WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVII

Issue 49

December 4, 2020

A Weekly Publication

Administrative Law Division

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

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Auditor (155-02)	Indexing Of State-Owned Lands Procedural	§14-1-21(c)	Written Comments Only December 28, 2020, 4:00 pm Stephen R. Connolly, Deputy State Auditor State Capitol Building, Bldg. 1, Suite W-100 Charleston, WV 25305 steve.connolly@wvsao.gov

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE OF HEARING**
Financial Institutions (106-21, Amendment)	Rule Pertaining to the Fintech Regulatory Sandbox Program	§§31A-8G-3, 31A-2-4	ERD by January 11, 2021	July 31, 2020

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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

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TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
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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
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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			

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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			
Auditor (155-02)	Indexing Of State-Owned Lands Procedural	11/25/2020	12/28/2020						
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						

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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				

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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 Amendment 11/30/2020 ERD by 1/11/2021	8/13/2020	Modified & Approved 11/17/2020 Filed 11/30/2020			
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			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-48)	Emergency Medical Services Legislative	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					12/1/2020	12/31/2020
Health Care Authority (65-29)	Exemption from Certificate of Need Legislative	8/24/2020	9/23/2020		9/28/2020				

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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 Filed 12/1/2020			
Higher Education Policy Comm. (133-63)	Mental Health Loan Repayment Program Legislative	6/26/2020	7/27/2020	6/26/2020 Effective 6/26/2020	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			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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 Filed 12/1/2020			
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 Filed 12/1/2020			
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			

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

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020		8/10/2020	Approved 11/16/2020			
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 Filed 12/2/2020			
Pharmacy (15-03)	Continuing Education for Licensure of Pharmacists Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020			
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 Filed 12/2/2020			
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 12/2/2020			
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	9/17/2020	10/19/2020		10/19/2020				
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 Extended to 1/18/2021						
Public Service Commission (150-07)	Rules for the Government of Water Utilities Legislative Exempt	11/10/2020	1/11/2021 Extended to 1/18/2021						
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						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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 Filed 11/30/2020			
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 Filed 12/4/2020			
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 Filed 12/4/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 11/30/2020			
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			
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						
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				

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/30/2020 2:11:16 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Financial Institutions Division of

RULE TYPE: Legislative TITLE-SERIES: 106-21

RULE NAME: Rule Pertaining to the Fintech Regulatory Sandbox Program

CITE AUTHORITY: W. Va. Code 31A-8G-3 and 31A-2-4

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
Allen R Prunty -- 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.

LEGISLATIVE

FILED
2020 DEC -2 P 1:59
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Adoption Policy

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

LEGISLATIVE

CHILD PROTECTIVE SERVICES POLICY

FILED
2020 DEC -2 P 1:55
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

December 2020

FILED
2020 DEC -2 P 1:57
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Foster Care Policy

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

FILED
2020 DEC -2 P 2:01
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Homefinding Policy

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

LEGISLATIVE

Legal Guardianship Policy

FILED
2020 DEC -2 P 2:00
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

FILED

2020 DEC -2 P 1:58

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020

LEGISLATIVE

Youth Services Policy

BUREAU FOR CHILDREN AND FAMILIES

December 2020

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
12/1/2020 8:37:25 AM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY:	Hearing Aid Dealers		
RULE TYPE:	Legislative	TITLE-SERIES:	8-01
RULE NAME:	8-01 Rule Governing the West Virginia Board of Hearing Aid Dealers		
CITE AUTHORITY:	§30-26-3,§30-26-14,§30-26.15		

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

Kendra D Zamora -- 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
12/1/2020 8:40:05 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Landscape Architects

RULE TYPE: Legislative TITLE-SERIES: 9-01

RULE NAME: Registration of Landscape Architects

CITE AUTHORITY: §30-22-6

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

Kendra D Zamora -- 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
12/1/2020 8:43:16 AM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Landscape Architects

RULE TYPE: Legislative TITLE-SERIES: 9-04

RULE NAME: Application for Waiver of Initial Licensing Fees for Certain Individuals

CITE AUTHORITY: §30-1-22 §30-22-7

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

Kendra D Zamora -- 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
12/2/2020 12:04:33 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-02

RULE NAME: RULES OF THE BOARD OF PHARMACY FOR THE UNIFORM CONTROLLED SUBSTANCES ACT

CITE AUTHORITY: 60A-3-301

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

Ryan L Hatfield -- 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
12/2/2020 12:04:59 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-03

RULE NAME: BOARD OF PHARMACY RULES FOR CONTINUING EDUCATION FOR LICENSURE OF PHARMACISTS

CITE AUTHORITY: 30-5-7

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

Ryan L Hatfield -- 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
12/2/2020 12:04:24 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-05

RULE NAME: LICENSURE OF WHOLESALE DRUG DISTRIBUTORS, THIRD PARTY LOGISTICS PROVIDERS, AND MANUFACTURERS

CITE AUTHORITY: 60A-8-9

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

Ryan L Hatfield -- 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.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/2/2020 12:04:52 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-08

RULE NAME: CONTROLLED SUBSTANCES MONITORING PROGRAM

CITE AUTHORITY: 30-5-7. 60A-9-6. 60A-9-9

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

Ryan L Hatfield -- 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
12/2/2020 12:04:46 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-12

RULE NAME: BOARD OF PHARMACY RULES FOR IMMUNIZATIONS ADMINISTERED BY PHARMACISTS AND PHARMACY INTERNS

CITE AUTHORITY: 30-5-7 and 29A-3-15

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

Ryan L Hatfield -- 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.

LEGISLATIVE

Public Service Commission
Jessica M. Lane, General Counsel
201 Brook Street, P.O. Box 812
Charleston, WV 25323
Phone: (304) 340-0450
Fax: (304) 340-3758
E-mail: jlane@psc.state.wv.us

December 1, 2020

West Virginia Secretary of State
Maureen Lewis, Director
Office of the Secretary of State
State Capitol Building
Charleston, WV 25305
Fax: 304-558-0900
e-mail: mlewis@wvsos.gov

FILED
2020 DEC -1 P 3:41
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Re: Extension of comment period

Dear Ms. Lewis:

I am writing to you today to request an extension until January 18, 2021, of the comment period for the Rules Governing Sewer Utilities, 150 C.S.R. 5 and Rules Governing Water Utilities 150 C.S.R. 7. On November 10, 2020, the Public Service Commission initiated a rulemaking to revise these rules. At that time, the Commission requested a sixty-day comment period ending January 11, 2020. Several interested parties, including the West Virginia Municipal Water Quality Association, West Virginia Rural Water Association, City of Vienna, City of Bridgeport, Morgantown Utility Board, and City of Charleston Sanitary Board, have requested that the Commission allow a longer comment period to adjust for the challenges of the COVID-19 pandemic, the holiday season, and the number of proposed changes to the rules.

In telephone conversations last week between you and Susan Stewart of my office and yesterday between you and Jane Neal of our Executive Secretary Office, you indicated that this agency should request the comment period extension for these legislative exempt rules by letter.

Please advise me when the approval of the extension to the comment period is granted. Thank you.

Sincerely,

Jessica M. Lane
General Counsel

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

•FILED
11/30/2020 4:31:18 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Risk And Insurance Management

RULE TYPE: Legislative TITLE-SERIES: 115-02

RULE NAME: Public Entities Insurance Program

CITE AUTHORITY: 29-12-5

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

Misty Peal -- 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.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

•FILED
12/4/2020 11:14:57 AM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Secretary Of State

RULE TYPE: Legislative TITLE-SERIES: 153-10

RULE NAME: LOAN AND GRANT PROGRAMS UNDER THE HELP AMERICA VOTE ACT (HAVA) FOR THE PURCHASE OF VOTING EQUIPMENT, ELECTION SYSTEMS, SOFTWARE, SERVICES AND UPGRADES

CITE AUTHORITY: W. Va. Code 3-1-48(l)

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

Donald Kersey -- 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

•FILED
11/30/2020 1:14:18 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Senior Services

RULE TYPE: Legislative TITLE-SERIES: 76-06

RULE NAME: Shared Table Initiative for Senior Citizens

CITE AUTHORITY: 16-5S-9a

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

Robert E Roswall -- 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
11/25/2020 1:30:35 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Auditor TITLE-SERIES: 155-02

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

RULE NAME: INDEXING OF STATE-OWNED LANDS

CITE STATUTORY AUTHORITY: 14-1-21(c)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/28/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Stephen R. Connolly, General Counsel / Deputy State Auditor

ADDRESS: State Capitol Building, Bldg. 1, Suite W-100

Charleston, WV 25305

EMAIL: steve.connolly@wvsao.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

PROCEDURAL

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
12/1/2020 9:31 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Health And Human Resources TITLE-SERIES: 69-16

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

RULE NAME: Purchasing Procedures

CITE STATUTORY AUTHORITY: 5A-1-12

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

December 31, 2020

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

11/30/2020 2:08:52 PM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Financial Institutions Division of

TITLE-SERIES: 106-21

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

RULE NAME: Rule Pertaining to the Fintech Regulatory Sandbox Program

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

31A-8G-3 and 31A-2-4

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 06/26/2020

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

None

PRIMARY CONTACT:

NAME: Kathy Lawson

ADDRESS: 900 Pennsylvania Avenue

900 Pennsylvania Avenue

EMAIL: klawson@wvdob.org

PHONE NUMBER: 304-558-2294

Orders Report

Docket Number	Agency	Respondent	Date Rendered
[illegible]	**Health Care Authority**	Reynolds Memorial Hospital	11/18/2020
[illegible]	**Health Care Authority**	UPMC Western Maryland Corporation	11/16/2020
[illegible]	**Health Care Authority**	RSCR West Virginia, Inc.	11/16/2020
[illegible]	**Health Care Authority**	NUSkool Scholars, LLC	11/16/2020
[illegible]	**Health Care Authority**	Personal Touch Home Care of W. Va., Inc.	11/16/2020
[illegible]	**Health Care Authority**	Reynolds Memorial Hospital	11/16/2020

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2021-0684-DHHR	**Lisa Clayton**	Department Of Health And Human Resources	11/16/2020
		Mildred Mitchell-Bateman Hospital	11/16/2020
2020-0528-DHHR	**Nancy Darlene Ritchie**	Department Of Health And Human Resources	11/16/2020
		Bureau For Children And Families	11/16/2020
		Division Of Personnel	11/16/2020
	Dora Doss	Wayne County Board Of Education	11/18/2020
	Dora Sueann Doss	Wayne County Board Of Education	11/18/2020
	Wesley Fields	Division of Corrections and Rehabilitation	11/19/2020
		Bureau of Prisons and Jails	11/19/2020
		Southwestern Regional Jail and Correctional Facility	11/19/2020
	Brian Ashworth	Department Of Health And Human Resources	11/20/2020
		Mildred Mitchell-Bateman Hospital	11/20/2020
	Michael Paul Lewis	Marshall County Board Of Education	11/20/2020
	Timothy J. Priddy	Department Of Health And Human Resources	11/20/2020
		Bureau for Public Health	11/20/2020
		Division of Personnel	11/20/2020
	Judy Anderson	Kanawha County Board Of Education	11/24/2020
	Brian Ashworth	Department Of Health And Human Resources	11/24/2020
		Mildred Mitchell-Bateman Hospital	11/24/2020
	Michelle Childs	Marion County Board Of Education	11/24/2020
	Tonya Moore	Marion County Board Of Education	11/24/2020
	Paula Davisson	Marion County Board Of Education	11/24/2020
	David Hayhurst	Marion County Board of Education	11/24/2020
	Kimberly Seccuro	Marion County Board Of Education	11/24/2020

12/3/2020 3:06:44 PM

2021-1068-MrnED	**Amy Shipley**	Marion County Board Of Education	11/24/2020
2020-0897-CONS	**Antonia Vaughn**	Kanawha County Board Of Education	11/24/2020
	Brenda Hall	Kanawha County Board Of Education	11/24/2020
2020-0661-CONS	**Joshua N. Xavier**	Tax Department	11/24/2020
	Shannon M. Hockensmith	Tax Department	11/24/2020
2020-0285-KanED	**Rachael Wheeler**	Kanawha County Board Of Education	11/25/2020
2021-1050-MonED	**Danette M. Jones**	Monongalia County Board Of Education	11/30/2020
2020-0767-DHHR	**Jennifer Jones**	Department Of Health And Human Resources	11/30/2020
		Mildred Mitchell-Bateman Hospital	11/30/2020

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

FILED
2020 NOV 30 A 9:55
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

November 30, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **November 25, 2020.**

CERTIFICATE OF NEED APPROVAL ISSUED

November 23, 2020 - Preston Memorial Hospital Corporation, Kingwood, Preston County, CON File #20-6-11920-P, for the development of an ambulatory health care facility at 428 Morgantown Street, Kingwood, Preston County; capital expenditure: $225,000.

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.

November 23, 2020 - Wheeling Hospital, Wheeling, Ohio County, CON File #19-10-11756-P, for the development of an ambulatory health care facility in Ohio County; capital expenditure: $887,994.

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

FILED
2020 DEC -1 A 8:43
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

December 1, 2020

NEWS ITEM

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

November 23, 2020 - Home Care Assistance, Barboursville, Cabell County, CON File #20-3-11919-PC, for the provision of in-home personal care services in Kanawha County; capital expenditure: $1,500.

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

The review cycle begins on **November 30, 2020**.

On or before **December 30, 2020**, any affected person has the right to request that the Authority hold a public hearing on the project as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **January 4, 2021.** After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the application.

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

be issued on or before **January 29, 2021**.

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

12/1/2020
Date

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

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Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

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2020 NOV 25 A 9:46
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ADMINISTRATIVE NOTICE 2020-18

ECONOMIC OPPORTUNITY TAX CREDIT

Small Business Economic Opportunity Tax Credit (Small Business Credit) - Notice of Inflation Adjustments for Tax Years Beginning in 2021

A "**small business**" may claim the small business economic opportunity tax credit allowed under W. Va. Code § 11-13Q-10, when its qualified investment in real or tangible personal property purchased or leased for business expansion in this State, as defined in W. Va. Code § 11-13Q-8, results in the small business hiring new employees to fill at least ten (10) "**new jobs**" it created in this State as a direct result of the purchase or lease of the qualified investment property.

The law defined "**small business**," as of June 11, 2002, to mean a business which has annual gross receipts of not more than seven million dollars (including the gross receipts of all affiliates in its controlled group) W. Va. Code § 11-13Q-10(a) (emphasis added).

"**New job**" was defined by incorporating the definition of "**new job**" in subsection 11-13Q-3(b)(15).

Dollar amounts stated in the definition of "**small business**" are subject to annual adjustment for inflation. This adjustment is determined by the State Tax Commissioner using the methodology described in subsection 11-13Q-10(a)(1) through (4). The 2021 inflation adjustment factor is based on the percentage by which the Consumer Price Index (CPI) for calendar year 2020 exceeds the CPI for calendar year 2002. For this purpose, the CPI for any calendar year is the average of the Federal Consumer Price Index for the twelve-month period ending on August 31st of such calendar year (W. Va. Code § 11-13Q-10(a)(2)). The CPI for 2020 is 257.721 and the CPI for 2002 is 178.675. Based on these figures, the inflation adjustment factor, for purposes of W. Va. Code § 11-13Q-10, for tax years beginning in calendar year 2021, is 1.442400075.

Accordingly, for tax years beginning during calendar year 2021:

> "**Small business**" means a business which has annual gross receipts of not more than ten million, ninety-six thousand, eight hundred dollars ($10,096,800). The inflation increase is rounded to the lowest multiple of fifty dollars under W. Va. Code § 11-13Q-10(a)(4).

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A summary of the applicable inflation-adjusted Small Business Credit criteria, by calendar year, for tax years beginning in such years, follows:

CRITERIA

Constraints Year	Gross Receipts
2003	$ 7,000,000
2004	$ 7,159,600
2005	$ 7,324,500
2006	$ 7,552,500
2007	$ 7,846,850
2008	$ 8,026,350
2009	$ 8,368,450
2010	$ 8,384,000
2011	$ 8,507,850
2012	$ 8,714,300
2013	$ 8,938,250
2014	$ 9,089,800
2015	$ 9,233,450
2016	$ 9,275,150
2017	$ 9,349,750
2018	$ 9,535,400
2019	$ 9,766,100
2020	$ 9,953,650
2021	$10,096,800

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

Issued: November 24, 2020

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2020 NOV 25 A 9:43
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ADMINISTRATIVE NOTICE 2020-19

ECONOMIC OPPORTUNITY TAX CREDIT

High Technology Manufacturer Median Compensation Notice of Inflation Adjustment for Tax Years Beginning in 2021

A **"high technology manufacturing business"** may claim the Economic Opportunity Tax Credit allowed for specified high technology manufacturers when the business' qualified investment in a new or expanded high technology business in West Virginia results in the creation of at least twenty new jobs within twelve months after placing qualified investment into service, and the median compensation of the new jobs attributable to the qualified investment is greater than the inflation-adjusted value specified herein.

For purposes of the Economic Opportunity Tax Credit allowed for specified high technology manufacturers, a **"high technology manufacturing business"** is defined in W. Va. Code § 11-13Q-10a(a) and is limited to only those businesses engaging in a manufacturing activity properly classified as having one or more of the following six-digit North American Industry Classification System code numbers.

North American Industry Classification System Code	Manufacturing Activity
	Computer & Peripheral Equipment
334111	Electronic Computers
334112	Computer Storage Devices
	Electronic Components
334411	Electron Tubes
334414	Electronic Capacitors
	Semiconductors
334413	Semiconductor & Related Devices
333295	Semiconductor Machinery

The median compensation of the new jobs for purposes of the Economic Opportunity Tax Credit allowed for specified high technology manufacturers is subject to annual adjustment for inflation. This adjustment is determined by the State Tax Commissioner using the methodology described in subsection 11-13Q-10a(c)(3). The 2021 inflation adjustment factor is based on the percentage by which the Consumer Price Index (CPI) for calendar year 2020 exceeds the CPI for calendar year 2007. For this purpose, the

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CPI for any calendar year is the average of the Federal Consumer Price Index for the twelve-month period ending on August 31st of such calendar year (W. Va. Code § 11-13Q-10a(c)(3)(C)).

The CPI for 2020 is 257.721 and the CPI for 2007 is 204.873. Based on these figures, the inflation adjustment factor, for purposes of W. Va. Code § 11-13Q-10a(c)(3), for tax years beginning in calendar year 2021, is 1.257957185.

Accordingly, for tax years beginning during calendar year 2021:

> The required median compensation of new jobs attributable to the qualified investment for purposes of the Economic Opportunity Tax Credit allowed for specified high technology manufacturers is fifty-six thousand six hundred ($56,600). The inflation increase is rounded to the lowest multiple of fifty dollars under W. Va. Code § 11-13Q-10a(c)(3)(D).

A summary of the applicable inflation-adjusted specified high technology manufacturer median compensation criteria, by calendar year, for tax years beginning in such years, follows:

CRITERIA

Constraints Year	Median Compensation
2008	$45,000
2009	$46,900
2010	$47,000
2011	$47,650
2012	$48,850
2013	$50,100
2014	$50,950
2015	$51,750
2016	$52,000
2017	$52,400
2018	$53,450
2019	$54,750
2020	$55,800
2021	$56,600

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Issued: November 24, 2020

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2020 NOV 25 A 9:45
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ADMINISTRATIVE NOTICE 2020-20

ECONOMIC OPPORTUNITY TAX CREDIT

Credit Available for Taxpayers Who Do Not Satisfy the New Jobs Percentage Requirement - Notice of Inflation Adjustment for Tax Years Beginning in 2021

W. Va. Code §11-13Q-22 allows any taxpayer;

engaged in one or more of the industries or business activities specified in section nineteen [§11-13Q-19] of this article which does not satisfy the new jobs percentage requirement prescribed in subsection (c), section nine of this article [§11-13Q-9] or, if the taxpayer is a small business as defined in section ten of this article [§11-13Q-10], who are unable to create at least ten new jobs within twelve months after placing qualified investment into service as required by section ten of this article [§11-13Q-10], but which otherwise fulfills the requirements prescribed in this article, is permitted to claim a credit against the taxes specified in section seven of this article [§11-13Q-7] in the order so specified that are attributable to and the consequence of the taxpayer's business operations in this state which result in the creation of net new jobs. Credit allowed under this section shall be allowed beginning in the tax year when the new employee is first hired: Provided, That each new job:

1. Pays at least $32,000 annually. Beginning January 1, 2010, and on January 1 of each year thereafter, the commissioner shall prescribe an amount that shall apply in lieu of the $32,000 amount during that calendar year. This amount is prescribed by increasing the $32,000 figure by the cost-of-living adjustment for that calendar year;

2. Provides health insurance and may offer benefits including child care, retirement or other benefits; and

3. Is a full-time, permanent position, as those terms are defined in section three of this article [§11-13Q-3].

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The minimum annual pay of the new job is subject to annual adjustment for inflation. This adjustment is determined by the State Tax Commissioner using the methodology described in subsection 11-13Q-22(b)(1) through (4). The 2021 inflation adjustment factor is based on the percentage by which the Consumer Price Index (CPI) for calendar year 2020 exceeds the CPI for calendar year 2009. For this purpose, the CPI for any calendar year is the average of the Federal Consumer Price Index for the twelve-month period ending on August 31st of such calendar year (W. Va. Code § 11-13Q-22(b)(2)). The CPI for 2020 is 257.721 and the CPI for 2009 is 214.002. Based on these figures, the inflation adjustment factor, for purposes of W. Va. Code § 11-13Q-22, for tax years beginning in calendar year 2021, is 1.204289829.

Accordingly, for tax years beginning during calendar year 2021; the required minimum compensation of new jobs for purposes of the Economic Opportunity Tax Credit allowed for Taxpayers which do not satisfy the new jobs percentage is thirty-eight thousand, five hundred dollars (38,500)

A summary of the applicable inflation-adjusted minimum compensation criteria, by calendar year, for tax years beginning in such years, follows:

CRITERIA

Constraints Year	Minimum Compensation
2009	$32,000
2010	$32,000
2011	$32,450
2012	$33,250
2013	$34,100
2014	$34,650
2015	$35,200
2016	$35,400
2017	$35,700
2018	$36,400
2019	$37,300
2020	$37,950
2021	$38,500

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

Issued: November 24, 2020

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Tax Commissioner

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Secretary of Revenue

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FILED
2020 NOV 25 A 9:45
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ADMINISTRATIVE NOTICE 2020-21

TOURISM DEVELOPMENT TAX CREDIT

Notice of Determination of Median Wage for Qualified Professional Services Destination Facilities for the Purposes of the Tourism Development Tax Credit for the Period of January 1, 2021 to December 31, 2021

Pursuant to the statutory requirement of Section 5B-2E-7b(1) of the West Virginia Code, the minimum median wage was set at $37,000 for twelve-month period of January 1, 2014 to December 31, 2014. The minimum median wage is subject to annual adjustment for inflation. The 2021 inflation adjustment factor is based on the percentage by which the Consumer Price Index (CPI) for calendar year 2020 exceeds the CPI for calendar year 2013. For this purpose, the CPI for any calendar year is the average of the Federal Consumer Price Index for the twelve-month period ending on August 31st of such calendar year. The CPI for 2020 is 257.721 and the CPI for 2013 is 232.018. Based on these figures, the inflation adjustment factor is 1.110778682 The resulting wage was rounded to the next lowest $50.

Accordingly, for tax years beginning during calendar year 2021, the required minimum median wage for qualified professional services destination facilities for the Tourism Development Tax Credit is forty-one thousand and fifty dollars ($41,050).

A summary of the applicable median wage criteria, by calendar year, for tax years beginning in such years, follows:

MEDIAN WAGE

Year	Median Wage
2014	$37,000
2015	$37,550
2016	$37,750
2017	$38,050
2018	$38,800
2019	$39,750
2020	$40,500
2021	$41,050

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Issued: November 24, 2020

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2020 NOV 25 A 9:45
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ADMINISTRATIVE NOTICE 2020-22

ECONOMIC OPPORTUNITY TAX CREDIT

Notice of Statewide Average Nonfarm Payroll Wage for tax years beginning in 2021

Application of Current Year Annual Credit Allowance – As stated in subsection 11-13Q-7(b) of the W. Va. Code, the amount of aggregate annual credit allowance for the current taxable year is allowed as a credit against eighty percent of that portion of the Taxpayer's State tax liability which is attributable to and the direct result of the Taxpayer's qualified investment, and applied against the taxes enumerated in W.Va. Code subsections 11-13Q-7(c) through (f), both inclusive, and in the order specified: Provided, That if the median salary of the new jobs is higher than the statewide average annual wage—all industries, as determined annually by the WorkForce West Virginia, the amount of aggregate annual credit allowance for the current taxable year is allowed as a credit against one hundred percent of that portion of the Taxpayer's State tax liability which is attributable to and the direct result of the Taxpayer's qualified investment, and shall be applied, as provided in W.Va. Code subsections 11-13Q-7(c) through (f), both inclusive, and in the order specified.

Accordingly, for tax years beginning during calendar year 2021:

> **"Statewide Average Nonfarm Payroll Wage"** for purposes of determining the portion of the Taxpayer's State tax liability against which the Economic Opportunity Tax Credit may be applied, is $46,618.

A summary of the applicable annual Statewide Average Nonfarm Payroll Wage criteria, by calendar year, for tax years beginning in such years, follows:

CRITERIA

Calendar Year	Statewide Average Nonfarm Payroll Wage*
2003	$27,981
2004	$28,615
2005	$29,284
2006	$30,383

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2007	$31,344
2008	$32,723
2009	$34,000
2010	$35,985
2011	$36,895
2012	$37,701
2013	$39,091
2014	$39,721
2015	$40,198
2016	$41,093
2017	$41,655
2018	$41,595
2019	$43,283
2020	$46,120
2021	$46,618

*The Tax Department uses the latest available average annual wage for all industries as provided by WorkForce West Virginia for this calculation.

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Issued: November 24, 2020

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2020 DEC -1 A 10: 55
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ADMINISTRATIVE NOTICE 2020-24

Notice of Adjusted Interest Rates on Tax Underpayments and Overpayments and on Public Contracts for the Period of January 1, 2021 through December 31, 2021

West Virginia Code §§11-10-17 and 17a require the State Tax Commissioner to establish interest rates every year based on the adjusted prime rate charged by banks on December 1 of the prior year.

Notice is hereby given that for the period beginning January 1, 2021 and ending December 31, 2021, inclusive, the rate of interest imposed on underpayments of tax will be 7.75 percent, and the rate of interest paid on overpayments of taxes and on public contracts when final payment is delayed will be 6.25 percent. However, pursuant to West Virginia Code §11-14B-14 (2013), the provisions of Section R1230 of the International Fuel Tax Agreement (IFTA), relating to interest, apply to Motor Fuel Taxes Collected under the Agreement. The IFTA rate of interest for calendar year 2020 is 7 percent and for calendar year 2021 is 5 percent. *See* https://www.iftach.org/interestrateW1.php

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

Issued: December 1, 2020

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