WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVII

Issue 33

August 14, 2020

A Weekly Publication

Administrative Law Division

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CHRONOLOGICAL INDEX, VOLUME XXXVII ISSUE 33			
NO NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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
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TITLE	16	PHYSICAL THERAPY
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TITLE	22	FORESTRY
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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
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TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
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TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
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		8/10/2020				
Agriculture (61-01)	Animal Disease Control Legislative	7/28/2020	8/27/2020						
Agriculture (61-09)	WV Seed Law Legislative	7/28/2020	8/27/2020						
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	7/14/2020	8/13/2020						
Agriculture (61-28)	Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas Legislative				Sunset Extension 7/27/2020				
Agriculture (61-39)	Seed Certification Program Legislative	7/27/2020	8/26/2020						
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		7/24/2020				
Alcohol Beverage Control Comm. (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	6/22/2020	7/23/2020		7/24/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (145-07)	Neighborhood Investment Program Act Procedural	7/22/2020	8/28/2020						
Development Office (145-16)	Tourism Development Districts Legislative	7/20/2020	8/21/2020	7/1/2020 Approved 7/2/2020					
Economic Development Auth. (117-06)	Purchasing Procedure Procedural	6/30/2020	7/30/2020					7/31/2020	8/31/2020
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	8/13/2020				
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		8/13/2020				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	7/22/2020	8/24/2020						
Funeral Service Examiners (6-02)	Crematory Requirements Legislative	7/22/2020	8/24/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Funeral Service Examiners (6-07)	Fee Schedule Legislative	7/21/2020	8/24/2020						
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						
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						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
Hearing Aid Dealers (8-01)	Rule Governing the WV Bd. Of Hearing Aid Dealers Legislative	7/21/2020	8/22/2020						
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	7/29/2020				
Highways (157-05)	Traffic and Safety Rules Legislative	7/28/2020	8/28/2020						
Human Services (78-02)	Child Placing Agencies Licensure Legislative	7/1/2020	7/31/2020						
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 Legislative	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		7/27/2020				
Insurance Comm. (114-25)	Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020				
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	6/18/2020	7/24/2020		7/27/2020				
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020				
Insurance Comm. (114-64)	Mental Health Parity Legislative	6/22/2020	7/24/2020		8/11/2020				
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/22/2020	7/24/2020		8/11/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-03)	Steam Boiler Inspection Legislative	7/16/2020	8/17/2020						
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	7/23/2020	8/24/2020						
Landscape Architects (9-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/23/2020	8/24/2020						
Livestock Care Standards Bd. (73-01)	Livestock Care Standards Legislative	7/21/2020	8/20/2020						
Lottery (179-10)	WV Lottery Interactive Wagering Rule Legislative	6/11/2020	7/11/2020	5/15/2020 Approved 5/18/2020	8/10/2020				
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	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		8/11/2020				
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 (91-13)	Compulsory Motor Vehicle Liability Insurance Legislative	7/29/2020	8/28/2020						
Motor Vehicles (91-25)	Special Purpose Vehicles Legislative	7/1/2020	7/31/2020		8/7/2020				
Municipal Pensions Oversight Bd. (211-02)	Exempt Purchasing Legislative	6/26/2020	7/27/2020		8/7/2020				
Municipal Pensions Oversight Bd. (211-03)	Actuarial Purchasing Exemption Procedural	6/26/2020	7/27/2020					8/6/2020	9/14/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-10)	Purchasing Rule Procedural	7/29/2020	8/28/2020						
Natural Resources (58-15)	Permits to Kill Deer or Other Wildlife Causing Damage to Cultivated Crops, Trees, Commercial Nurseries and Homeowner's Shrubbery, Vegetable Gardens and Other Property Procedural	7/29/2020	8/28/2020						
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020				
Natural Resources (58-46)	Defining the Terms Used in All Hunting and Trapping Legislative	7/29/2020	8/28/2020						
Natural Resources (58-50)	Deer Hunting Rule Legislative	7/29/2020	8/28/2020						
Natural Resources (58-56)	Special Migratory Game Bird Hunting Legislative	7/29/2020	8/28/2020						
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/29/2020	8/28/2020						
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					8/10/2020	10/1/2020
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020		8/10/2020				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	7/28/2020	8/28/2020	7/28/2020 ERD by 9/8/2020					
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	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				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	7/22/2020	8/21/2020						
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 (15-02)	Uniform Controlled Substances Act Legislative	7/22/2020	8/21/2020						
Pharmacy (15-03)	Continuing Education for Licensure of Pharmacists Legislative	7/22/2020	8/21/2020						
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	7/22/2020	8/21/2020						
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	7/22/2020	8/21/2020						
Pharmacy (15-09)	Disciplinary Procedures Procedural	7/22/2020	8/21/2020						
Pharmacy (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020 7/22/2020	6/2/2020 8/21/2020	4/20/2020 Approved 4/20/2020	6/5/2020				
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	7/29/2020	8/28/2020						
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	7/28/2020	8/27/2020						
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/29/2020	8/28/2020						
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/29/2020	8/28/2020						
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in WV Legislative	7/13/2020	8/14/2020						
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Commission (150-09)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers Legislative Exempt	8/4/2020	10/5/2020						
Public Service Commisison (150-39)	Rules Governing Siting Certificates for Solar Exempt Wholesale Generators Legislative Exempt	5/28/2020	6/29/2020					8/4/2020	9/3/2020
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					
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	7/21/2020	8/20/2020						
Rehabilitation Services (198-01)	Ron Yost Personal Assistance Services Act Bd. Legislative	7/24/2020	8/26/2020						
Respiratory Care (30-01)	Criteria for Licensure Legislative	7/20/2020	8/21/2020						
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						
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						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Risk and Insurance Management (115-10)	Procedure for Providing Written Notification of Claims Procedural	7/9/2020	8/8/2020						
Sanitarians (20-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	7/21/2020	8/24/2020						
School Building Authority of WV (164-01)	Policy and Procedures Handbook of the School Building Authority of West Virginia Procedural	8/3/2020	9/3/2020						
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					
Senior Services (76-06)	Shared Table Initiative for Senior Citizens Legislative	7/24/2020	8/24/2020						
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		7/29/2020				
Tax (110-13II)	High-Wage Growth Business Tax Credit Legislative	6/22/2020	7/22/2020		7/29/2020				
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

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Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Administration TITLE-SERIES: 148-01

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

RULE NAME: 148-01 Purchasing

PRIMARY CONTACT

NAME: Department of Administration Purchasing Division

ADDRESS: 2019 Washington Street East

Charleston, WV 25305

EMAIL: purchasing.division@wv.gov

PHONE NUMBER: 304-558-3970

CITE STATUTORY AUTHORITY: 5A-3-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §5A-3-4 requires the Director of the Purchasing Division to propose rules that authorize a spending unit to purchase specified commodities and services directly and prescribe the manner in which such purchases shall be made, and prescribe the manner in which commodities and services shall be purchased, delivered, stored and distribute. W. Va. Code §5A-3-8 requires the Director make available the facilities and services of his or her division to counties, county schools, municipalities, urban mass transportation authorities and requires that actual expenses incurred thereby shall be paid by the local governmental body. Similarly W. Va. Code §5A-3-8a requires that the Director make available the facilities and services of his or her division to fire departments and companies, including volunteer and part-volunteer departments and companies, as well as to emergency medical services agencies and provide, whether by legislative rule proposed pursuant to § 29-3-1 et seq. of this code or other agreement entered into between the director and another governmental body or agency of the state, for the implementation of this section. The amendments to the rule pertain directly to these responsibilities.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/7/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/6/2020

COMMENTS RECEIVED: No

State of West Virginia

DEPARTMENT OF COMMERCE

FILED
2020 AUG 13 P 2:31
OFFICE WEST VIRGINIA SECRETARY OF STATE

August 7, 2020

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

Secretary Warner:

RE: Repeal of Series 21, 28, 32, 37, 39, 54, and 55 of Title 36; and Series 6 of Title 48 of the Code of State Rules

The Board of Coal Mine Health and Safety (hereinafter, the "Board") organized under the West Virginia Department of Commerce has voted to authorize the repeal of **SERIES 21, 28, 32, 37, 39, 54, 55 OF TITLE 36 AND SERIES 6 OF TITLE 48 OF THE CODE OF STATE RULES** pursuant to the regulatory review and reform initiatives established in West Virginia Code §29A-3-20 (2016) and Executive Order No. 3-18. The Board has determined that Series 21, 28, 32, 37, 39, 54, 55 of Title 36 and Series 6 of Title 48 of the Code of State Rules are outmoded, unnecessary and duplicative of the West Virginia Code.

W. Va. 36 CSR 21: Rules and Regulations Governing Instruction of Employees and Supervision of Apprentices; Annual Examination of Persons Using Flame Safety Lamps; Records of Examination; Maintenance of Methane Detectors; effective May 4, 2010; repeal effective September 15, 2020.

W. Va. 36 CSR 28: Rules and Regulations Governing Coal and Rock Outbursts; effective July 1, 1984; repeal effective September 15, 2020.

W. Va. 36 CSR 32: Rules and Regulations Governing Housekeeping Practices in Underground Mines and Surface Areas of Underground Mines; effective July 1, 1984; repeal effective September 15, 2020.

W. Va. 36 CSR 37: Rules and Regulations Governing Rulemaking Procedures for the Board of Coal Mine Health and Safety; effective February 21, 1987; repeal effective September 15, 2020.

W. Va. 36 CSR 39: Rules and Regulations Governing Car Dropping; effective April 11, 1988; repeal effective September 15, 2020.

W. Va. 36 CSR 54: Rules and Regulations Governing Machine Mounted Methane Monitors in Underground Coal Mines; effective November 1, 2013; repeal effective September 15, 2020.

W. Va. 36 CSR 55: Rules and Regulations Governing the Reporting of Failed Substance Abuse Pre-Employment Screenings and Tests and Approval of Rehabilitation Programs by the Board of Appeals; effective July 1, 2013; repeal effective September 15, 2020.

W. Va. 48 CSR 6: Rules and Regulations Governing Certification of Surface Mine Foreman; effective May 4, 2010; repeal effective September 15, 2020.

As the Cabinet Secretary with the authority to grant or withhold consent to this repeal (W. Va. Code § 5F-2-2(a)(13)), I respectfully request that the repeal of these series be effected on **September 15, 2020** pursuant to W. Va. Code R. § 153-1-5.17.

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

Sincerely,

C. Edward Gaunch
Cabinet Secretary

CEG/JMR:tw

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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8/13/2020 4:52:28 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Financial Institutions Division of TITLE-SERIES: 106-21

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

RULE NAME: 106-21 Rule Pertaining to the Fintech Regulatory Sandbox

PRIMARY CONTACT

NAME: Kathy Lawson

ADDRESS: 900 Pennsylvania Avenue
Suite 306
Charleston, WV 25302

EMAIL: klawson@wvdob.org

PHONE NUMBER:

CITE STATUTORY AUTHORITY: 31A-8G-3 and 31A-2-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Rulemaking authority was specifically authorized in the enabling legislation for the Fintech Regulatory Sandbox in HB4621 during the 2020 Legislation Session. Each provision clarifies the application process and provides additional guidance to potential sandbox participants.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/31/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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8/13/2020 12:07:22 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Fire Marshal TITLE-SERIES: 103-06

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

RULE NAME: 103-06 Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners

PRIMARY CONTACT

NAME: Ken Tyree

ADDRESS: 1207 Quarrier Street

Charleston, WV 25031

EMAIL: kenneth.e.tyree@wv.gov

PHONE NUMBER: 304-558-2191

CITE STATUTORY AUTHORITY: 15A-10-2 and 15A-10-5

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rule transfers the jurisdiction over this program to the Fire Marshal, pursuant to SB 586 from the 2020 legislative session. Furhter, it brings the rule into compliance with HB 4803, also passed during the 2020 session.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/22/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2020

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

West Virginia Secretary of State Mac Warner Administrative Law Division

DO NOT MARK IN THIS BOX

FILED
2020 AUG 10 P 2:21
OFFICE WEST VIRGINIA SECRETARY OF STATE

Changes to Social Services Manual

Agency: Department of Health and Human Resources

Bureau: Bureau for Children and Families

Rule: 78 - 5

Change Rule: CAS-ADP-6-2020

Revision to Existing Manual: ☒ Yes ☐ No

Summary of Changes:
Revisions to adoption subsidy, outlining the rate increase.

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

Justin Phillips
Health and Human Resource Specialist, Senior
350 Capitol Street, Room 691
Charleston, WV 25301-3704

West Virginia Secretary of State Mac Warner Administrative Law Division	DO NOT MARK IN THIS BOX FILED 2020 AUG 10 P 2:22 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: CAS-FC-1-2020

Revision to Existing Manual: ☒ Yes ☐ No

Summary of Changes:
Revisions relating to new and amended West Virginia code surrounding foster children, foster parents, kinship/relative caregivers, adjustments to child welfare procedures and practices, and newly added definitions. Please delete the entire Foster Care Policy Chapter dated October 11, 2019 of the Social Service Manual and replace it with this version dated June 2020.

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

Kendra Boley-Rogers
Health and Human Resource Specialist, Senior
350 Capitol Street, Room 691
Charleston, WV 25301-3704

West Virginia Secretary of State Mac Warner Administrative Law Division	DO NOT MARK IN THIS BOX FILED 2020 AUG 10 P 2:22 OFFICE WEST VIRGINIA SECRETARY OF STATE

Changes to Social Services Manual

Agency: Department of Health and Human Resources

Bureau: Bureau for Children and Families

Rule: 78 - 5

Change Rule: CAS-HF-7-2020

Revision to Existing Manual: ☒ Yes ☐ No

Summary of Changes:
Revisions relating to foster care boarding care base rate increase. Please replace the entire Homefinding Policy Chapter dated July 2020 of the Social Service Manual and replace it with this version, dated August 2020.

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

Justin Phillips
Health and Human Resource Specialist, Senior
350 Capitol Street, Room 691
Charleston, WV 25301-3704

West Virginia Secretary of State Mac Warner Administrative Law Division	DO NOT MARK IN THIS BOX 2020 AUG 10 P 2:14

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Bill J. Crouch
Cabinet Secretary

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

Cynthia E. Beane
Commissioner

August 13, 2020

FILED
2020 AUG 13 P 4:12
OFFICE WEST VIRGINIA SECRETARY OF STATE

Changes to Social Services Manual

Agency: Department of Health and Human Resources

Bureau: Bureau for Children and Families

Rule: 78 - 5

Change Rule: CAS-LG-4-2020

Revision to Existing Manual: ☒ Yes ☐ No

Summary of Changes:
Revisions to legal guardianship subsidy outlining the increased rate.

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

Justin Phillips
Health and Human Resource Specialist, Senior
350 Capitol Street, Room 691
Charleston, WV 25301-3704

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

From: Cynthia Beane, MSW, LCSW
Commissioner

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

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

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

The following is an explanation of the above material:

Chapter Number: 519.7
Title: Chiropractic Services

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

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

Signature of Person Receiving Above Material

Date

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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8/11/2020 2:24:37 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Insurance Commission TITLE-SERIES: 114-64

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

RULE NAME: 114-64 Mental Health Parity

PRIMARY CONTACT

NAME: Erin K Hunter

ADDRESS: 900 Pennsylvania Avenue

Charleston, WV 25302

EMAIL: erin.k.hunter@wv.gov

PHONE NUMBER: 304-414-8487

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10, 33-15-4u, 33-16-3ff, 33-24-7u, 33-25-8r, and 33-25A-8u.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W.Va. Code §33-2-10 provides the Insurance Commissioner with general rulemaking authority. Furthermore, W.Va. Code §§33-15-4u, 33-16-3ff, 33-24-7u, 33-25-8r, and 33-25A-8u, which were all enacted or amended during the 2020 Legislative Session in Senate Bill 291, require the Insurance Commissioner adopt legislative rules to be considered by the Legislature during the 2021 Legislative Session to comply with the provisions of Senate Bill 291 (2020) regarding mental health parity, and specifically provide that the rule(s) shall specify the information and analyses that carriers shall provide to the OIC necessary for the OIC to complete the required annual report referred to therein.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/22/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2020

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

WEST VIRGINIA SECRETARY OF STATE

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ADMINISTRATIVE LAW DIVISION

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8/11/2020 2:50:25 PM

Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Insurance Commission TITLE-SERIES: 114-100

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

RULE NAME: 114-100 Health Benefit Plan Network Access and Adequacy

PRIMARY CONTACT

NAME: Erin K Hunter

ADDRESS: 900 Pennsylvania Avenue

Charleston, WV 25302

EMAIL: erin.k.hunter@wv.gov

PHONE NUMBER: 304-414-8487

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10 and 33-53-9

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

During the 2020 Legislative Session, House Bill 4061 was passed enacting the Health Benefit Plan Network Access and Adequacy Act. The legislation requires a health insurer that maintains a network of health care providers for its insureds to ensure that the network is sufficient in numbers and has appropriate types of providers in order for all covered services to be accessible without unreasonable travel or delay. The Insurance Commissioner must determine whether an insurer has a sufficient network and an insurer must file an access plan so that the Insurance Commissioner may evaluate the insurers network. The legislation further requires an insurer to electronically post a current and accurate provider directory, with available search functions, for each of its network plans. The newly enacted W. Va. Code §33-53-9 provides that the commissioner shall propose a rule for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the provisions of this article. The rule is necessary so that the Insurance Commissioner can set forth the terms upon which the insurers network shall be evaluated for sufficiency and establish the requirements for the content and filing of the insurers access plan.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/22/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2020

COMMENTS RECEIVED: Yes

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Lottery Commission TITLE-SERIES: 179-10

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

RULE NAME: 179-10 West Virginia Lottery Interactive Wagering Rule

PRIMARY CONTACT

NAME: June Somerville

ADDRESS: 900 Pennsylvania Avenue

Charleston , WV 25550

EMAIL: jsomerville@wvlottery.com

PHONE NUMBER: 304-558-0500 300

CITE STATUTORY AUTHORITY: 29-22E-4(c);29-22A-1 et seq.; 29A-3-15

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

See above

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/11/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/11/2020

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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8/11/2020 9:26:45 AM

Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Motor Vehicles TITLE-SERIES: 91-04

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

RULE NAME: 91-04 Examination and Issuance of Drivers License

PRIMARY CONTACT

NAME: Adam Holley DMV

ADDRESS: 5707 Maccorkle Avenue Se
PO Box 17300
Charleston, WestVirginia 25317

EMAIL: adam.holley@wv.gov

PHONE NUMBER: 304-926-0784

CITE STATUTORY AUTHORITY: W. Va. Code §§17A-2-9, 17B-2-7, 17B-2-15 and 17E-1-18

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This Rule Applies To The Examination Of Applicants For Drivers License And The Issuance And Renewal Of Drivers License And Identification Cards. The Changes To The Rule Relate To Required Documentation And Naming Convention Updates Required As A Result Of Legislative Changes From The 2020 Session To W. Va. Code § 17-B-2-8 And Other Changes To Address Legislative Changes Since 2015.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/8/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/9/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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8/7/2020 2:10:42 PM
Office of West Virginia
Secretary Of State

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Motor Vehicles TITLE-SERIES: 91-25

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

RULE NAME: 91-25 Special Purpose Vehicles

PRIMARY CONTACT

NAME: Adam Holley DMV

ADDRESS: PO Box 17200
Charleston, WestVirginia 25317

EMAIL: adam.holley@wv.gov

PHONE NUMBER: 304-926-0784

CITE STATUTORY AUTHORITY: W. Va. Code §17A-13-1, W. Va. Code §17A-2-9, W. Va. Code § 17D-2-1 and W. Va. Code § 11-15-3c

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This Rule Provides Guidance For The Regulation Of Street-Legal Special Purpose Vehicles For Road Use. This Is A New Rule Required By The Passage Of Senate Bill 690 In The 2020 General Legislative Session.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/1/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/31/2020

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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8/10/2020 12:54:38 PM
Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Occupational Therapy TITLE-SERIES: 13-09

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

RULE NAME: 13-09 Telehealth Practice; Requirements; Definitions

PRIMARY CONTACT

NAME: Vonda Malnikoff

ADDRESS: 1063 Maple Dr
Suite 4B
Morgantown, WV 26505

EMAIL: vmalnikoff@wvbot.org

PHONE NUMBER: 304-285-3150

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

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Required by passage of HB4003

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/15/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/1/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

STATE OF WEST VIRGINIA
BOARD OF OSTEOPATHIC MEDICINE
405 Capitol Street, Suite 402
Charleston, W.V. 25301

TELEPHONE
304.558.6095
FACSIMILE
304.558.6096
WEB ADDRESS
wvbdosteo.org

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MEMORANDUM

FILED
2020 AUG 13 P 2:22
OFFICE WEST VIRGINIA
SECRETARY OF STATE

DATE: August 10, 2020

TO: Mac Warner
Secretary of State

FROM: Jonathan T. Osborne
Executive Director of the West Virginia Board of Osteopathic Medicine

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

The West Virginia Board of Osteopathic Medicine requests that the rules described below be temporarily suspended, 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. The Board further requests that the subject rules remain suspended until the Board terminates this Notice or the State of Emergency is lifted, whichever occurs first.

The Board originally filed a memorandum on March 26, 2020, suspending certain rules in 24 CSR 1, 24 CSR 2, and 24 CSR 5. The Board subsequently filed a July 30, 2020, memorandum pertaining only to 24 CSR 1. The Board previously filed amendments to 24 CSR 2, which were approved by the Legislature during the 2020 Regular Session. Those amendments recently became effective, which now requires the Board to re-suspend certain provisions of 24 CSR 2. This suspension memorandum applies only to 24 CSR 2. The March 26, 2020, memorandum remains in effect as to 24 CSR 5, and the July 30, 2020, memorandum remains in effect as to 24 CSR 1.

1. In order to maximize the number of healthcare providers available during the State of Emergency, the Board suspends licensure requirements set forth in **24 CSR 2** for the following categories of physician assistants ("PAs"):

   a. PAs who are not currently or formerly licensed in West Virginia and who hold valid, unrestricted medical licensure in another state, district, or territory of the United States and who have no pending complaints, investigations, or disciplinary proceedings; and

   b. PAs who, at one time, possessed a license issued by the Board of Osteopathic Medicine but are now retired or in inactive status with no pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings.

Suspension of these requirements will allow the Board to grant emergency temporary permits for the duration of the State of Emergency to PAs satisfying one of the two categories. PAs seeking emergency temporary permits will be required to file an application with the Board. The Board will continue to waive fees set forth in 24 CSR 5 for PAs who are granted an emergency temporary permit to practice in West Virginia during the State of Emergency. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

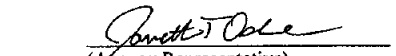
2. Pursuant to **W. Va. CSR § 24-2-17**, PAs are required to biennially furnish proof of completion of Continuing Medical Education requirements prior to renewing their licenses. In order to relieve PAs responding to the COVID-19 emergency, the Board temporarily extends the applicable deadline for submitting proof of CME hours for a period of up to six (6) months. PAs may apply CME hours obtained after the applicable deadline to the current reporting period. However, in no event may CME hours be applied to more than one reporting period. PAs shall still be required to comply with all other renewal requirements by the applicable deadline, including filing an application and paying applicable fees. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

3. In recognition of the potentially fluid and dynamic nature of providing medical care during the COVID-19 emergency, the Board temporarily suspends its formal procedures for creating or amending practice agreements and practice notifications. During the State of Emergency, PAs and hospital representatives must notify the Board via email when a PA enters into new agreements or notifications or when a PA adds or changes collaborating physicians. This temporary measure affects the provisions of **W. Va. CSR § 24-2-11** and **W. Va. CSR § 24-2-14**. The Board's temporary suspension of the fees associated with practice agreements and practice notifications set forth in the aforementioned provisions and 24 CSR 5 remains in effect. The Board also temporarily suspends the regulations that limit collaborating physicians to practice agreements with only five PAs at one time as set forth in **W. Va. CSR § 24-2-13 and 14**.

The scope of practice and prevailing standard of care applicable to PAs remain unchanged. These measures will remain in effect until terminated by the Board or the State of Emergency is

LEGISLATIVE

lifted, whichever occurs first. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.



(Agency Representative)

Public Service Commission
Jessica M. Lane, General Counsel

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0450
Fax: 304-340-3758
E-mail: jlane@psc.state.wv.us

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August 11, 2020

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2020 AUG 11 P 4:30
OFFICE WEST VIRGINIA
SECRETARY OF STATE

West Virginia Secretary of State
Attn: Maureen Lewis, Director
Office of the Secretary of State
State Capitol Building
Charleston, WV 25305

Re: Repeal of Rules

Dear Ms. Lewis;

By this letter, the Public Service Commission of West Virginia repeals, effective today, three rule series pursuant to Rule 5.17 of the Electronic Filing and Formatting of Rules, 153 C.S.R. 1 (Rule 5.17[1]):

1. Rules and Regulations for the Government of Intrastate Rail Transportation, 150 C.S.R. 12,

This series sets forth standards and procedures for regulation of railroad rates, classifications, rules and practices in conformity with the Interstate Commerce Act. It was first promulgated on October 18, 1981, and was subsequently modified on August 27, 1990, March 5, 1990 and July 16, 1985. The series should be repealed because state economic regulation of railroads was preempted by the federal Interstate Commerce Commission Termination Act of 1995, 49 U.S.C.S. § 10101 *et seq.* which repealed the Interstate Commerce Act.

2. Rules and Regulations for Carrier Access to the Lines and Facilities of Other Carriers, 150 C.S.R. 18

This series sets forth procedures and requirements and the terms of compensation for a carrier to obtain access to the lines and facilities of a rail carrier located in the State

[1] "When repealing a legislative-exempt, procedural or interpretive rule, a letter signed by the agency head will be filed. The letter will indicate the name of the agency, the title and service number of the rule, the name of the rule, the effective date of the rule and the date the repeal will be effective."

of West Virginia pursuant to the legislative mandate in W.Va. Code §24-3-3b. The series was first promulgated on December 12, 1987 and has not been modified. The series should be repealed because the Legislature repealed the enabling statute in 2014.

3. Rules and Regulations for Shipper Access to the Lines and Facilities of Rail Carriers, 150 C.S.R. 19

This series sets forth procedures and requirements and the terms of compensation for a shipper to obtain access to the lines and facilities of a rail carrier located in the State of West Virginia pursuant to the legislative mandate in W.Va. Code §24-3-3b. The series was first promulgated on December 12, 1987 and has not been modified. The series should be repealed because the Legislature repealed the enabling statute in 2014.

The Commission and its rules are Legislative exempt (W.Va. Code §§ 24-2-7, 29A-1-2(d), and 29A-1-3(b)), and, therefore, repeal of these rule series by letter is authorized by Rule 5.17.

Pursuant to W.Va. Code § 29A-1-2(d), a Legislative exempt rule "means every rule promulgated by an agency or relating to a subject matter that is exempt from the rulemaking provisions of article three [§§ 29A-3-1 et. seq.] of this chapter, under section three[§29A-1-3], article one of this chapter or any other section of this code."

On August 11, 2020, the Commission issued General Orders 208.08, 237.01, and 238.01 repealing these rule series.

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

Sincerely,

Jessica M. Lane
General Counsel

cc: Charlotte R. Lane, Chairman
Brooks F. McCabe, Jr., Commissioner
Renee A. Larrick, Commissioner

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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8/10/2020 12:44 PM
Office of West Virginia
Secretary Of State

PROCEDURAL

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

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

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

October 1, 2020

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

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
19-THP-02091	**Insurance Commission**	Travelers Property & Casualty Company of America	7/31/2020
19-THP-02088	**Insurance Commission**	National Union Fire Insurance Company of Pittsburgh, PA	7/29/2020
20-HAP-02001	**Insurance Commission**	Health Plan Group	6/29/2020
[illegible]	**Medicine, West Virginia Board Of**	Arthur David Barnes, MD	7/29/2020
[illegible]	**Medicine, West Virginia Board Of**	Mark Roncalli Lodico, MD	7/29/2020
[illegible]	**Medicine, West Virginia Board Of**	Porfirio R. Pascasio, Sr., MD	7/30/2020
[illegible]	**Medicine, West Virginia Board Of**	Emmanuel Olusola Soyoola, MD	7/29/2020
19-[illegible]-W	**Medicine, West Virginia Board Of**	Todd Mark Hoffman, MD	7/29/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 59-20

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"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

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

WHEREAS, Executive Orders 4-20, 7-20, 10-20, 11-20, 12-20, 17-20, 23-20, 26-20, 31-20, 46-20, 54-20, and 57-20 suspended certain provisions and sections of statute that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, there has been an additional statutory regulation identified by the West Virginia Department of Education that is preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulation is to be suspended for the duration of the State of Emergency: In the discretion of the West Virginia Department of Education which may issue additional guidance from time to time, solely with respect to teachers and service personnel of West Virginia's schools in order to maintain the pay schedule and periods currently anticipated, the requirement that no salary may be paid to an employee before such employee's services have been rendered (W. Va. Code § 12-3-13).

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 Seventh day of August, 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. 60-20

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, Executive Order 52-20 prohibited the consumption of food or drink at bars in Monongalia County, and limited the occupancy by the general public at bars in Monongalia County for purposes other than picking up food and/or drink from such establishments to be taken away, for a period of ten days, and Executive Orders 55-20 and 58-20 extended the prohibition and limitation for additional periods; and

WHEREAS, West Virginia's public health experts have advised that, due to the current number and demographics of positive cases of COVID-19 in Monongalia County, it is appropriate at this time to extend the time period for the prohibitions and limitations of Executive Orders 52-20, 55-20, and 58-20 on bars in Monongalia County for an additional seven days and to maintain the expanded available seating in bar areas of restaurants, hotels, and similar facilities in Monongalia County; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, effective immediately, 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 and seats at bar tops within "bar areas" of restaurants, hotels, and other similar facilities may be used for general seating for dining, subject to the same limitations as are in place for restaurants, including without limitation the requirement to maintain adequate social distancing.
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 the provisions of Executive Order 58-20 are superseded by the provisions of this Order, which Order shall remain in effect until 12:01 AM, Eastern Standard Time, on the Twentieth day of August, Two Thousand Twenty, unless rescinded, amended, or extended by subsequent executive order prior to such time and date.

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 Twelfth day of August, 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. 61-20

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

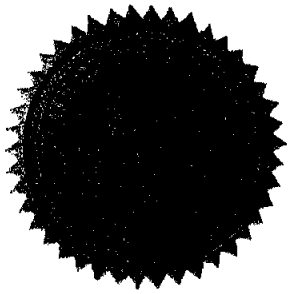
WHEREAS, Executive Order 28-20 and Executive Order 30-20 allowed for the resumption of all medical procedures throughout the state while requiring that hospitals and ambulatory surgical centers around the state limit procedures to only more urgent procedures to ensure adequate response capacity and preserve 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 of cases in the nursing homes of this State, it is appropriate at this time to prohibit visitation by the general public, except in cases of compassionate care due to end of life or deteriorating physical and/or mental health, in all nursing homes regulated by the Office of Health Facility Licensure and Certification under the West Virginia Department of Health and Human Resources; 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 Thirteenth day of August, Two Thousand Twenty, that visitation by the general public, except in cases of compassionate care due to end of life or deteriorating physical and/or mental health, shall be prohibited in all nursing homes regulated by the Office of Health Facility Licensure and Certification under the West Virginia Department of Health and Human Resources.

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 Twelfth day of August, 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

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

FILED
2020 AUG 10 A 9:36
OTHER

August 10, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **August 7, 2020**.

APPLICATIONS FOR EXEMPTION RECEIVED

August 3, 2020 – Crittenton Services, Inc., Wheeling, Ohio County, CON File #20-10-11897-X, for the purchase and movement of the Wellspring Family Services office in New Martinsville, West Virginia.

August 3, 2020 – Recovery Point West Virginia Behavioral Health, Inc., Huntington, Cabell County, CON File #20-2-11898-X, for the development of a second outpatient behavioral health center to be located at 1040 Adams Avenue, Huntington.

August 3, 2020 – Valley Health Systems, Inc., Huntington, Cabell County, CON File #20-3-11899-X, for the addition of a new site, which is an existing practice in Charleston, Kanawha County.

APPLICATION DECLARED COMPLETE AND UNDER REVIEW

An application 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.

EXPEDITED APPLICATION

July 31, 2020 - Elder Aide Services d/b/a Right at Home, Charleston, Kanawha County, CON File #20-2-11894-PC, for the provision of personal care services in Cabell County; capital expenditure: $5,000.

The review cycle for the above-referenced project is as follows:

July 31, 2020 – Review cycle begins;

August 31, 2020 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

September 4, 2020 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

September 29, 2020 – Decision on the project will be issued by the Authority.

ORDER TO WITHDRAW CERTIFICATE OF NEED

August 5, 2020 - Jefferson Medical Center, Ranson, Jefferson County, CON File #15-9-10410-BH, for the development of outpatient treatment services for substance abuse and mental illness for children and adults to include: Outpatient Treatment, Individual, Family and Group Therapy, Behavioral Health & Psychiatric Patient Assessments, Medication Management, Medication-assisted Treatment, and Drug & Alcohol Screening; capital expenditure: $85,000.

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.

August 5, 2020 - LTACH Morgantown, LLC, Charlotte, North Carolina, CON File #19-6-11601-H, for the development of a twenty-five bed Long Term Acute Care Hospital within Monongalia County General Hospital Company in Morgantown, Monongalia County; capital expenditure: $1,803,774.

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

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

West Virginia Board of Occupational Therapy
1063 Maple Dr.
Suite 4B
Morgantown, WV 26505
304-285-3150
www.wvbot.org

August 10, 2020

The Honorable Jim Justice
Governor of West Virginia
State Capitol, 1900 Kanawha Blvd. E
Charleston, WV 25305

In accordance with West Virginia Code §30-1-12, the West Virginia Board of Occupational Therapy presents herein our agency's Annual Report for Fiscal Year's 2019 / 2020.

This report includes a statement of our receipts and disbursements for each year, a list of newly licensed occupational therapists and occupational therapy assistants, a table showing number of licensees by county / state of residence, a summary of complaints filed and investigated by the Board, and copies of agendas and minutes for that time period.

Respectfully yours,

Kathy J. Quesenberry, MSM, OTR/L
WVBOT Chairperson

Martin Douglas, MS, OTR/L
WVBOT Secretary/Treasurer