WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVII

Issue 29

July 17, 2020

A Weekly Publication

Administration Law Division

Mac Warner
Secretary of State
Bldg. 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

(304) 558-6000

sos.wv.gov

CONTENTS

Chronological Index

Rule Monitor

Notices

a. **Legislative Rules**
b. **Interpretive Rules**
c. **Procedural Rules**
d. **Emergency Rules**
e. **LRMRC and LOCEA**

Legislative Interims

Orders

Ethics Commission Opinions

Grievances Reports

Office of Tax Appeal Decisions

Governor's Executive Orders

Attorney General Opinions

Other Documents or Information Filed

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

Agriculture

Auditor

Community and Technical College Education

Deaf and Hard of Hearing, Commission for

Health and Human Resources

Bureau for Children and Families

Health Care Authority

Labor

Miners' Health Safety and Training

Motor Vehicles

Professional Surveyors

State Emergency Response Commission

CHRONOLOGICAL INDEX, VOLUME XXXVII ISSUE 29			
NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	§19-2B-3	Written Comments Only August 13, 2020, 12:00 pm Quinton Jones WV Dept. of Agriculture 1900 Kanawha Boulevard East Charleston, WV 25305 qjones@wvda.us
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	§12-3-10(f)	Written Comments Only August 13, 2020, 4:00 pm Vincent J. Smith State Auditor's Office State Capitol Building, Suite W-100 1900 Kanawha Blvd. E Charleston, WV 25305 Vincent.smith@wvsao.gov
Labor (42-03)	Steam Boiler Inspection Legislative	§21-3-7	Written Comments Only August 17, 2020, 4:30 pm Mitchell E. Woodrum, Commissioner 1900 Kanawha Blvd. E Capitol Complex, Bldg. 3, Room 200 Charleston, WV 25305 mitch.e.woodrum@wv.gov
Miners' Health Safety and Training (56-08)	The Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of WV Legislative	§§22A-1-6, 22A-1-36(a)	Written Comments Only August 13, 2020, 4:00 pm Eugene White 7 Players Club Dr., Ste. 2 Charleston, WV 25311 Eugene.e.white@wv.gov
Motor Vehicles (91-05)	Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges Legislative	§§17A-2-9, 17B-2B-10, 17C-5A-2, 17C-5A-3a	Written Comments Only August 17, 2020, 12:30 pm Adam Holley DMV 5707 MacCorkle Ave. SE PO Box 17300 Charleston, WV 25317 adam.holley@wv.gov

Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	§30-13A	Written Comments Only August 14, 2020, 5:00 pm WVBPS 1124 Smith Street, Suite B127C Charleston, WV 25301 wvbps@wv.gov or Kristi.a.justice@wv.gov
State Emergency Response Commission (55-01)	Emergency Planning and Community Right to Know Legislative	§15-5A-5	Written Comments Only August 12, 2020, 4:00 pm Lisa Paxton 2403 Fairlawn Avenue Dunbar, WV 25064 lisa.a.paxton@wv.gov
State Emergency Response Commission (55-02)	Emergency Planning Grant Program Legislative	§15-5A-5(k)	Written Comments Only August 12, 2020, 4:00 pm Lisa Paxton 2403 Fairlawn Avenue Dunbar, WV 25064 lisa.a.paxton@wv.gov

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

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Mac Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

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
Administration (148-01)	Purchasing Legislative	7/7/2020	8/6/2020						
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	7/14/2020	8/13/2020						
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/24/2020	7/28/2020						
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/24/2020	7/28/2020						
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/24/2020	7/28/2020						
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/24/2020	7/28/2020						
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	6/24/2020	7/28/2020						
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/24/2020	7/28/2020						
Air Quality (45-44)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	6/24/2020	7/28/2020						
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/18/2020	7/20/2020						
Alcohol Beverage Control Comm. (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	6/22/2020	7/23/2020						
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/13/2020	8/13/2020						
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					7/16/2020	8/15/2020
Development Office (145-16)	Tourism Development Districts Legislative			7/1/2020 Approved 7/2/2020					

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Economic Development Auth. (117-06)	Purchasing Procedure Procedural	6/30/2020	7/30/2020						
Education (126-028)	WV Universal Access to a Quality Early Education System (Policy 2525) Legislative Exempt	5/13/2020	6/12/2020					7/9/2020	8/10/2020
Education (126-044AA)	WV College and Career Readiness Standards for English Language Arts (Policy 2520.1A) Legislative Exempt	5/13/2020	6/12/2020					7/9/2020	8/10/2020
Environmental Protection – Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	7/2/2020	8/11/2020						
Financial Institutions, Div. of (106-21)	Rule Pertaining to the Fintech Regulatory Sandbox Legislative	6/26/2020	7/31/2020	6/26/2020 Approved 7/1/2020					
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
Fire Commission (87-07)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code (Repeal) Legislative	6/22/2020	7/22/2020						
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Legislative	6/22/2020	7/22/2020						
Health (64-07)	Reportable Diseases, Events, and Conditions Legislative	7/2/2020	8/3/2020						
Health (64-11)	Behavioral Health Centers Licensure Legislative	7/1/2020	7/31/2020						
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-13)	Nursing Home Licensure Legislative	7/1/2020	7/31/2020						
Health (64-23)	Radiological Health Legislative	7/6/2020	8/5/2020						
Health (64-45)	Lead Abatement Licensing Legislative	7/2/2020	8/3/2020						
Health (64-59)	Client Rights at State-Operated Mental Health Facilities Legislative	7/1/2020	7/31/2020						
Health (64-60)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	7/1/2020	7/31/2020						
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 (64-115)	Diabetes Self-Management Education Legislative	7/2/2020	8/3/2020						
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	7/1/2020	7/31/2020						
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	7/1/2020				
Higher Education Policy Comm. (133-63)	Mental Health Loan Repayment Program Legislative	6/26/2020	7/27/2020	6/26/2020 Effective 6/26/2020					
Housing Development Fund (88-03)	Purchasing Procedure Procedural	4/22/2020	5/22/2020					6/24/2020	7/24/2020
Human Services (78-02)	Child Placing Agencies Licensure Legislative	7/1/2020	7/31/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in WV Legislative	7/1/2020	7/31/2020						
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Procedural	7/1/2020	7/31/2020						
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						
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	6/18/2020	7/24/2020						
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	6/18/2020	7/24/2020						
Insurance Comm. (114-64)	Mental Health Parity Legislative	6/22/2020	7/24/2020						
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/22/2020	7/24/2020						
Labor (42-03)	Steam Boiler Inspection Legislative	7/16/2020	8/17/2020						
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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	6/24/2020				
Miners' Health Safety and Training (56-08)	The Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of WV Legislative	7/14/2020	8/13/2020						
Motor Vehicles (91-04)	Examination and Issuance of Driver's License Legislative	7/8/2020	8/9/2020						
Motor Vehicles (91-05)	Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges Legislative	7/15/2020	8/17/2020						
Motor Vehicles (91-25)	Special Purpose Vehicles Legislative	7/1/2020	7/31/2020						
Municipal Pensions Oversight Bd. (211-02)	Exempt Purchasing Legislative	6/26/2020	7/27/2020						
Municipal Pensions Oversight Bd. (211-03)	Actuarial Purchasing Exemption Procedural	6/26/2020	7/27/2020						
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						
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020						
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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	6/22/2020				
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				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in WV Legislative	7/13/2020	8/14/2020						
Public Service Commisison (150-39)	Rules Governing Siting Certificates for Solar Exempt Wholesale Generators Legislative Exempt	5/28/2020	6/29/2020						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020						
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020						
Racing Commission (178-10)	Advance Deposit Account Wagering (ADW) Legislative	7/1/2020	7/31/2020	7/1/2020 Approved 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
Risk and Insurance Management (115-01)	Mine Subsidence Insurance Legislative	7/9/2020	8/8/2020						
Risk and Insurance Management (115-02)	Public Entities Insurance Program Legislative	7/9/2020	8/8/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Risk and Insurance Management (115-03)	Administrative Rules of State Board of Risk and Insurance Management Procedural	7/9/2020	8/8/2020						
Risk and Insurance Management (115-05)	Procedure for Providing Written Notification of Claims of Potential Liability to the State or Its Employees (Repeal) Legislative	7/9/2020	8/8/2020						
Risk and Insurance Management (115-09)	Procurement Procedural	7/9/2020	8/8/2020						
Risk and Insurance Management (115-10)	Procedure for Providing Written Notification of Claims Procedural	7/9/2020	8/8/2020						
Secondary School Activities Comm. (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/13/2020	6/12/2020					7/9/2020	9/8/2020
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative Exempt	5/13/2020	6/12/2020					7/9/2020	9/8/2020
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	6/23/2020				
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	6/25/2020				
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
State Emergency Response Comm. (55-01)	Emergency Planning and Community Right to Know Legislative	7/13/2020	8/12/2020						
State Emergency Response Comm. (55-02)	Emergency Planning Grant Program Legislative	7/13/2020	8/12/2020						
Tax (110-13FF)	Tax Credit for Providing Vehicles to Low-Income Workers Legislative	6/22/2020	7/22/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-13GG)	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative	6/22/2020	7/22/2020						
Tax (110-13II)	High-Wage Growth Business Tax Credit Legislative	6/22/2020	7/22/2020						
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	6/5/2020	7/6/2020					7/9/2020	8/8/2020
Underground Facilities Damage Prevention Bd. (214-01)	Board Meetings, Organization, and Operation Procedural	5/12/2020	6/12/2020					6/29/2020	7/30/2020
Waste Mgmt., Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	7/8/2020	8/11/2020						
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						

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/14/2020 3:37:47 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture TITLE-SERIES: 61-16

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

RULE NAME: Inspection of Meat and Poultry

CITE STATUTORY AUTHORITY: §19-2B-3

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/13/2020 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Quinton Jones

ADDRESS: WV Dept of Agriculture/1900 Kanawha Boulevard, East

Charleston, WV 25305

EMAIL: qjones@wvda.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/13/2020 12:57:48 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Auditor TITLE-SERIES: 155-01

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

RULE NAME: STANDARDS FOR REQUISITIONS FOR PAYMENT ISSUED BY STATE OFFICERS ON THE AUDITOR

CITE STATUTORY AUTHORITY: 12-3-10(f)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/13/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Vincent J. Smith

ADDRESS: State Auditor's Office - State Capitol Building - 1900 Kanawha Blvd. E., Suite W-100

Charleston, WV 25305

EMAIL: vincent.smith@wvsao.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 1900 Kanawha Blvd, East, Charleston, WV 25305 Administrative Law Division	DO NOT MARK IN THIS BOX FILED 2020 JUL 14 P 2:09 OFFICE WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

Changes to Social Services Manual

Agency: Department of Health and Human Resources

Bureau: Bureau for Children and Families

Rule: 78 - 5

Change Rule: YS-5-20 Policy Update

Revision to Existing Manual: ☒ Yes ☐ No

Summary of Changes:

- The addition of the required Americans with Disabilities Act information on page 54
- Updated phone numbers Health and Human Resources Specialist, and the Office of Resource Management/EEO Civil Rights Officer

Two Copies Enclosed:
Please file one and return a stamped copy to:

Evan C. Sprigle
Health and Human Resource Specialist, Senior
350 Capitol Street, Room 691
Charleston, WV 25301-3704

FILED
2020 JUL 15 P 3:05
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Adoption Policy

West Virginia Department of Health and Human Resources
Bureau for Children and Families
Office of Children and Adult Services
Revised July 2020

FILED
2020 JUL 15 P 3:09
OFFICE WEST VIRGINIA
SECRETARY OF STATE

CHILD PROTECTIVE SERVICES POLICY

West Virginia Department of Health and Human Resources
Bureau for Children and Families
Office of Children and Adult Services
Revised July 2020

July 2020

LEGISLATIVE

FILED
2020 JUL 15 P 3:07
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Foster Care Policy

West Virginia Department of Health and Human Resources
Bureau for Children and Families
Office of Children and Adult Services
Revised July 2020

FILED
2020 JUL 15 P 3:08
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Homefinding Policy

West Virginia Department of Health and Human Resources
Bureau for Children and Families
Office of Children and Adult Services
Revised July 2020

LEGISLATIVE

FILED
2020 JUL 15 P 3:08
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Legal Guardianship Policy

West Virginia Department of Health and Human Resources
Bureau for Children and Families
Office of Children and Adult Services
Revised July 2020

FILED

2020 JUL 15 P 3:06

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Youth Services Policy

BUREAU FOR CHILDREN AND FAMILIES

July 2020

2020 LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
7/16/2020 10:03:35 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Labor TITLE-SERIES: 42-03

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

RULE NAME: Steam Boiler Inspection

CITE STATUTORY AUTHORITY: W. Va. Code §21-3-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/17/2020 4:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mitchell E. Woodrum, Commissioner

ADDRESS: 1900 Kanawha Blvd. E., Capitol Complex, Bldg. 3, Room 200

Charleston, WV 25305

EMAIL: mitch.e.woodrum@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: Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/14/2020 10:23:24 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-08

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

RULE NAME: Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-1-6 and 22A-1-36(a)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/13/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Eugene White

ADDRESS: 7 Players Club Drive, Suite 2

Charleston, WV 25311

EMAIL: eugene.e.white@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
7/15/2020 12:43:59 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Motor Vehicles TITLE-SERIES: 91-05

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

RULE NAME: DENIAL, SUSPENSION, REVOCATION, DISQUALIFICATION, RESTRICTION, NON-RENEWAL, CANCELLATION, ADMINISTRATIVE APPEALS AND REINSTATEMENT OF DRIVING PRIVILEGES

CITE STATUTORY AUTHORITY: W. Va. Code §§17A-2-9, 17B-2B-10, 17C-5A-2 and 17C-5A-3a

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/17/2020 12:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Adam Holley DMV

ADDRESS: 5707 MacCorkle Avenue SE/P.O. Box 17300

Charleston, WV 25317

EMAIL: adam.holley@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
7/13/2020 11:27:22 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Professional Surveyors

TITLE-SERIES: 23-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Examination and Licensing of Professional Surveyors in West Virginia

CITE STATUTORY AUTHORITY: Chapter 30 13A

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/14/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WVBPS

ADDRESS: 1124 Smith Street, Suite B127C

Charleston, WV 25301

EMAIL: wvbps@wv.gov or kristi.a.justice@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
7/13/2020 4:05:21 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: State Emergency Response Commission

TITLE-SERIES: 55-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Emergency Planning and Community Right to Know

CITE STATUTORY AUTHORITY: 15-5A-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/12/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Lisa Paxton

ADDRESS: 2403 Fairlawn Avenue

Dunbar, WV 25064

EMAIL: lisa.a.paxton@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

(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
7/13/2020 4:07:07 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: State Emergency Response Commission TITLE-SERIES: 55-02

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

RULE NAME: Emergency Planning Grant Program

CITE STATUTORY AUTHORITY: 15-5A-5(k)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/12/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: lisa.a.paxton@wv.gov

ADDRESS: 2403 Fairlawn Avenue

Dunbar, WV 25064

EMAIL: lisa.a.paxton@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
7/16/2020 10:36 AM
Office of West Virginia
Secretary Of State

PROCEDURAL

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-01

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

RULE NAME: Carl D. Perkins Vocational and Technical Education ACT Funding Formula for West Virginia Council for Community and Technical College Education and West Virginia State Board of Education

CITE STATUTORY AUTHORITY: 18B-2B-6

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

August 15, 2020

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

Yes

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

FILED

2020 JUL 16 P 2:24

OFFICE WEST VIRGINIA SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: July 16, 2020

TO: Mac Warner
Secretary of State

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

BJC

RE: **W. Va. C.S.R. § 192-2 Meetings and Bylaws**

The Commission for the Deaf and Hard of Hearing of the Department of Health and Human Resources requests that W. Va. C.S.R. §192-2 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. §192-2 establishes and sets forth the meetings and bylaws of the Commission. Strict compliance with the following will hinder necessary action in coping with the emergency declared by the Governor:

W. Va. C.S.R. §192-2-3.1.c – requiring the Commission for the Deaf and Hard of Hearing to establish a regular meeting schedule that includes at least four meetings per year.

If granted, the Commission for the Deaf and Hard of Hearing 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

Orders Report

Docket Number	Agency	Respondent	Date Rendered

None Received This Week

7/17/2020 9:08:51 AM

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 51-20

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 certain small businesses while requiring proper social distancing and hygiene practices be maintained at such businesses; and

WHEREAS, since the issuance of 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 reopening plan, West Virginia Strong: *The Comeback* (the "Comeback Plan"), to phase in the reopening 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 reopening, to be based upon certain metrics and conditions to safely reopen 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, under the Comeback Plan, the phased reopening of businesses and activities in West Virginia has allowed our public health experts to effectively monitor the numbers of cases and rate of spread of the virus within this State and across the nation, and to make recommendations based upon the most current data available; and

WHEREAS, West Virginia's public health experts have advised that reinstituting the prohibition on fairs, festivals, and similar events, reinstituting the prohibition on live music performances, even in outdoor or open-air settings, and decreasing the purely social gathering size limitation from 100 people to 25 people, 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 Fourteenth day of July, Two Thousand Twenty, as follows:

1. The following provisions of Executive Order 9-20, as previously amended by Executive Orders 32-20, 36-20, 37-20, 39-20, 40-20, 41-20, 42-20, 43-20, 45-20, and 49-20 are hereby further amended and supplemented as follows:

   a. Section 1.g., as amended, is hereby deleted in its entirety and replaced with the following to decrease the gathering size restriction from 100 people to 25 people:

      "g. Engaging in outdoor activity, provided that individuals at all times and as much as reasonably possible maintain social distancing of six feet from one another and abide by a 25-person limitation on gathering size; provided that such 25-person limitation does not apply to outdoor activities that have been deemed essential, including by way of example only certain sports or swimming pool activities and operations."

   b. Section 3.nn. is hereby deleted in its entirety and replaced with the following to reinstitute the prohibition on fair and festivals:

      "nn. **Amusement Parks.** Amusement parks may resume operations, but must ensure that proper social distancing and hygiene practices are maintained. Additional guidance, *Guidance for Fairs, Festivals, Amusement Parks and Rides*, is available at governor.wv.gov."

   c. Section 4, as amended, is hereby deleted in its entirety and replaced with the following to reinstitute the prohibition of fairs, festivals, and like operations and events, and to reinstitute the prohibition of live music, even in outdoor or open-air settings, adding such activities and operations to the list of prohibited activities:

      "4. **Prohibited activities.** Carnivals, fairs, concert and music halls, adult entertainment venues, and other similar businesses shall be closed, and indoor or outdoor live music performances shall be prohibited; provided, however, that the following specific outdoor recreational businesses and activities may resume operations as follows:

      a. The Hatfield McCoy Trail System may reopen in accordance with the guidance, *A Guide to Safely Opening & Operating the Hatfield McCoy Trail System*, available at governor.wv.gov;

      b. Outdoor recreation outfitters may reopen in accordance with the guidance, *A Guide to Safely Reopening Outdoor Recreation Outfitters*, available at governor.wv.gov;

      c. Whitewater rafting businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Whitewater Rafting*, available at governor.wv.gov; and

      d. Ziplining businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Zipline Outfitters*, available at governor.wv.gov."

   d. Section 5 is hereby deleted in its entirety and replaced with the following to decrease the social gathering size restriction from 100 people to 25 people:

      "5. **Avoid social gatherings.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Order including for purposes of any Essential Businesses and Operations. Any gathering of more than 25 people, unrelated to any Essential Businesses and Operations, is prohibited unless exempted by this Order. Nothing in this Order prohibits the gathering of members of a household or residence."

[Signature Page Follows]

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

DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirteenth day of July, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 52-20

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 certain small businesses while requiring proper social distancing and hygiene practices be maintained at such businesses; and

WHEREAS, since the issuance of 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 reopening plan, West Virginia Strong: *The Comeback* (the "Comeback Plan"), to phase in the reopening 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 reopening, to be based upon certain metrics and conditions to safely reopen 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, under the Comeback Plan, the phased reopening of businesses and activities in West Virginia has allowed our public health experts to effectively monitor the numbers of cases and rate of spread of the virus within this State and across the nation, and to make recommendations based upon the most current data available; and

WHEREAS, West Virginia's public health experts have advised that, due to the recent number and demographics of positive cases of COVID-19 in Monongalia County, further measures are necessary to protect the health, safety, and welfare of the public, to disrupt the spread of the virus, and to mitigate the impact of COVID-19 in Monongalia County, and that, therefore, prohibiting the consumption of food or drink at bars and limiting the occupancy by the general

public at such bars in Monongalia County, for purposes other than picking up food and/or drink from such establishment to be taken away, for a period of ten days, 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 Fourteenth day of July, Two Thousand Twenty, as follows:

1. That all bars in Monongalia County shall not allow on-premises consumption of food or drink or occupancy by the general public for purposes other than picking up food and/or drink from such establishment to be taken away.
2. That tables within "bar areas" of restaurants, hotels, and other similar facilities may be used for general seating subject to the same limitations as are in place for restaurants, provided that service from the bar directly to patrons is prohibited, and that no patrons are permitted to sit or stand at the bar.
3. That the provisions of this Order supersede any conflicting provisions of Section 3.c. of Executive Order 9-20, as amended, only with respect to the operation of bars and bar areas of establishments in Monongalia County
4. That this Order shall remain in effect until 12:01 AM, Eastern Standard Time, on the Twenty-fourth day of July, Two Thousand Twenty, unless rescinded, amended, or extended by subsequent executive order prior to such time and date.

[Signature Page Follows]

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

DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirteenth day of July, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 53-20

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 the respiratory disease caused by the novel coronavirus now known as COVID- 19; and

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

WHEREAS, Chapter 8, Article 1, Section 5a requires that municipalities participating in the Municipal Home Rule Program pay an annual assessment of two thousand dollars ($2,000.00) on July 1 of each year after admittance to the program, and strict compliance with this payment due date may, because of the finite resources and funds available, prevent, hinder or delay necessary action in such municipalities' coping with the COVID-19 pandemic; 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 that the applicable provisions of Chapter 8, Article 1, Section 5a, are hereby suspended to the extent that the payment of the annual assessment due from municipalities currently admitted to the Municipal Home Rule Program, presently due as of July 1, 2020, shall be deemed to be timely paid if paid on or before September 1, 2020.

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 Fifteenth day of July, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

FILED

2020 JUL 13 P 4:23

OFFICE WEST VIRGINIA
SECRETARY OF STATE

AG OPINION

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

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

July 9, 2020

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

Dear Prosecuting Attorney Davis:

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

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

At the Weirton Fire Department there is only one captain—the grade below chief—who satisfies the time-in-service requirement. That captain, however, declined a promotion to fire chief. You previously asked whether the Weirton Fire Civil Service Commission ("Commission") must fill the vacancy by appointment instead, and if so, who may take the qualifying examination. We advised that the Commission must fill the position of fire chief through the appointment process and that anyone who meets the statutory requirements may take the exam. Opinion of the

Attorney General on the Procedure for Filling a Fire Chief Vacancy, 2020 WL 1855825, *1, *3 (W. Va. A.G. Apr. 2, 2020). In this second request you ask additional questions related to scoring the exam.*

Your current request thus raises two legal questions:

1. *Must the Commission add five points to passing scores of veterans who take the fire chief exam?*

2. *May the Commission add one point to passing scores for each year an applicant has served in the Weirton Fire Department?*

We conclude that the five-point veteran preference applies to all positions filled by appointment, and therefore must be added to all veterans' passing scores on this exam. Experience points, by contrast, may not be added under current precedent, but are an appropriate factor to consider when choosing among the applicants with the three highest scores.

Discussion

Question 1: Veteran-Preference Points Apply To Fire Chief Appointments

As explained in our previous Opinion, under these circumstances the only statutory option to fill the vacant fire chief position is appointment. *See* W. Va. Code § 8-15-11(b) (listing options of promotion, appointment, reinstatement, or reduction in grade). The appointment process, in turn, requires choosing the next fire chief from "the three individuals on the eligible list who received the highest averages at preceding competitive [fire chief] examinations." *Id.* § 8-15-20(a). And for positions like fire chief that are "filled under civil service," "a preference of five points in addition to the regular numerical score received on [the] examination shall be awarded to all veterans having qualified for appointment by making a minimum passing grade." *Id.* § 6-13-1. Your request asks whether the Commission is required to add five points to the passing scores of veterans under this Code provision when determining the three highest scores.

Whether veteran-preference points must be added to passing scores for the fire chief exam is a question of statutory interpretation. "The primary object in construing a statute is to ascertain and give effect to the intent of the Legislature." Syl. pt. 1, *Smith v. State Workmen's Comp. Comm'r*, 159 W. Va. 108, 219 S.E.2d 361 (1975). And the best evidence of legislative intent is the statutory text. If that text, "given its plain meaning, answers the interpretive question, the language must prevail and further inquiry is foreclosed." *Appalachian Power Co. v. State Tax Dep't*, 195 W. Va. 573, 587, 466 S.E.2d 424, 438 (1995).

* Your request also raised two additional questions; the City of Weirton advised that one is now moot, and we decline to opine on the other at this stage because it only might arise in the future and resolution would likely depend on the facts as they may develop in that instance.

Here the language of Section 6-13-1 is plain and unambiguous: Assuming that a veteran sitting for the exam "mak[es] a minimum passing grade," five veteran-preference points "shall be awarded" and added to that base score. The word "shall" is mandatory. Syl. pt. 3, *State v. A.D.*, 242 W. Va. 536, 836 S.E.2d 503 (2019). Thus, five points must be added to the scores of all veterans that receive a passing score for purposes of determining the three individuals eligible for appointment.

There is little precedent interpreting this provision, but an Education and State Employees Grievance Board decision supports this conclusion: The Board held that veteran-preference points must be added when a position is filled by appointment and noted different rules apply when a position is filled by promotion. *Marascio v. Dep't of Transp., Div. of Hwys.*, 2007 WL 960121, *3 (Feb. 16, 2007); *see also* 49 W. Va. Op. Att'y Gen. 264, 265 (1961) (explaining that the Legislature does not use the terms "appointment" and "promotion" interchangeably).

The City of Weirton's concern about potentially "double-awarding" preference points to individuals who received veteran preference when hired into the Weirton Fire Department does not change the statutory analysis. The statute is clear that "all" veterans who pass the exam are entitled to the five-point bump. W. Va. Code § 6-13-1. Further, as we explained in our April 2 Opinion, the fire chief exam is open to anyone who satisfies the statutory requirements—even those who are not current members of the Weirton Fire Department. There is no textual support for awarding veteran-preference points to those applying to the Weirton Fire Department for the first time but not current members of the department, and reading an implicit distinction into the statute would result in less favorable treatment for currently employed veterans. The veteran-preference points must therefore be awarded to all veterans who receive passing scores on the fire chief exam.

Question 2: Experience Points May Not Be Added To Exam Scores Under Current Precedent

Your second question asks whether one point may be added to passing exam scores for every year the applicant has served with the Weirton Fire Department. Under current precedent, the answer is no. Nevertheless, a recent Supreme Court of Appeals decision in the analogous police officer appointment contexts suggests that the Court may be open to revisiting this precedent in the future.

Almost 30 years ago, the Court examined the role of experience points in Section 8-15-20. *Meek v. Pugh*, 186 W. Va. 609, 611, 413 S.E.2d 666, 668 (1991). In *Meek*, the Court contrasted appointment under Section 8-15-20 with promotion under Section 8-15-22. It explained that only two factors are used under Section 8-15-22 to determine who receives a promotion—the score on the promotion exam and experience points. *Id.* at 611, 413 S.E.2d at 668. The Court then explained that under Section 8-15-20, experience may not be considered when deciding who is eligible for appointment. *See id.*

The relevant language of the two statutes has not changed since *Meek*. Section 8-15-20 still does not reference experience. Rather, as noted above, the exam score—after being adjusted as required by other Code provisions—determines the three individuals from whom the final

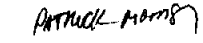
AG OPINION

appointment may be made. To be sure, the appointing authority may consider any lawful factors at *that* stage when choosing from the pool of three, including experience. *See Legg v. Smith*, 181 W. Va. 796, 799 n.5, 384 S.E.2d 833, 836 n.5 (1989). But *Meek*'s holding that experience points may not be added to the exam scores themselves remains good law.

We note that if this question were presented to the Court again now, however, it might reach a different result. Last year, the Court expanded the power of police civil service commissions to issue regulations on factors that may be considered when appointing or promoting police officers. The Court held "that the provisions of the police civil service act" do not "exclude all other selection requirements for police officers." *Burner v. Martinsburg Police Civil Serv. Comm'n*, 241 W. Va. 677, 683, 827 S.E.2d 622, 628 (2019) (quoting *Morgan v. City of Wheeling*, 205 W. Va. 34, 39-40, 516 S.E.2d 48, 53-54 (1999)). The Court thus blessed awarding education points as "a discretionary factor developed by the Commission pursuant to the authority bestowed upon it by the Police Civil Service Act." *Id.*

The Court frequently analogizes the provisions of Article 14 of Chapter 8 at issue in *Burner* with those relevant here of Article 15 of Chapter 8. *See Meek*, 186 W. Va. at 612, 413 S.E.2d at 669 ("The statutes governing employment and promotion of paid fire departments are similar to the statutes governing paid police departments."). And just as police civil service commissions may promulgate rules adopting discretionary factors that are "not inconsistent with the express provisions of the Act" nor based on "personal or political whim," *Burner*, 241 W. Va. at 683, 827 S.E.2d at 628 (emphasis removed; citation omitted), the Court might conclude that adding experience points to firefighter appointment exams pursuant to a lawfully issued Commission rule would not be inconsistent with the express provisions of Article 15 nor based on mere whim. Thus, if the Court were presented with the issue you raise (and determined that principles of *stare decisis* allow reconsideration), it might well extend its decision in *Burner* to conclude that the factors enumerated in Section 8-15-20 are not exclusive. To date, however, the Court has not approved adding experience points to firefighter appointment exam scores.

Sincerely,



Patrick Morrisey
Attorney General

Lindsay See
Solicitor General

John M. Masslon II
Assistant Solicitor General

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

FILED
2020 JUL 13 A 11: 36

July 13, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **July 10, 2020**.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

July 9, 2020 - Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #20-6-11887-P, for the development of an ambulatory health care facility located at 469 Emily Drive, Clarksburg, Harrison County, through the acquisition of assets and lease of real property of MedPointe of Harrison County, PLLC and the employment of Alan R. Romine, D.O. and Michael Montgomery, D.O., at the current location of MedPointe; capital expenditure: $375,000.

July 9, 2020 – Preston Memorial Hospital Corporation, Kingwood, Preston County, CON File #20-6-11888-P, for the development of an ambulatory health care facility at 428 Morgantown Street, Kingwood, Preston County, through the acquisition of assets and lease of real property of Total Family Care, PLLC and employment of Julia E. Ramberg, M.D.; capital expenditure: $225,000.

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.

ORDER GRANTING REQUEST FOR MODIFICATION OF DECISIONS

July 6, 2020 – GGCEN Holdings LLC, Skokie, Illinois, CON File #20-6-11783-X, #20-4-11784-X, #20-6-11785-X, #20-2-11787-X, #20-11-11788-X, and #20-5-11789-X, for the indirect acquisition of various real properties (Madison Center, Pocahontas Center, Rosewood Center, Heritage Center, Brightwood Center, and Sistersville Center).

OTHER

Exemptions were granted on February 6, 2020, to CCGEN Holdings Subholdco LLC for the indirect acquisition of the real properties listed above. The applicant requested a modification to the decisions to reflect the name of the entity applying for the exemption. The applicant submits that when the transaction was contemplated, CCGEN Holdings Subholdco LLC was to be formed, but that decision was reversed and CCGEN Holdings LLC will be the indirect owner of the real property associated with the centers stated above.

PROJECT DETERMINED REVIEWABLE

July 6, 2020 – Thomas Health System, Inc., Thomas Memorial Hospital and THS Physician Partners, Inc., South Charleston, Kanawha County, CON File #20-3-11865-X, for the relocation of an ambulatory health care facility, which discontinued services in April 2019, from 828 Oakwood Road, Charleston to 612 Fifth Street, Saint Albans; capital expenditure: $45,000.

PROJECTS DETERMINED NOT REVIEWABLE

July 6, 2020 – Williamson Health and Wellness Center, Williamson, Mingo County, CON File #20-2-11860-X, for the relocation of a portion of its existing services to a new site, the former Williamson Memorial Hospital; capital expenditure: $1,000,000.

July 8, 2020 – Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #20-1-11856-X, for the provision of wound care services through the use of two hyperbaric chambers; capital expenditure is below the expenditure minimum.

July 8, 2020 – Damous Psychological Services, PLLC, South Charleston, Kanawha County, CON File #20-3-11861-X, for the complete relocation of its office located at 234 Lee Avenue, Nitro to 300 D Street, South Charleston, both in Kanawha County; capital expenditure: $665,000.

July 8, 2020 – West Virginia United Health System, Inc. d/b/a West Virginia University Health System, Morgantown, Monongalia County, CON File #20-3/4/5/6/7/8/9/10-11862-X, for the transfer of the home health and hospice services offered by one WVUHS subsidiary to another WVUHS subsidiary; no capital expenditure.

July 9, 2020 – Stonebrook, Inc., Martinsburg, Berkeley County, CON File #20-9-11868-X, for the complete relocation of its administrative office located at 411 Auburn Street to 200 Lutz Avenue, both in Martinsburg, Berkeley County; capital expenditure: $3,600.

EXEMPTION APPLICATIONS APPROVED

July 6, 2020 - Contemplations Behavioral Health Services, Kenova, Wayne County, CON File #20-2-11855-X, for the development of an intensive outpatient treatment center

for substance abuse, mental health, and co-occurring disorders in Kenova, Wayne County.

July 7, 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.

July 10, 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.

July 10, 2020 - Palmetto Holdings, LLC, Cabin Creek, Kanawha County, CON File #20-2-11880-X, for the acquisition of the real property associated with Pleasant Valley Nursing and Rehabilitation Center, Inc.

RENEWAL GRANTED

July 9, 2020 - Fresenius Medical Care HIMG Dialysis Center, LLC d/b/a FMC River Hills, Waltham, Massachusetts, CON File #18-2-11485-R, for the addition of four dialysis stations to the FMC River Hills dialysis facility located in Huntington, Cabell County; capital expenditure: $491,420.

Renewal granted through July 31, 2021.

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

OTHER

FILED
2020 JUL 16 A 9:34
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

July 16, 2020

NEWS ITEM

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

July 10, 2020 – Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #20-6-11887-P, for the development of an ambulatory health care facility located at 469 Emily Drive, Clarksburg, Harrison County, through the acquisition of assets and lease of real property of MedPointe of Harrison County, PLLC and the employment of Alan R. Romine, D.O. and Michael Montgomery, D.O., at the current location of MedPointe; capital expenditure: $375,000.

July 15, 2020 – Preston Memorial Hospital Corporation, Kingwood, Preston County, CON File #20-6-11888-P, for the development of an ambulatory health care facility at 428 Morgantown Street, Kingwood, Preston County, through the acquisition of assets and lease of real property of Total Family Care, PLLC and employment of Julia E. Ramberg, M.D.; capital expenditure: $225,000.

July 15, 2020 – Pocahontas Memorial Hospital, Buckeye, Pocahontas County, CON File #20-4-11889-H, for a renovation and expansion project at Pocahontas Memorial Hospital; capital expenditure: $9,500,000.

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 **July 15, 2020.**

On or before **August 14, 2020**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.4776/Fax • www.hca.wv.gov

If no public hearing is requested, the file closing date will be **August 19, 2020**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

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

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

7/16/20
Date

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

OTHER