all fitness centers, gymnasiums, recreation centers, and similar businesses or entities where the public tends to congregate for recreation, sport, or similar leisure activities throughout the 55 counties of this state, and Executive Order 9-20 prohibited, among other things, the operation of "movie and other theaters"; and

WHEREAS, since the issuance of Executive Order 3-20, Executive Order 9-20, and other executive orders ordering closed or otherwise limiting occupancy of certain establishments and facilities in this state, 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, on April 27, 2020, I, Governor Jim Justice, announced the state's re-opening plan, West Virginia Strong: *The Comeback* (the "Comeback Plan"), to phase in the re-opening of businesses in the state of West Virginia on a week by week basis to most effectively monitor and respond to the public health effects of this phased re-opening, to be based upon certain metrics and conditions to safely re-open segments of West Virginia's economy and get our citizens back to work, while ensuring the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population who are at most risk from the COVID-19 virus; and

WHEREAS, Executive Order 28-20 and Executive Order 30-20 allowed for the resumption of all medical procedures throughout the state while requiring that hospitals and ambulatory surgical centers around the state limit procedures to only more urgent procedures to ensure adequate response capacity and preserve necessary personal protective equipment and other resources at such facilities in the event of any surge of COVID-19; and

WHEREAS, Executive Order 32-20 lifted the stay-at-home policy under Executive Order 9-20 and declared a safer-at-home policy, allowing certain types of businesses to begin to re-open, allowing restaurants to resume outdoor dining, and partially lifting certain restrictions on gathering size, provided that certain safety measures are in place; and

WHEREAS, re-opening additional segments of the state's economy in accordance with the Comeback Plan, utilizing a phased approach to re-open sectors of the economy week by week, while continuing to prioritize and provide for the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population, is in the public interest; and

WHEREAS, West Virginia's public health experts have advised that allowing for the reopening of wellness center facilities that offer exercise therapy, physical therapy, post-operative therapy, and/or rehabilitative therapy programs to individuals, which are operated as part of a hospital or hospital system, or are otherwise staffed with West Virginia licensed health care providers (including physicians, physical therapists, chiropractors, nurse practitioners, and physicians assistants), and allowing for the reopening of drive-in movie theaters, is appropriate at this time; 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 12:01 AM, Eastern Standard Time, on the Eleventh day of May, Two Thousand Twenty, unless rescinded, amended, or otherwise postponed by subsequent executive order prior to the effective date of this Order, as follows:

1. Executive Order 3-20, as it relates to the closure of fitness centers, gymnasiums, recreation centers, and similar businesses or entities where the public tends to congregate for recreation, sport, or similar leisure activities, is hereby amended to provide that all fitness centers, gymnasiums, recreation centers, and similar businesses or entities where the public tends to congregate for recreation, sport, or similar leisure activities throughout the 55 counties of this state shall continue to prohibit occupancy by the general public, but that wellness center facilities that offer exercise therapy, physical therapy, post-operative therapy, and/or rehabilitative therapy programs to individuals, which are operated as part of a hospital or hospital system, or are otherwise staffed with licensed health care providers (including physicians, physical therapists, chiropractors, nurse practitioners, and physicians assistants licensed to practice in West Virginia), may operate, but must ensure that proper social distancing and hygiene practices are maintained. Additional guidance for such wellness centers, *Guidance for Wellness Centers Operated by or with West Virginia Licensed Health Care Providers*, is available at governor.wv.gov."

2. The following provisions of Executive Order 9-20, as amended by Executive Order 32-20, is hereby amended and supplemented as follows to allow certain wellness centers that meet the criteria provided below to resume operation:

   a. Section 3 is amended and supplemented by the addition of the following subsection:

      "aa. **Wellness Centers.** Wellness center facilities that offer exercise therapy, physical therapy, post-operative therapy, and/or rehabilitative therapy programs to individuals, which are operated as part of a hospital or hospital system, or are otherwise staffed with West Virginia licensed health care providers (including physicians, physical therapists, chiropractors, nurse practitioners, and physicians assistants), may operate, but must ensure that proper social distancing and hygiene practices are maintained. Additional guidance for such wellness center facilities, *Guidance for Wellness Centers Operated by or with West Virginia Licensed Health Care Providers*, is available at governor.wv.gov."

   b. Section 4, as amended, is hereby deleted in its entirety and replaced with the following to allow drive-in movie theaters to resume operation:

      "4. **Prohibited activities.** All places of public amusement, whether indoors or outdoors, including but not limited to locations with amusement rides, carnivals, zoos, museums, arcades, fairs, pool halls, bingo halls, malls (except that stores in a mall that have a direct outdoor entrance and exit that provide essential services and products under the terms of this Order and stores in a mall that have a direct outdoor entrance and exit that constitute those small businesses of 10 or fewer employees with more limited customer interaction and customer contact, if any, as described in Section 2 of this Order, may remain open), children's play centers, playgrounds, bowling alleys, movie and other theaters (except for drive-in movie theaters which ensure that proper social distancing and hygiene practices are maintained, and operated in accordance with the *Guidance for West*

Virginia Drive-In Movie Theaters, available at governor.wv.gov), concert and music halls, adult entertainment venues, racetracks (except where racetracks offer spectator-less horse races, beginning no sooner than May 14, 2020, which shall not allow any in-person spectators but which horse races may be simulcast, provided that such horse racing shall be conducted in accordance with guidance and best practices developed, published, and disseminated by the applicable track operators and horsemen's associations, including ensuring all staff and employees maintain proper social distancing and hygiene practices), social clubs, and other similar businesses shall be closed."

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

DONE at the Capitol in the City of Charleston, State of West Virginia, this Eighth day of 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 -7 P 3:46

TO: Interested Parties

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

DATE: May 7, 2020

SUBJECT: Categorical Exclusion Decision (CE)
Cowen PSD – Water System Rehabilitation Project

A copy of the Cowen PSD Water System Rehabilitation Project Categorical Exclusion Decision (CE) is enclosed for your records.

The review process concluded that the proposed action is consistent with the categories of actions eligible for categorical exclusion. This means that environmental information documents and environmental assessments or environmental impact statements **will not** be required for this project and the project is authorized to proceed forward.

This decision is based upon a careful review of supporting documents provided by the applicant and other documentation available to the West Virginia Bureau of Public Health (WVBPH). These documents are on file with the WVBPH, Office of Environmental Health Services (OEHS), Environmental Engineering Division (EED), and are available for review upon request.

Comments on this decision may be submitted for consideration to WVBPH/OEHS/EED, attention Christopher Thomas, 350 Capitol Street, Room 313 Charleston, WV 25301-3713; or you may fax your comments to (304) 558-0691 or e-mail christopher.w.thomas@wv.gov.

Enclosures

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981 / Fax: (304) 558-0691

OTHER

Distribution List (via email):

Regional P&D Council – Region IV
West Virginia Development Office
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
West Virginia Department of Environmental Protection
Division of Culture & History
U.S. Fish and Wildlife Service
Department of the Army
State Register Publication
Ryan Boustany

CATEGORICAL EXCLUSION DECISION

FILED

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OFFICE WEST VIRGINIA SECRETARY OF STATE

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(May 7, 2020)

TO: ALL INTERESTED PARTIES

In accordance with the Environmental Protection Agency (EPA) regulations for complying with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190), a review has been performed on a request for a categorical exclusion for the environmental review requirements under NEPA, for the proposed action described below:

Cowen PSD Water System Rehabilitation Project
Webster County, WV
WVIJDC Project #: **2018W-1768**
SRF Project #: **19DWTRFA005**

(Official Project Name and Number)

Cowen PSD
7017 Webster Road
Cowen, WV 26206-8804

(Project Applicant)

Cowen PSD
Webster County, West Virginia

(Project Location, City, County, State)

$ 2,821,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 3,351,000

(Estimated Total Project Cost)

PROJECT SUMMARY FOR CATEGORICAL EXCLUSION

PROPOSED ACTION:

The proposed project will continue Cowen PSD's efforts to replace old water lines and update their existing infrastructure. This project will replace about 5.7 miles of 6-inch through 1-inch water line, about (210) service connections, (25) fire hydrants, (250) water meters, (3) intake pumps, and all necessary valves and appurtenances. Also included will be the rehabilitation and improvements to the raw water intake, Nursing Home Booster Station, Bolair Booster Station, 105,000 gallon Nursing Home Tank, 200,000 gallon Cowen Tank, and adding a portable generator.

ENVIRONMENTAL BENEFITS:

Cowen PSD's system is old and shows major signs of deterioration. This project will address the replacement of old and leak-prone water lines to try to reduce the unaccounted water which currently stands at about 47%. The fire hydrants in the system vary in age and this project will replace them, as well as replace all the meters of various brands and ages to a single brand which can help improve the efficiency of testing and storing replacement parts. Other areas of focus will include rehabilitating some booster stations and tanks that show signs of deterioration.

CATEGORICAL EXCLUSION CRITERIA:

EPA regulation 40 CFR 6.106(d) permits the use of categorical exclusions from substantive environmental requirements of the National Environmental Policy Act (NEPA) for:

1. Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or construction of ancillary facilities; or
2. Other actions specifically allowed in program specific subparts of this regulation.
   Criteria which would prevent the use of a categorical exclusion are found in 40 CFR §6.107(e) summarized as follows:
3. The action may have a significant effect on the quality of the human environment, or
4. The action may affect cultural resource areas, endangered or threatened species, environmentally important natural resource, or other identified resource areas of concern; or
5. The action is not cost-effective or may cause public controversy.

ANALYSIS:

The proposed project meets the criteria for categorical exclusion. It involves replacement of water mains and rehabilitations to water storage tanks and booster stations. All work will be done on currently owned Cowen PSD infrastructure and will have no adverse environmental impact.

ENERGY EFFICIENCY AND CLIMATE CHANGE EFFECTS

This upgrade project will include updating standard booster station and raw water pumps with variable frequency drive (VFD) pumps that are more energy efficient and will allow for greater control over the flow rate.

Concerning climate impacts, this project is expected to reduce unaccounted for water by ~5% and add a generator which overall will reduce Cowen PSD's carbon dioxide emissions by approximately 20,965 lbs/year.

FLOODPLAIN MANAGEMENT ANALYSIS

All above ground infrastructure including the (2) booster stations and (2) water storage tanks, and pump controls for the booster stations pumps and the submersible raw water intake pumps for the project will be located above the 100-year floodplain plus 3 feet. The remainder of the project will replace water mains, hydrants, and valves which should not be prone to damage from flooding.

REVOCATION:

This conclusion can be revoked if additional and/or future information indicates any of the following;

1. The proposed action no longer meets the defined category due to changes in the proposed action;
2. Serious local or environmental issues now exist; and/or
3. Federal, state or local laws may be violated.

DOCUMENTATION:

1. Cowen PSD Water System Rehabilitation Preliminary Engineering Report dated Summer 2018, as prepared by Jeffery Ekstrom, PE, The Thrasher Group
2. Categorical Exclusion Checklist as prepared by Ryan Boustany, PE, The Thrasher Group
3. Emails on floodplain dated March 26, 2020 from Ryan Boustany, PE, The Thrasher Group

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CATEGORICAL EXCLUSION DETERMINATION CHECKLIST

Project Name: **Phase II: Water System Rehabilitation**

Applicant has provided sufficient information to allow review for a Categorical Exclusion (CE). Per EPA Regulations found under Part 6.204; CE and extraordinary circumstances:

Project Type	**YES**	**NO**
- Existing Infrastructure	X	
◊ Minor Upgrading If so, describe: _____		X
◊ Minor Expansion If so, describe: _____ For projects involving minor expansion, check which category applies: ___ Infill ___ Looping ___ Adjacent to an existing service area		X
◊ Rehabilitation (including functional replacement) **If so, describe: This project consists upgrading various sections of existing water lines, booster stations, water storage tanks, and the raw water intake.**	X	
◊ New Minor Ancillary Facilities If so, describe: _____		X
- Replacement of existing On-lot systems	X	
- Projects completed prior to Appropriation		X

Existing Infrastructure Projects will not qualify for a CE under the following circumstances (Check any that apply):

__ Project will involve a new or relocated discharge.
__ Project will result in a substantial increase in the volume or pollutant loading to the receiving waters.
__ Project will provide capacity to population greater than 30% of existing population.
__ Project will not be consistent with State/Local Land Use Plans.
__ Project is primarily intended to support new development.

Extraordinary Circumstances (Environmental Crosscutters)

A project that will cause significant environmental impacts is not eligible for a CE.
If answer to the following questions is yes, please attach a detailed explanation to the checklist.

	YES	NO
◊ Are there environmental justice issues?		X
◊ Are there impacts to federally-listed endangered/threatened species or habitats?		X
◊ Are there impacts to archaeological/historic sites?		X
◊ Will the project impact wetlands, floodplains, fish & wildlife resources, or groundwater resources?		X
◊ Are there any air quality issues?		X
◊ Are there any impacts on land use?		X
◊ Is there any public controversy concerning potential environmental impacts?		X

X Project qualifies for a CE

Project Engineer — **Date** 1/30/19

DWTRF Staff — **Date** 5/7/20

OTHER

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

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May 11, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **May 8, 2020**.

APPLICATIONS FOR EXEMPTION RECEIVED

May 5, 2020 – Burlington United Methodist Family Services, Inc., Burlington, Mineral County, CON File #20-8-11847-X, for the expansion and operation of a 25-bed, long term substance abuse recovery program for women and their minor children in Keyser, Mineral County.

May 5, 2020 – House of Grace LLC, Huntington, Wayne County, CON File #20-2-11848-X, for the development of the House of Grace Treatment Center to be located at 402 Camden Road, Huntington, Wayne County.

PROJECT DETERMINED NOT REVIEWABLE

May 6, 2020 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #20-6-11838-X, for the construction of space to lease to West Virginia University for a new school of nursing on its campus; capital expenditure: $5,343,970.

EXEMPTION APPLICATION APPROVED

May 6, 2020 - Burlington United Methodist Family Services, Inc., Burlington, Mineral County, CON File #20-8-11840-X, for the establishment of a 32-bed, long term substance abuse recovery program for women and their minor children in Burlington.

CERTIFICATE OF NEED APPROVALS ISSUED

May 6, 2020 - Camden-Clark Memorial Hospital Corporation, Parkersburg, Wood County, CON File #20-5-11812-P, for the development of an ambulatory health care facility through the acquisition of the radiology services currently operated by Parkersburg Radiology Services, Inc., located in Vienna, Wood County; capital expenditure $98,000.

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

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

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