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A Weekly Publication

Administration Law Division

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

Coal Mine Health and Safety

Health and Human Resources

Bureau for Medical Services

Health Care Authority

Insurance Commission

Occupational Therapy

Real Estate Appraiser Lic. & Cert. Bd.

CHRONOLOGICAL INDEX, VOLUME XXXVII ISSUE 25			
NO NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Insurance Commission (114-02A)	Fingerprinting Requirements for Applicants for Insurance Producer License and Insurance Adjuster License Legislative	§§33-2-10, 33-12-37, 33-12B-6, 33-12B-12	Written Comments Only July 24, 2020, 5:00 pm Victor Mullins 900 Pennsylvania Ave. Charleston, WV 25302 victor.a.mullins@wv.gov
Insurance Commission (114-25)	Insurance Adjusters Legislative	§§33-2-10, 33-12-35, 33-12B-12	Written Comments Only July 24, 2020, 5:00 pm Victor Mullins 900 Pennsylvania Ave. Charleston, WV 25302 victor.a.mullins@wv.gov
Occupational Therapy (13-02)	Disciplinary, Complaint and Contested Case Hearing Procedures for Occupational Therapists and Occupational Therapy Assistants Procedural	§30-28-6	Written Comments Only August 1, 2020, 11:59 pm Vonda Malnikoff 1063 Maple Dr., Suite 4B Morgantown, WV 26505 vmalnikoff@wvbot.org
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	§§30-1-25, 30-28-7	Written Comments Only August 1, 2020, 11:59 pm Vonda Malnikoff 1063 Maple Dr., Suite 4B Morgantown, WV 26505 vmalnikoff@wvbot.org

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
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	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
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
Coal Mine Health and Safety (36-18)	The Responsibility For Care and Maintenance of Equipment Legislative Exempt	10/24/2019	12/9/2019						
THE ABOVE RULE FILING EXPIRED 6/9/2020									
Coal Mine Health and Safety (36-57)	Rules Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/24/2019	12/9/2019						
THE ABOVE RULE FILING EXPIRED 6/9/2020									
Community and Technical College Education (135-01)	Carl D. Perkins Vocational & Technical Education Act Funding Formula for WV Council for Community & Technical College Ed. & WV State Board of Ed. Procedural	6/11/2020	7/13/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	6/2/2020	7/2/2020
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						
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 (64-114)	Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak Legislative	5/15/2020 5/18/2020	6/15/2020 6/17/2020	4/16/2020 Approved 4/16/2020 Amendment 4/21/2020 Approved 4/21/2020 Amendment 5/15/2020 Approved 5/15/2020					
Health and Human Resources (69-15)	Recovery Residence Certification and Accreditation Program Legislative	5/8/2020	6/8/2020	4/29/2020 Effective 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	6/2/2020	7/2/2020
Higher Education Policy Commission (133-26)	Underwood-Smith Teacher Scholarship Legislative	9/30/2019	10/30/2019		11/5/2019		BUNDLED 4480	6/2/2020	7/2/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019	Approved 10/4/2019	BUNDLED 4480	6/2/2020	7/2/2020
Housing Development Fund (88-03)	Purchasing Procedure Procedural	4/22/2020	5/22/2020						
Insurance Comm. (114-02A)	Fingerprinting Requirements for Applicants for Insurance Producer License and Insurance Adjuster License Legislative	6/18/2020	7/24/2020						
Insurance Comm. (114-25)	Insurance Adjusters Legislative	6/18/2020	7/24/2020						
Lottery (179-10)	WV Lottery Interactive Wagering Rule Legislative	6/11/2020	7/11/2020	5/15/2020 Approved 5/18/2020					
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	6/1/2020	7/1/2020
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	6/1/2020	7/1/2020
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 (13-02)	Disciplinary, Complaint and Contested Case Hearing Procedures for Occupational Therapists and Occupational Therapy Assistants Procedural	6/16/2020	8/1/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019		7/3/2019	Approved 9/26/2019	BUNDLED HB4252	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
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020						
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		
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	6/5/2020				
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	4/30/2020	5/31/2020	4/1/2020 Approved 4/1/2020	6/5/2020				
Pharmacy (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020	6/2/2020	4/20/2020 Approved 4/20/2020	6/5/2020				
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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Commisison (150-39)	Rules Governing Siting Certificates for Solar Exempt Wholesale Generators Legislative Exempt	5/28/2020	6/29/2020						
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 Effective 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					

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Senior Services (76-03)	West Virginia State Plan for Aging Programs- Title V Interpretive	3/9/2020	4/8/2020					5/15/2020	7/1/2020
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	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
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	6/5/2020	7/6/2020						
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		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Water Development Authority (44-04)	Purchasing Procedure Procedural	4/15/2020	5/18/2020					6/11/2020	7/11/2020
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						

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2020 JUN 12 P 1:10
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LEGISLATIVE

EXPIRATION OF FILING OF LEGISLATIVE EXEMPT RULE

AGENCY: COAL MINE HEALTH AND SAFETY TITLE NUMBER: 36

SERIES NUMBER OF RULE BEING PROPOSED: 18

TITLE OF RULE BEING PROPOSED: The Responsibility for Care and Maintenance of Equipment

THE ABOVE RULE EXPIRED June 9, 2020 DUE TO THE AGENCY NOT FINAL FILING AFTER THE CONCLUSION OF THE HEARING/PUBLIC COMMENT PERIOD WITHIN SIX MONTHS AFTER THE CLOSE OF THE PUBLIC COMMENT AS REQUIRED BY W. VA. CODE §29A-3-8. IF YOU WANT TO CONTINUE THE RULE MAKING PROCESS ON THIS RULE, YOU MUST RESUBMIT THE ENTIRE RULE AND ASSOCIATED FORMS WITH THE SECRETARY OF STATE FOR ANOTHER HEARING/PUBLIC COMMENT PERIOD.

Maureen Lewis

DIRECTOR, ADMINISTRATIVE LAW DIVISION

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2020 JUN 12 P 1:10
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EXPIRATION OF FILING OF LEGISLATIVE EXEMPT RULE

AGENCY: COAL MINE HEALTH AND SAFETY TITLE NUMBER: 36

SERIES NUMBER OF RULE BEING PROPOSED: 57

TITLE OF RULE BEING PROPOSED: Rules Governing Proximity Detection Systems and Haulage Safety Generally

THE ABOVE RULE EXPIRED June 9, 2020 DUE TO THE AGENCY NOT FINAL FILING AFTER THE CONCLUSION OF THE HEARING/PUBLIC COMMENT PERIOD WITHIN SIX MONTHS AFTER THE CLOSE OF THE PUBLIC COMMENT AS REQUIRED BY W. VA. CODE §29A-3-8. IF YOU WANT TO CONTINUE THE RULE MAKING PROCESS ON THIS RULE, YOU MUST RESUBMIT THE ENTIRE RULE AND ASSOCIATED FORMS WITH THE SECRETARY OF STATE FOR ANOTHER HEARING/PUBLIC COMMENT PERIOD.

Maureen Lewis

DIRECTOR, ADMINISTRATIVE LAW DIVISION

WEST VIRGINIA SECRETARY OF STATE
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eFILED
6/18/2020 10:08:18 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Insurance Commission TITLE-SERIES: 114-02A

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

RULE NAME: FINGERPRINTING REQUIREMENTS FOR APPLICANTS FOR INSURANCE PRODUCER LICENSE AND INSURANCE ADJUSTER LICENSE

CITE STATUTORY AUTHORITY: W.Va. Code §§33-2-10, and 33-12-37, 33-12B-6, and 33-12B-12.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/24/2020 5:00

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Victor Mullins

ADDRESS: 900 Pennsylvania Ave

900 Pennsylvania Ave

EMAIL: victor.a.mullins@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
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eFILED
6/18/2020 10:54:20 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Insurance Commission TITLE-SERIES: 114-25

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

RULE NAME: Insurance Adjusters

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10, 33-12-35 and 33-12B-12.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/24/2020 5:00

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Victor Mullins

ADDRESS: 900 Pennsylvania Ave

EMAIL: victor.a.mullins@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
6/15/2020 1:05:16 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Occupational Therapy TITLE-SERIES: 13-09

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

RULE NAME: Telehealth Practice; Requirements; Definitions

CITE STATUTORY AUTHORITY: 30-1-25, 30-28-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/01/2020 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Vonda Malnikoff

ADDRESS: 1063 Maple Dr.

Suite 4B

EMAIL: vmalnikoff@wvbot.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 Real Estate Appraiser Licensing and Certification Board

405 Capitol Street, Suite 906
Charleston, West Virginia 25301
Telephone 304.558.3919
FAX 304.558.3983
www.appraiserboard.wv.gov

Dean E. Dawson
Board Chair

Patricia Rouse Pope
Executive Director

2020 JUN 17 P 3:51

Date: June 17, 2020

To: The Honorable Mac Warner
WV Secretary of State

From: Patricia Rouse Pope
Executive Director, WV Real Estate Appraiser Licensing and Certification Board

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

The WV Real Estate Appraiser Licensing and Certification Board (WVREALCB) respectfully requests the rule described below be suspended, effective immediately, pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Jim Justice on March 16, 2020. The WVREALCB further requests the subject rule remain suspended until the WVREALCB terminates the Notice or the State of Emergency is lifted, whichever occurs first.

190CSR5 defines Requirements for Registration and Renewal of Appraisal Management Companies. Suspension of this rule will extend the existing registration expiration date of June 30, and the assessment of non-applicable late fees due to COVID-19 crisis-related circumstances. Strict compliance with this rule could hinder or delay necessary action required of Appraisal Management Companies conducting business in the State of West Virginia and the corresponding effect on essential appraiser business.

Thank you,

Patricia Rouse Pope
Executive Director

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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6/16/2020 11:45:40 AM
Office of West Virginia
Secretary Of State

PROCEDURAL

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Occupational Therapy

TITLE-SERIES: 13-02

RULE TYPE: Procedural

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Disciplinary, Complaint and Contested Case Hearing Procedures for Occupational Therapists and Occupational Therapy Assistants

CITE STATUTORY AUTHORITY: 30-28-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/01/2020 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Vonda Malnikoff

ADDRESS: 1063 Maple Dr.

Suite 4B

EMAIL: vmalnikoff@wvbot.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)

Orders Report

Docket Number	Agency	Respondent	Date Rendered

None Received This Week

6/17/2020 4:01:41 PM

PUBLIC NOTICE

FILED

2020 MAY 28 P 3: 20

OTHER

WEST VIRGINIA MEDICAID PROGRAM

STATE PLAN AMENDMENT 20-001

REGARDING

CHIROPRACTOR'S SERVICES

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("BMS") provides notice of the filing of a state plan amendment (SPA), identified as SPA 20-001, regarding the Chiropractor's Services under West Virginia Medicaid. The SPA-2001, Chiropractic Services mean services, including any necessary supplies and equipment provided to a recipient by or under the direction of a qualified chiropractor within the scope of his or her practice under State law. A "chiropractor" is an individual who meets qualifications specified in regulations are 42 CFR 440.60(b) and is licensed pursuant to West Virginia law. No referral or prior authorization is required for up to 20 visits, combined, of physical therapy, occupational therapy, and chiropractic services.

This SPA will be effective April 1, 2020, pending CMS approval. The estimated annual fiscal year impact will be $900,000.

The SPA and this notice will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning Wednesday, June 3, 2020, through Friday, July 3, 2020 and on the web at: www.dhhr.wv.gov/bms, then click "Public Notices" on the top toolbar.

Written comments may be sent between the above referenced dates to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706, or by email at SPAComments@wv.gov. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m.

PUBLIC NOTICE

FILED

2020 MAY 28 P 3: 35

WEST VIRGINIA MEDICAID PROGRAM

STATE PLAN AMENDMENT 20-002

REGARDING

DENTAL SERVICES

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("BMS") provides notice of the filing of a state plan amendment (SPA), identified as SPA 20-002, regarding the Dental Services under West Virginia Medicaid.

SPA 20-002: Dental practitioners who provide covered dental services shall be reimbursed, by procedure, utilizing the American Dental Association Survey of Dental Fees for the Southern Atlantic Region Norms. The 25 percentile of the Southern Atlantic Regional Survey constitutes the Medicaid cap.

Physicians who provide covered oral and maxillofacial services shall be reimbursed by the upper limit utilizing a Resource-Based Relative Value (RBVU) for the procedure times a conversion factor as determined by the type of service. The conversion factors were developed using utilization and payment level data for the defined service group. Payment shall not exceed the provider's usual customary charge to the public. The agency's rates are reviewed annually and published on the website (http://dhhr.wv.gov/bms/FEES/Pages/Dental-Fee-Schedule.aspx) with an effective date for payment implementation. Except as otherwise noted in the plan, State developed fee Schule rates are the same for both governmental and private providers.

Administration of anesthesia services shall be reimbursed by Current Dental Terminology (CDT) codes based on an average American Society of Anesthesiologist based units (for Head Procedures) plus time units multiplied by the anesthesia conversion factor. Payment shall not exceed the provider's usual customary charge to the public

This SPA will be effective April 1, 2020, pending CMS approval. The schedule 10% increase, effective April 1, 2020, would increase annual costs by $7,500,000.

The SPA and this notice will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning Wednesday, June 3, 2020, through Friday, July 3, 2020 and on the web at: www.dhhr.wv.gov/bms, then click "Public Notices" on the top toolbar.

Written comments may be sent between the above referenced dates to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706, or by email at SPAComments@wv.gov. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m.

OTHER

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

FILED
2020 JUN 15 P 12:01
OFFICE WEST VIRGINIA SECRETARY OF STATE

June 15, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **June 12, 2020**.

CERTIFICATE OF NEED APPLICATION RECEIVED

June 12, 2020 – Oak Hill Clinic Corp. d/b/a Plateau Medical Group, Franklin, Tennessee, CON File #20-1-11863-P, for the development of an ambulatory care center, including the offering of general surgery consultation services and post-surgical follow up, at 102 Brookshire Lane, Beckley, Raleigh County; capital expenditure: $10,000.

APPLICATIONS FOR EXEMPTION RECEIVED

June 10, 2020 – Mindoula Health, Inc., Silver Spring, Maryland, CON File #20-WV-11867-X, for the provision of behavioral health services through the implementation of the Interpersonal Violence Reduction Program throughout West Virginia.

June 11, 2020 – Huntington Hospitalist Group, LLC, Huntington, Cabell County, CON File #20-2-11866-X, for the development of an outpatient behavioral health center located at 1009 5th Avenue, Huntington, Cabell County.

NOTICE OF PUBLIC COMMENT PERIOD

Proposed Certificate of Need Standards

The West Virginia Health Care Authority (HCA) has scheduled a public comment period to receive comments on the following proposed Certificate of Need Standards:

- **Neonatal Intensive Care Units**

Written comments may be submitted to Barbara Skeen, Interim Executive Director, West Virginia Health Care Authority, 100 Dee Drive, Charleston, WV 25311 or via email at Barbara.I.Skeen@wv.gov. Comments must be received no later than close of business on **July 13, 2020**. A copy of the proposed Standards set forth above has been filed with the Secretary of State. The Standards may be viewed at the Authority's website, www.hca.wv.gov, or a copy may be obtained by contacting the office at (304) 558-7000.

PROJECTS DETERMINED NOT REVIEWABLE

June 11, 2020 – Hopewell Community Services, LLC, Cross Lanes, Kanawha County, CON File #20-3-11849-X, for the expansion of its current administrative office at 418 New Goff Mountain Road, Cross Lanes, Kanawha County; no capital expenditure.

June 11, 2020 – Hospice Care Corporation, Inc. d/b/a WV Caring, Arthurdale, Preston County, CON File #20-6-11851-X, for the complete relocation of its Grafton office from 5 Hospital Plaza, Suite 101 to 1 Hospital Plaza, Suite B-100, both in Grafton, Taylor County; no capital expenditure.

June 11, 2020 – Encompass Health Rehabilitation Hospital of Parkersburg, Birmingham, Alabama, CON File #20-5-11857-X, for the construction of four licensed rehabilitation beds that were previously on the facility's license until January 1, 2020; capital expenditure: $2,709,780.

EXEMPTION APPLICATIONS APPROVED

June 10, 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.

June 10, 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.

June 10, 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.

June 11, 2020 - Williamson Health and Wellness Center, Inc., Williamson, Mingo County, CON File #20-2-11850-X, for the development of a residential treatment unit located at 859 Alderson Street, 3rd Floor, Williamson.

CERTIFICATE OF NEED APPROVAL ISSUED

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

NOTICE OF SUBSTANTIAL COMPLIANCE

The following project has been implemented in substantial compliance with the decision issued in this matter and the case file is now closed.

OTHER

June 11, 2020 - Wetzel County Hospital, New Martinsville, Wetzel County, CON File #20-10-11798-P, for the development of an ambulatory health care facility in Wetzel County through the acquisition of a physician practice; capital expenditure: $75,048.

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

FILED
2020 JUN 16 A 11:56
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

June 16, 2020

NEWS ITEM

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

June 12, 2020 - Cavalier Mobile X-Ray Co., Youngstown, Ohio, CON File #20-WV-11832-P, for the expansion of mobile diagnostic imaging services to all counties in West Virginia; capital expenditure: $143,000.

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

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

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

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

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case file of the project, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decision will be issued on or before **August 14, 2020**.

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

6/16/2020
Date

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