WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVII

Issue 48

November 25, 2020

A Weekly Publication

Administrative 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:

Dentistry

DEP

Health

Health and Human Resources

Bureau for Public Health

Health Care Authority

Higher Education Policy Commission

Insurance Commission

Osteopathic Medicine

Speech-Language Pathology

Tax

WV Children's Health Insurance Program (WVCHIPS)

CHRONOLOGICAL INDEX, VOLUME XXXVII ISSUE 48

NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Higher Education Policy Commission (133-64)	Administrative Exemption Legislative	§18B-1-6	Written Comments Only December 21, 2020, 5:00 pm Chancellor Sarah Tucker 1018 Kanawha Blvd. E, Ste. 700 Charleston, WV 25301 chancellors.office@wvhepc.edu

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		8/10/2020				
Agriculture (61-01)	Animal Disease Control Legislative	7/28/2020	8/27/2020		8/27/2020				
Agriculture (61-09)	WV Seed Law Legislative	7/28/2020	8/27/2020		8/27/2020				
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	7/14/2020	8/13/2020		8/17/2020				
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		8/26/2020				
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rule Legislative	8/21/2020	9/20/2020		9/21/2020				
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-44)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	6/24/2020	7/28/2020		8/26/2020	Modified & Approved 9/25/2020 Filed 9/28/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/18/2020	7/20/2020		7/24/2020	Modified & Approved 11/17/2020 Filed 11/18/2020			
Alcohol Beverage Control Comm. (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	6/22/2020	7/23/2020		7/24/2020	Modified & Approved 11/17/2020 Filed 11/18/2020			
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/13/2020	8/13/2020		8/17/2020	Modified & Approved 11/16/2020 Filed 11/19/2020			
Coal Mine Health & Safety (36-04)	The Movement of Mining Equipment Within Coal Mines in the State of WV Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-10)	Roof Control Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-12)	Electrical Provisions for Underground Mining Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-13)	Regulatory Review Procedures Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-18)	The Responsibility for Care and Maintenance of Equipment Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-19)	Written Reports of Accidents Legislative Exempt	10/13/2020	11/16/2020						
Coal Mine Health & Safety (36-20)	Independent Contractors Legislative Exempt	10/13/2020	11/16/2020						
Coal Mine Health & Safety (36-22)	The Prohibition of Acts Endangering Security of Mines; Search for Intoxicants, Matches, Etc. Legislative Exempt	10/13/2020	11/16/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health & Safety (36-24)	The Record Keeping of all Certified Persons Employed in all Mines Throughout the State of WV Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-27)	Surface Areas on Mine Property and Limitations on Mining Adjacent to Gas Facilities Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-41)	Additional Requirements for Sheathed Explosive Units Legislative Exempt	10/13/2020	11/16/2020						
Coal Mine Health & Safety (36-57)	Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/1/2020	11/16/2020						
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	8/25/2020	Modified & Approved 11/17/2020			
Education (126-026)	Participation in Extracurricular Activities (2436.10) Legislative Exempt	9/9/2020	10/13/2020					11/12/2020	12/14/2020
Education (126-081)	Attendance (Policy 4110) Legislative Exempt	10/15/2020	11/16/2020						
Education (126-114)	Approval of Educator Preparation Programs (Policy 5100) Legislative Exempt	10/15/2020	11/16/2020						
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (Policy 5202) Legislative Exempt	10/15/2020	11/16/2020						
Education (126-142)	Performance Evaluation of Professional Personnel and Athletic Coaches (Policy 5310) Legislative Exempt	10/15/2020	11/16/2020						
Environmental Protection – Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	7/2/2020	8/11/2020		8/25/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 11/17/2020			
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		8/24/2020	Approved 11/16/2020			
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	Approved 11/16/2020			
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	7/22/2020	8/24/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 11/18/2020			
Funeral Service Examiners (6-02)	Crematory Requirements Legislative	7/22/2020	8/24/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/18/2020			
Funeral Service Examiners (6-07)	Fee Schedule Legislative	7/21/2020	8/24/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/18/2020			
Health (64-11)	Behavioral Health Centers Licensure Legislative	7/1/2020	7/31/2020		8/25/2020				
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020		8/21/2020				
Health (64-13)	Nursing Home Licensure Legislative	7/1/2020	7/31/2020		8/25/2020				
Health (64-45)	Lead Abatement Licensing Legislative	7/2/2020	8/3/2020		8/21/2020	Modified & Approved 11/17/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-48)	Emergency Medical Services	9/4/2020	10/5/2020	9/4/2020 Approved 9/30/2020 Amendment 10/1/2020 Approved 10/1/2020	11/20/2020				
Health (64-59)	Client Rights at State-Operated Mental Health Facilities Legislative	7/1/2020	7/31/2020		8/26/2020				
Health (64-60)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	7/1/2020	7/31/2020		8/21/2020				
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	8/28/2020				
Health (64-115)	Diabetes Self-Management Education Legislative	7/2/2020	8/3/2020		8/26/2020	Modified & Approved 11/17/2020 Filed 11/20/2020			
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	7/1/2020	7/31/2020		8/21/2020	Modified & Approved 11/17/2020 Filed 11/20/2020			
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				
Health and Human Resources (69-16)	Purchasing Procedures Procedural	10/27/2020	11/30/2020						
Health Care Authority (65-29)	Exemption from Certificate of Need Legislative	8/24/2020	9/23/2020		9/28/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Hearing Aid Dealers (8-01)	Rule Governing the WV Bd. Of Hearing Aid Dealers Legislative	7/21/2020	8/22/2020		8/28/2020	Modified & Approved 11/16/2020			
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				
Higher Education Policy Comm. (133-64)	Administrative Exemption Legislative	11/20/2020	12/21/2020						
Highways (157-01)	Rules Relating Generally to Various Functions of the Commissioner of Highways Procedural	11/17/2020	12/18/2020						
Highways (157-05)	Traffic and Safety Rules Legislative	7/28/2020	8/28/2020		8/28/2020	Approved 11/17/2020			
Human Services (78-02)	Child Placing Agencies Licensure Legislative	7/1/2020	7/31/2020		8/25/2020				
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		8/25/2020				
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	7/1/2020	7/31/2020		8/26/2020				
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	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-25)	Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Approved 9/25/2020			
Insurance Comm. (114-64)	Mental Health Parity Legislative	6/22/2020	7/24/2020		8/11/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/22/2020	7/24/2020		8/11/2020	Modified & Approved 11/16/2020 Filed 11/17/2020			
Labor (42-03)	Steam Boiler Inspection Legislative	7/16/2020	8/17/2020		8/24/2020				
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	7/23/2020	8/24/2020		8/27/2020	Modified & Approved 11/16/2020			
Landscape Architects (9-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/23/2020	8/24/2020		8/26/2020	Modified & Approved 11/16/2020			
Livestock Care Standards Bd. (73-01)	Livestock Care Standards Legislative	7/21/2020	8/20/2020		8/21/2020				
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	Approved 11/16/2020			
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		8/19/2020	Approved 11/17/2020			
Motor Vehicles (91-04)	Examination and Issuance of Driver's License Legislative	7/8/2020	8/9/2020		8/11/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		8/19/2020	Approved 9/25/2020			
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Motor Vehicles (91-25)	Special Purpose Vehicles Legislative	7/1/2020	7/31/2020		8/7/2020	Modified & Approved 11/16/2020 Filed 11/17/2020			
Municipal Pensions Oversight Bd. (211-02)	Exempt Purchasing Legislative	6/26/2020	7/27/2020		8/7/2020	Modified & Approved 11/17/2020 Filed 11/17/2020			
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020	Approved 9/25/2020			
Natural Resources (58-46)	Defining the Terms Used in All Hunting and Trapping Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Natural Resources (58-50)	Deer Hunting Rule Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Natural Resources (58-56)	Special Migratory Game Bird Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020		8/10/2020	Approved 11/16/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	7/28/2020	8/28/2020	7/28/2020 Effective 9/8/2020	8/28/2020	Modified & Approved 11/16/2020 Filed 11/23/2020			
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	Modified & Approved 11/16/2020 Filed 11/23/2020			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	4/30/2020	5/31/2020	4/30/2020 Approved 4/30/2020 Amendment 8/26/2020 Effective 10/7/2020	6/5/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	7/22/2020	8/21/2020		8/26/2020	Approved 11/16/2020			
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		8/26/2020	Modified & Approved 11/16/2020			
Pharmacy (15-03)	Continuing Education for Licensure of Pharmacists Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020			
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020			
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020			
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 9/4/2020	Modified & Approved 11/16/2020			
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	9/17/2020	10/19/2020		10/19/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	7/28/2020	8/27/2020		8/28/2020				
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	9/17/2020	10/19/2020		10/19/2020				
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/29/2020	8/28/2020		8/28/2020				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in WV Legislative	7/13/2020	8/14/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/19/2020			
Protective Services (99-06)	Purchasing Policy Procedural	9/2/2020	10/2/2020						
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020						
Public Service Commission (150-05)	Rules for the Government of Sewer Utilities Legislative Exempt	11/10/2020	1/11/2021						
Public Service Commission (150-07)	Rules for the Government of Water Utilities Legislative Exempt	11/10/2020	1/11/2021						
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 Commission (150-16)	Rules Governing the Transportation of Natural Gas Legislative Exempt	10/7/2020	11/16/2020						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020		8/21/2020				
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020		8/17/2020				
Racing Commission (178-10)	Advance Deposit Account Wagering (ADW) Legislative	7/1/2020	7/31/2020	7/1/2020 Approved 7/1/2020	8/17/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		8/24/2020				
Rehabilitation Services (198-01)	Ron Yost Personal Assistance Services Act Bd. Legislative	7/24/2020	8/26/2020		8/26/2020				
Respiratory Care (30-01)	Criteria for Licensure Legislative	7/20/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 11/17/2020			
Risk and Insurance Management (115-01)	Mine Subsidence Insurance Legislative	7/9/2020	8/8/2020		8/18/2020	Approved 11/17/2020			
Risk and Insurance Management (115-02)	Public Entities Insurance Program Legislative	7/9/2020	8/8/2020		8/18/2020	Modified & Approved 11/17/2020			
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		8/18/2020	Approved 11/17/2020			
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	Modified & Approved 11/17/2020			
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	Modified & Approved 11/17/2020			
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		8/25/2020	Modified & Approved 11/17/2020			
State Emergency Response Comm. (55-01)	Emergency Planning and Community Right to Know Legislative	7/13/2020	8/12/2020		8/28/2020	Approved 11/16/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
State Emergency Response Comm. (55-02)	Emergency Planning Grant Program Legislative	7/13/2020	8/12/2020		8/28/2020	Approved 11/16/2020			
Tax (110-13FF)	Tax Credit for Providing Vehicles to Low-Income Workers Legislative	6/22/2020	7/22/2020		8/17/2020	Modified & Approved 9/25/2020 Filed 10/5/2020			
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	Modified & Approved 9/25/2020 Filed 10/5/2020			
Tourism (144-03)	Purchasing Procedures Procedural	8/31/2020	9/30/2020						
Treasurer (112-17)	Exempt Purchasing Procedural	8/31/2020	9/30/2020					10/16/2020	12/1/2020
Waste Mgmt., Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	7/8/2020	8/11/2020		8/25/2020	Approved 9/25/2020			
Water Resources Division of Water and Waste Management (47-02)	Requirements Governing Water Quality Standards Legislative	3/31/2020	5/19/2020		8/17/2020				
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						

THE ABOVE RULE EXPIRED 10/20/2020

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

FILED LEGISLATIVE
2020 NOV 20 P 3:51
OFFICE WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

DATE: November 20, 2020

TO: Mac Warner
Secretary of State

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

RE: **Child Care Centers Legislative Rule**
W. Va. CSR § 64-21

The Bureau for Public Health of the Department of Health and Human Resources requests that W. Va. C.S.R. §64-21, *Child Care Centers*, be temporarily suspended, in part, effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020.

W. Va. C.S.R. §64-21 establishes and sets forth the environmental health requirements for the construction and operation of child care centers in West Virginia. Strict compliance with the following provision will hinder and delay necessary action in coping with the emergency declared by the Governor:

W. Va. C.S.R. §64-21.4.1 establishes the requirement for inspections by the health officer of the local health department or the Bureau for Public Health every six months. Regular inspections will be temporarily suspended during the State of Emergency. Inspections will continue to be made in response to complaints or imminent public health hazards.

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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/20/2020 2:33:10 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: Health TITLE-SERIES: 64-48

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

RULE NAME: 64-48 Emergency Medical Services

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

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

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:

16-1-4, 16-4C-6, 16-4C-14, and 16-4C-23

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: 9/4/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 10/5/2020

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

FILED LEGISLATIVE
2020 NOV 20 P 3:52
OFFICE WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

DATE: November 20, 2020

TO: Mac Warner
Secretary of State

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

RE: **Body Piercing Studio Business Legislative Rule**
W. Va. CSR § 64-80

The Bureau for Public Health of the Department of Health and Human Resources requests that W. Va. C.S.R. §64-80, the legislative rule regarding *Body Piercing Studio Business*, be temporarily suspended, in part, effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020.

W. Va. C.S.R. §64-80 establishes and sets forth the requirements for the operation of body piercing studio businesses in West Virginia. Strict compliance with the following provision will hinder and delay necessary action in coping with the emergency declared by the Governor:

W. Va. C.S.R. §64-80.3.1.b. establishes the requirement for review of applications submitted for the construction or remodeling of a body piercing studio business within 45 days. The time for review of applications will be enlarged from 45 days to 60 days during the State of Emergency.

W. Va. C.S.R. §64-80.4.2. establishes and sets forth the requirement for on-site inspections of body piercing studio businesses once every year. Regular inspections will be temporarily suspended during the State of Emergency. Inspections in response to complaints or imminent health hazards will *not* be suspended.

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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/20/2020 12:09:26 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health

RULE TYPE: Legislative TITLE-SERIES: 64-115

RULE NAME: Diabetes Self-Management Education

CITE AUTHORITY: 33-53-1(k)

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/20/2020 12:05:03 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health And Human Resources

RULE TYPE: Legislative TITLE-SERIES: 69-10

RULE NAME: West Virginia Clearance for Access: Registry and Employment Screening

CITE AUTHORITY: 16-49-9

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/20/2020 12:07:38 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-64

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

RULE NAME: Administrative Exemption

CITE STATUTORY AUTHORITY: 18B-1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/21/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Chancellor Sarah Tucker

ADDRESS: 1018 Kanawha Blvd., East, Suite 700

1018 Kanawha Blvd., East, Suite 700

EMAIL: chancellors.office@wvhepc.edu

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
11/23/2020 3:12:01 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Osteopathic Medicine

RULE TYPE: Legislative TITLE-SERIES: 24-09

RULE NAME: EMERGENCY TEMPORARY PERMITS TO PRACTICE DURING STATES OF EMERGENCY OR STATES OF PREPAREDNESS

CITE AUTHORITY: W. Va. Code § 30-14-14 and W. Va. Code § 30-3E-3

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/23/2020 3:34:57 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Osteopathic Medicine

RULE TYPE: Legislative TITLE-SERIES: 24-01

RULE NAME: LICENSING PROCEDURES FOR OSTEOPATHIC PHYSICIANS

CITE AUTHORITY: W. Va. Code §30-14-14 and §30-1D-1(d)

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
[redacted]	Insurance Commission	Zelene Gomez	11/19/2020
[redacted]	Insurance Commission	Serg Panfilov	11/19/2020
[redacted]	Insurance Commission	Amanda Nicole Ruppel	11/19/2020
[redacted]	Insurance Commission	Jonathan Brian Cozens	11/19/2020

Members

Samuel V. Veltri, DDS
President

Mary Beth Shea, RDH
Secretary

John E. Bogers, II, DDS

Stan W. Kaczkowski, DDS

Lewis D. Gilbert, DDS

David G. Edwards, DDS

William A. Klenk, DDS

Mrs. Beverly L. Stevens, COMSA

Mr. William E. Ford, III

WEST VIRGINIA BOARD OF DENTISTRY
1319 Robert C. Byrd Drive
PO Box 1447
Crab Orchard, WV 25827-1447
(304) 252-8266
FAX (304) 253-9454
Toll Free (877) 914-8266
www.wvdentalboard.org
wvbde@suddenlinkmail.com

FILED
2020 NOV 23 P 1:53
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Staff

Susan M. Combs
Executive Director

Christina M. Lesko
Administrative Assistant

OTHER

November 18, 2020

Secretary of State's Office
Ms. Maureen Lewis, Manager
Administrative Law Division
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

RE: Required Annual Report

Dear Ms. Lewis:

Attached is the Annual Report for Fiscal Years 2019 & 2020 for the WV Board of Dentistry. This report is due by December 31, 2020 to the Governor and Secretary of State. The report has been submitted to the Governor's Office and the Legislative Webmaster for posting to the Legislative webpage. Should you need anything further please let me know.

Sincerely,

SUSAN M. COMBS
Executive Director

Enclosure

FILED
2020 NOV 23 A 11:41
OFFICE WEST VIRGINIA
SECRETARY OF STATE

dep

west virginia department of environmental protection

Division of Land Restoration
601 57th Street SE
Charleston, WV 25304

Austin Caperton, Cabinet Secretary
dep.wv.gov

2020 Hazardous Waste Emergency Response Fee Assessment
Introduction

The West Virginia Department of Environmental Protection is authorized by Article 19, Chapter 22 of the West Virginia Code to annually assess fees on all generators, as defined in 33 CSR 26. Generators, whose fees do not exceed $5.00 will not be sent an invoice. All monies collected from generators are deposited in a special fund designated the "Hazardous Waste Emergency Response Fund," which is utilized to; respond to hazardous waste emergencies, perform Non Time Critical (NTC) response activities, at and in regards to, hazardous waste/Hazardous substance sites, and match federal financial assistance for restoring hazardous waste sites.

In accordance with the law, fees vary annually to a level necessary to produce a fund of at least $1,000,000 at the beginning of each calendar year, with the maximum revenue per year limited to $500,000. If the balance of the fund in any year is in excess of $1,500,000, no fee is assessed until the balance at the end of any year is less than $1,000,000.

The Hazardous Waste Emergency Response Fund Procedural Rule Concerning Fee Assessment (State Rule 33 CSR 26) established fee assessment procedures and data upon which such assessments are based. Fee assessment categories, which have been established by the enabling act, include the following:

Assessment Category	Base Fee Rate
Hazardous waste treated or disposed off-site	100%
Hazardous waste treated or disposed on-site	90%
Hazardous waste treated off-site to be rendered non-hazardous	75%
Hazardous waste treated on-site to be rendered non-hazardous	25%

The following provides clarification as to how the rate per ton is determined:

w = the amount of hazardous waste generated in West Virginia that was treated or disposed off-site (remaining hazardous)

x = the amount of hazardous waste generated in West Virginia that was treated or disposed on-site (remaining hazardous)

y = the amount of hazardous waste generated in West Virginia that was treated off-site so as to render it non-hazardous

z = the amount of hazardous waste generated in West Virginia that was treated on-site so as to render it non-hazardous

$$\text{Rate} = \frac{\text{Revenues from total fees assessed (\$500,000)}}{w + x(0.90) + y(0.75) + z(0.25)}$$

Promoting a healthy environment.

west virginia department of environmental protection

Division of Land Restoration
601 57th Street SE
Charleston, WV 25304

Austin Caperton, Cabinet Secretary
dep.wv.gov

2020 Hazardous Waste Emergency Response Fee Assessment
Base Rate Calculation and Fee Schedule

Based on information collected from Hazardous Waste Emergency Response Fund Fee Assessment Reports for waste generated during the 2019 calendar year, the 2020 base fee rate has been set at $16.15/ton.

This rate was calculated as follows:

$$\text{Rate} = \frac{\$500{,}000}{15735.74 + 139.27(0.90) + 16906.96(0.75) + 9670.30(0.25)}$$

The following Fee Schedule has been established:

Fee Assessment Category	Base Fee Rate ($/ton)	Total Generated (tons)
Hazardous waste treated or disposed off-site	$16.15	*15735.74*
Hazardous waste treated or disposed on-site	$15.54	*139.27*
Hazardous waste treated off-site to be rendered non-hazardous	$12.11	*16906.96*
Hazardous waste treated on-site to be rendered non-hazardous	$4.04	*9670.30*

The West Virginia Department of Environmental Protection will provide a copy of this fee schedule to each generator within fifteen (15) days of publication in the State Register, and invoices will be included for each generator upon whom a fee is assessed. All payments are due within 168 days of publication in the State Register.

Promoting a healthy environment.

OTHER

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

FILED
2020 NOV 23 A 9:42
OFFICE WEST VIRGINIA
SECRETARY OF STATE

November 23, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **November 20, 2020**.

CERTIFICATE OF NEED APPLICATION RECEIVED

November 16, 2020 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #20-6-11984-H, for the addition of 32 beds at Fairmont Medical Center in Fairmont, Marion County; capital expenditure: $4,815,000.

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

November 16, 2020 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #20-6-11984-H, for the addition of 32 beds at Fairmont Medical Center in Fairmont, Marion County; capital expenditure: $4,815,000.

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

November 16, 2020 – Review cycle begins;

December 16, 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;

December 21, 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;

January 15, 2021 – Decision on the project will be issued by the Authority.

RENEWAL GRANTED

November 16, 2020 - RSCR West Virginia, Inc., Louisville, KY, CON File #18-7-

11445-BH, for the development of a four-bed intermediate care facility for individuals with intellectual disabilities (ICF/IID) in Barbour County serving adults; capital expenditure: $45,000.

Renewal granted through December 15, 2020.

NOTICES OF SUBSTANTIAL COMPLIANCE

The following projects have been implemented in substantial compliance with the decisions issued in these matters and the case files are now closed.

November 16, 2020 - Personal Touch Home Care of W. Va. Inc., Hurricane, Putnam County, CON File #18-2-11421-Z, for the provision of home health care services in Cabell and Wayne counties; capital expenditure: $0.

November 16, 2020 - NUSkool Scholars, LLC, Beaver, Raleigh County, CON File #19-1/3/4-11693-BH, for the provision of services to individuals with intellectual and developmental disabilities in Fayette, Kanawha, McDowell, Mercer, Raleigh, Summers and Wyoming counties; no capital expenditure.

November 16, 2020 - UPMC Western Maryland Corporation, Cumberland, Maryland, CON File #20-8-11806-P, for the reopening of the Hunt Club Medical Clinic Facility as an ambulatory care center located at 45 Hunt Club Drive, Ridgeley, Mineral County, West Virginia; capital expenditure: $7,800.

November 18, 2020 - Reynolds Memorial Hospital, Glen Dale, Marshall County, CON File #19-10-11730-H, for the development of a 24-bed inpatient psychiatric unit; capital expenditure: $5,302,691.

NOTICE OF SUBSTANTIAL COMPLIANCE AND DECISION ON SUBSTANTIAL CHANGE

November 16, 2020 - Reynolds Memorial Hospital, Glen Dale, Marshall County, CON File #19-10-11720-P, for the development of two ambulatory health care facilities in Marshall County; capital expenditure: $534,313.

The Authority determines that the increase in the project cost does not constitute a substantial change as defined in W.Va. C.S. R. § 65-32-14.1.h.

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

OTHER

West Virginia Children's Health Insurance Program
350 Capitol Street
Room 251
Charleston, WV 25301
304-558-2732 voice / 304-558-2741 fax
Helpline 877-982-2447
www.chip.wv.gov

FILED
2020 NOV 23 P 3:15
OFFICE WEST VIRGINIA
SECRETARY OF STATE

PUBLIC NOTICE

FOR IMMEDIATE RELEASE
Date: December 1, 2020

WVCHIP Moving to Managed Care

Effective January 1, 2021, the West Virginia Children's Health Insurance Program (WVCHIP) will change from fee-for-service to managed care through Mountain Health Trust. WVCHIP members will choose coverage from one of three Mountain Health Trust managed care plans. There will be no change to WVCHIP benefits (covered services).

Details on plan options and contact numbers for assistance will be mailed to WVCHIP members, families and participating providers.

Copies of this notice are available through the West Virginia Secretary of State's website, http://www.sos.wv.gov, located under the Administrative Law Division in the State Register section and are also available and posted at West Virginia Department of Health and Human Resources county offices.

Questions or requests for additional information concerning this notice may be directed to WVCHIP at wvchip@wv.gov.

#

FILED

2020 NOV 20 P 2:25 OTHER

OFFICE WEST VIRGINIA SECRETARY OF STATE

West Virginia Board of Examiners For Speech-Language Pathology and Audiology

ANNUAL REPORT FOR 2019-2020

Submitted by: Ms. Patricia J. Nesbitt,
Executive Director
99 Edmiston Way
Box 11, Suite 214
Buckhannon, West Virginia 26201
304-473-4289
wvbeslpa@wv.gov
www.wvspeechandaudiology.com

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

FILED

2020 NOV 24 A 9:26

OFFICE WEST VIRGINIA SECRETARY OF STATE

ADMINISTRATIVE NOTICE 2020-23

Notice of Determination of Average Wholesale Price of Motor Fuel for the Period of January 1, 2021 to December 31, 2021 for the Purposes of the West Virginia Motor Fuel Excise Tax.

This Administrative Notice sets forth the determination of the average wholesale price of conventional motor fuels and "alternative" motor fuels for the 2021 calendar year. The West Virginia Motor Fuel Excise Tax is composed of a flat rate equal to $0.205 per invoiced gallon or, for alternative fuel, per each gasoline gallon equivalent, plus a variable component of 5 percent of the average wholesale price of each fuel.

Alternative fuel includes butane, compressed natural gas (CNG), liquefied natural gas (LNG), liquefied petroleum gas (LPG or propane), and other specified fuels. For information regarding the determination of the gasoline gallon equivalent for alternative fuels, please see Administrative Notice 2015-25.

Notice is hereby issued, in accordance with Section 11-14C-5 of the West Virginia Code and based upon available information for the preceding review period, that the average wholesale prices of motor fuels for purposes of the Motor Fuel Excise Tax for the period beginning January 1, 2021 and ending December 31, 2021, inclusive, are as follows:

Table 1: Average Wholesale Prices for January 1, 2021 to December 31, 2021

Motor Fuel	Average Wholesale Price
Conventional Motor Fuels*	$3.040 per gallon
Compressed Natural Gas (CNG)	$4.472 per 1,000 cubic feet
Liquefied Natural Gas (LNG)	$0.364 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.709 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

The calculations of average wholesale prices as shown above include data from the Oil Price Information Services (OPIS) for conventional motor fuels and liquefied petroleum gas (LPG or Propane) and the U.S. Energy Information Administration (EIA) for natural gas. All references to cubic feet (CF) are based on measurement at standard pressure and temperature of 14.73 pounds of pressure per square inch at 60° Fahrenheit.

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

Motor Fuel Excise Tax Rates: January 1, 2021 – December 31, 2021

OTHER

Conventional Motor Fuels

For conventional motor fuels, including gasoline, diesel, kerosene, and related products, the **average wholesale price** shall be $3.040 per gallon for the referenced period, inclusive. The **variable component** computed thereon shall be $0.152 per gallon ($3.040 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on conventional motor fuels is $0.205 per gallon resulting in a **combined tax rate of $0.357 per gallon**. This average wholesale price per gallon ($3.040), the variable component tax computed thereon ($0.152 per gallon), and the flat rate component ($0.205 per gallon) shall apply to all gallons of gasoline, diesel, kerosene, and related products sold, purchased, or used in this State during the period beginning January 1, 2021 and ending December 31, 2021, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $3.040 per gallon.

Compressed Natural Gas (CNG)

For compressed natural gas, the **average wholesale price** shall be $4.472 per 1,000 cubic feet (CF) for the referenced period, inclusive. The **variable component** computed thereon shall be $0.224 per 1,000 cubic feet ($4.472 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on compressed natural gas is $1.618 per 1,000 cubic feet of compressed natural gas, determined as follows:

$$\frac{\$0.205 \text{ per gal. conv. fuel}}{126.67 \text{ CF of CNG GGE}} = \$0.001618378 \text{ GGE per CF} \times 1{,}000 \text{ CF} = \$1.618 \text{ per } 1{,}000 \text{ CF CNG}$$

The **combined tax rate shall be $1.842 per 1,000 cubic feet**. This average wholesale price per 1,000 cubic feet ($4.472), the variable component tax computed thereon ($0.224 per 1,000 cubic feet), and the flat rate component ($1.618 per 1,000 cubic feet) shall apply to all units of compressed natural gas sold, purchased, or used in this State during the period beginning January 1, 2021 and ending December 31, 2021, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $4.472 per 1,000 per cubic feet. The tax rates for compressed natural gas specified in terms of the gasoline gallon equivalent (GGE) (126.67 cubic feet or 5.66 pounds) are shown in Table 2.

Liquefied Natural Gas (LNG)

For liquefied natural gas, the average wholesale price shall be $4.472 per 1,000 cubic feet for the referenced period, inclusive. The **average wholesale price** of liquefied natural gas in terms of GGE LNG gallons shall be $0.364 per gallon ($4.472 per 1,000 CF ÷ 1,000 CF × 126.67 CF per 1.554 gallons). The **variable component** computed thereon shall be $0.018 per gallon of LNG ($0.364 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied natural gas is $0.132 per gallon of liquefied natural gas, determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.554 \text{ gallons of LNG GGE}} = \$0.132 \text{ per gallon of LNG}$$

The resulting **combined tax rate shall be $0.150 per gallon**. This average wholesale price per gallon ($0.364), the variable component tax computed thereon ($0.018 per gallon), and the flat rate component ($0.132 per gallon) shall apply to all gallons of liquefied natural gas sold,

purchased, or used in this State during the period beginning January 1, 2021 and ending December 31, 2021, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.364 per gallon.

Liquefied Petroleum Gas (LPG or Propane)

For liquefied petroleum gas (LPG or propane), the **average wholesale price** shall be $0.709 per gallon for the referenced period, inclusive. The **variable component** computed thereon shall be $0.035 per gallon equivalent ($0.709 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied petroleum gas is $0.150 per gallon of liquefied petroleum gas, determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.367 \text{ gallons of LPG GGE}} = \$0.150 \text{ per gallon of LPG}$$

The resulting **combined tax rate shall be $0.185 per gallon**. This average wholesale price per gallon ($0.709), the variable component tax computed thereon ($0.035 per gallon), and the flat rate component ($0.150 per gallon) shall apply to all gallons of liquefied petroleum gas sold, purchased, or used in this State during the period beginning January 1, 2021 and ending December 31, 2021, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.709 per gallon.

Field Gas

Effective June 9, 2016, sales of field gas were exempted from the variable and flat rate components of the Motor Fuel Excise Tax per West Virginia Code §11-14C-9a, et seq.

Definition of Common Terms

For the purposes of this notice:

"Field equipment" means generators, compressors, engines, micro turbines, turbines, or any other motor or apparatus used to power drilling rigs, well head equipment, gas processing units, compressors or compressor stations, fractionating plants, or any other equipment or apparatus used directly or indirectly in the production, gathering, transportation, or processing of natural gas or natural gas liquids or associated products.

"Field gas" means natural gas or any derivative thereof, extracted from a production well, gathering system, pipeline, main, or transmission line that is used as motor fuel to power field equipment. The term "field gas" does not include compressed natural gas, liquefied natural gas, liquefied petroleum gas, or conventional motor fuels, as listed in this notice.

"GGE" means gasoline gallon equivalent.

"Natural gas" means a mixture of hydrocarbons (e.g., methane, ethane, or propane), produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperatures and pressure under ordinary conditions, composed of at least 70 percent methane by volume.

Table 2: Motor Fuel Excise Tax Rates for January 1, 2021 to December 31, 2021

Motor Fuel	Flat Rate Tax	Variable Rate Tax	Combined Rate
Conventional Motor Fuels*	$0.205 per gallon	$0.152 per gallon	$0.357 per gallon
Compressed Natural Gas (CNG)	$1.618 per 1,000 cubic feet	$0.224 per 1,000 cubic feet	$1.842 per 1,000 cubic feet
Compressed Natural Gas (CNG) – GGE Measure	$0.205 per 126.67 cubic feet	$0.028 per 126.67 cubic feet	$0.233 per 126.67 cubic feet
Liquefied Natural Gas (LNG)	$0.132 per gallon	$0.018 per gallon	$0.150 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.150 per gallon	$0.035 per gallon	$0.185 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a		

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

Table 3: Comparison of Motor Fuel Excise Tax Rates 2020 and 2021

Motor Fuel	2020	2021
Conventional Motor Fuels*	$0.357 per gallon	$0.357 per gallon
Compressed Natural Gas (CNG)	$1.869 per 1,000 cubic feet	$1.842 per 1,000 cubic feet
Compressed Natural Gas (CNG) – GGE Measure	$0.237 per 126.67 cubic feet	$0.233 per 126.67 cubic feet
Liquefied Natural Gas (LNG)	$0.152 per gallon	$0.150 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.184 per gallon	$0.185 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a	

Notice of this determination will be filed in the West Virginia Register.

Issued: November 23, 2020

Dale W. Steager
Tax Commissioner