WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVII

Issue 50

December 11, 2020

A Weekly Publication

Administrative Law Division

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Secretary of State (153-07)	Submission of Other Documents to Solicit Contributions for Charitable Organizations Interpretive	§§29-19-3(c), 5(a), 5(c), 8, 15(d), and 9, 29A-1(c)	Written Comments Only January 8, 2021, 3:00 pm Donald Kersey State Capitol Building 1, Suite 157K Charleston, WV 25305 dkersey@wvsos.gov

NO NEW EMERGENCY RULES FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE OF HEARING

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title, Price and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6.	Date Agency Approved Legislative Rules Filed.
Column	7.	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8.	Legislative Action
Column	9.	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10.	Date Rule is Effective

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
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TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
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TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
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TITLE	25	SOCIAL WORK EXAMINERS
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TITLE	27	COUNSELING
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TITLE	58	NATURAL RESOURCES
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TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
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TITLE	89	PUBLIC DEFENDER SERVICES
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TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
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TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
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TITLE	143	PERSONNEL
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TITLE	146	STATE ELECTION COMMISSION
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TITLE	177	ATHLETIC COMMISSION
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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	Modified w/Certain Amendments & Approved 12/9/2020			
Agriculture (61-01)	Animal Disease Control Legislative	7/28/2020	8/27/2020		8/27/2020	Approved 12/9/2020			
Agriculture (61-09)	WV Seed Law Legislative	7/28/2020	8/27/2020		8/27/2020	Modified & Approved 12/9/2020			
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	7/14/2020	8/13/2020		8/17/2020	Approved 12/9/2020			
Agriculture (61-28)	Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas Legislative				Sunset Extension 7/27/2020	Approved 12/9/2020			
Agriculture (61-39)	Seed Certification Program Legislative	7/27/2020	8/26/2020		8/26/2020	Modified & Approved 12/9/2020			
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rule Legislative	8/21/2020	9/20/2020		9/21/2020	Approved 12/9/2020			
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			
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						

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	Modified & Approved 12/9/2020			

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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	Modified & Approved 12/9/2020			
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020		8/21/2020	Approved 12/9/2020			
Health (64-13)	Nursing Home Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020			
Health (64-45)	Lead Abatement Licensing Legislative	7/2/2020	8/3/2020		8/21/2020	Modified & Approved 11/17/2020 Filed 12/10/2020			

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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	Modified & Approved 12/9/2020			
Health (64-59)	Patient Rights at State-Operated Mental Health Facilities Legislative	7/1/2020	7/31/2020		8/26/2020	Modified & Approved 12/9/2020 Filed 12/9/2020			
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	Modified & Approved 12/9/2020			
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	Modified & Approved 12/9/2020			
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	Modified & Approved 12/9/2020 Filed 12/9/2020			
Health and Human Resources (69-16)	Purchasing Procedures Procedural	10/27/2020	11/30/2020					12/1/2020	12/31/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health Care Authority (65-29)	Exemption from Certificate of Need Legislative	8/24/2020	9/23/2020		9/28/2020	Approved 12/9/2020			
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	Modified & Approved 12/9/2020			
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	Modified & Approved 12/9/2020			
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	7/1/2020	7/31/2020		8/26/2020	Modified & Approved 12/9/2020			
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	Modified w/Certain Amendments & Approved 12/9/2020			
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	Approved 12/9/2020			
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	Modified & Approved 12/9/2020			
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			

RULE MONITOR

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

RULE MONITOR

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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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	Modified & Approved 12/9/2020			
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	7/28/2020	8/27/2020		8/28/2020	Modified & Approved 12/9/2020			
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	9/17/2020	10/19/2020		10/19/2020	Modified & Approved 12/9/2020			
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 12/9/2020			
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						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020		8/21/2020	Modified & Approved 12/9/2020			
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020		8/17/2020	Approved 12/9/2020			
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	Modified & Approved 12/9/2020			
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	Modified & Approved 12/9/2020			
Rehabilitation Services (198-01)	Ron Yost Personal Assistance Services Act Bd. Legislative	7/24/2020	8/26/2020		8/26/2020	Approved 12/9/2020			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (153-07)	Submission of Other Documents to Solicit Contributions for Charitable Organizations Interpretive	12/7/2020	1/8/2021						
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			
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	Approved 12/9/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 12/9/2020			

West Virginia Department of Agriculture
Kent A. Leonhardt, Commissioner
Joseph L. Hatton, Deputy Commissioner

LEGISLATIVE

MEMORANDUM

FILED
2020 DEC -4 P 12: 25
OFFICE WEST VIRGINIA
SECRETARY OF STATE

TO: Mac Warner, Secretary of State

FROM: Kent Leonhardt, Commissioner of Agriculture

DATE: December 4, 2020

RE: Emergency Modification of 61 C.S.R. 29 (Industrial Hemp)

On March 16, 2020, Governor Justice issued a proclamation declaring a state of emergency in response to the public health risks posed by the COVID-19 epidemic in West Virginia. Pursuant to the Governor's authority set forth in W.Va. Code §15-5-6(c)(7), that proclamation "delegate[d] to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

The legislative rule relating to Industrial Hemp (61 C.S.R. 29) establishes requirements for applicants seeking to renew their hemp licenses to obtain state and federal criminal background checks once every three years as part of the renewal application process.

Because of the impact of COVID-19 within our community, and because obtaining background checks requires in-person meetings to collect fingerprints, I have decided to modify the Industrial Hemp legislative rule, 61C.S.R. 29, by suspending the following provisions:

3.12.b. The Commissioner shall require license renewal applicants to complete background checks once every three years as part of the renewal application process.

6.11.b. The Commissioner shall require license renewal applicants to complete background checks once every three years as part of the renewal application process.

Applicants who would otherwise have had to complete a background check this year will be required to do so before renewing their application next year. This rule modification will remain in effect until the current State of Emergency is lifted by the Governor, or until lifted or otherwise modified by the Commissioner.

mailing address: 1900 Kanawha Blvd. East, Charleston, WV 25305-0170
physical address: 217 Gus R. Douglass Lane, Charleston, WV 25312
telephone: 304-558-3550 • fax: 304-558-2203

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/10/2020 4:19:40 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Development Office

RULE TYPE: Legislative TITLE-SERIES: 145-16

RULE NAME: Tourism Development Districts

CITE AUTHORITY: 5B-1-9(q), 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

Jack M Rife – 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
12/10/2020 5:14:25 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health

RULE TYPE: Legislative TITLE-SERIES: 64-45

RULE NAME: Lead Abatement Licensing

CITE AUTHORITY: 16-1-4 and 16-35-4

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
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
12/9/2020 12:41:14 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health

RULE TYPE: Legislative TITLE-SERIES: 64-59

RULE NAME: PATIENT RIGHTS AT STATE-OPERATED MENTAL HEALTH FACILITIES

CITE AUTHORITY: 27 5 9(g)

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
12/9/2020 3:35:05 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: 69-15

RULE NAME: RECOVERY RESIDENCE CERTIFICATION AND ACCREDITATION PROGRAM

CITE AUTHORITY: 16-59-2(g)

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	DO NOT MARK IN THIS BOX FILED 2020 DEC -4 P 12:02 OFFICE WEST VIRGINIA SECRETARY OF STATE

Changes to Social Services Manual

Agency: Department of Health and Human Resources

Bureau: Bureau for Children and Families

Rule: 78-5

Change Rule: CAS-APS-20-3 CAS-AS-20-5

Revision to Existing Manual: ☒ Yes ☐ No

Summary of Changes:
An additional and enhanced statement on nondiscrimination has been added to each policy.. The Bureau for Children and Families (BCF) will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. New information in each policy includes identifying persons with LEP, steps in obtaining a qualified interpreter, providing written interpretation and notifications, and monitoring language needs and implementation by BCF. Each policy also contains the Civil Rights Discrimination Complaint Form (IG-CR-3).

- Adult Protective Services located in Section 6 pp. 56-68;
- Adult Residential Services located in Section 10 p. 50-63, was previously Section 5;
- Adult Family Care- Request to Provide previously named Adult Residential Services Request to Provide, located in Section 8 pp. 36-48, was previously Section 4.11;
- Homeless Services located in Section 8 pp. 47-59;
- Legal Requirements and Processes located in Section 5 pp. 60-72;

- Substitute Decision Maker located in Section 9 pp. 89-101, was previously Section 6.16; and,
- Unclaimed Deceased Adult Body policy located in Section 8 pp. 23-36.

LEGISLATIVE

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

Amber Moore

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/10/2020 4:15:54 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY:	Racing Commission		
RULE TYPE:	Legislative	TITLE-SERIES:	178-01
RULE NAME:	Thoroughbred Racing		
CITE AUTHORITY:	WV Code §§19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-9, 19-23-13, 19-23-13b and 19-23-15		

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
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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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12/10/2020 4:18:39 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Racing Commission

RULE TYPE: Legislative TITLE-SERIES: 178-10

RULE NAME: Advance Deposit Account Wagering

CITE AUTHORITY: WV Code 19-23-12e(1)

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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/4/2020 11:32:26 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: 153-45

RULE NAME: STANDARDS AND GUIDELINES FOR ELECTRONIC NOTARIZATION

CITE AUTHORITY: W. Va. Code 39-4-25

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

eFILED

12/7/2020 4:03:50 PM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

INTERPRETIVE

AGENCY: Secretary Of State

TITLE-SERIES: 153-07

RULE TYPE: Interpretive

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Submission of Other Documents to Solicit Contributions for Charitable Organizations

CITE STATUTORY AUTHORITY: W. Va. Code 29-19-3(c), 5(a), 5(c), 8, 15(d), and 9; W. Va. Code 29A-1(c).

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 01/08/2021 3:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Donald Kersey

ADDRESS: State Capitol, Bldg. 1, Ste. 157-K

EMAIL: dkersey@wvsos.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

FILED

2020 DEC 10 A 8:42

OFFICE WEST VIRGINIA
SECRETARY OF STATE

LRMRC

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Misty Peal misty.peal@wv.gov
Administration
2019 Washington Street East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Purchasing, 148-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. X
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

FILED

2020 DEC 10 A 8:40

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin jodeemartin@wvda.us
Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Animal Disease Control, 61-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

FILED
2020 DEC 10 A 8:40
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

LRMRC

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin jodeemartin@wvda.us
Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia Seed Law, 61-09

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee
FILED
2020 DEC 10 A 8:40
OFFICE WEST VIRGINIA
SECRETARY OF STATE
Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director
December 09, 2020
NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
To: Mac Warner, Secretary of State, State Register
To: Jodee Martin jodeemartin@wvda.us
Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Inspection of Meat and Poultry, 61-16

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

FILED

2020 DEC 10 A 8:40

OFFICE WEST VIRGINIA SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

LRMRC

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin jodeemartin@wvda.us
Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Poultry Litter and Manure Movement into Primary Poultry Breeder Rearing Areas, 61-28

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
   - (B) as modified by the agency ___ ___
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ___ ___
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5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ___ ___

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Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee
FILED
2020 DEC 10 A 8:40
OFFICE WEST VIRGINIA SECRETARY OF STATE
Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director
December 09, 2020
NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin jodeemartin@wvda.us
Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Seed Certification Program, 61-39

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___ ___
   - (B) as modified by the agency ___X___
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ___ ___
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Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

FILED
2020 DEC 10 A 8:40
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

LRMRC

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin jodeemartin@wvda.us
Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: WV Exempted Dairy Farms and Milk and Milk Products Processing Rules, 61-40

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
   - (B) as modified by the agency _____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

FILED
2020 DEC 10 A 8:40
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Laura Cooper laura.k.cooper@wv.gov
DEP
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Requirements Governing Water Quality Standards, 47-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency ___X___
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. _____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. _____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

LRMRC

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Casey Korbini casey.e.korbini@wv.gov
DEP
131A Peninsula Street
Wheeling, WV 26003

From: Legislative Rule-Making Review Committee

Proposed Rule: Voluntary Remediation and Redevelopment Rule, 60-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Behavioral Health Centers Licensure, 64-11

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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James Fuerhoff, Director

December 09, 2020

LRMRC

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Hospital Licensure, 64-12

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
   - (B) as modified by the agency _____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Nursing Home Licensure, 64-13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency ___X___
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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James Fuerhoff, Director

December 09, 2020

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Emergency Medical Services, 64-48

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Client Rights at State-Operated Mental Health Facilities, 64-59

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

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December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel, 64-60

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Public Health Standards for Businesses Remaining Open During the Covid-19 Outbreak, 64-114

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Senator Dave Sypolt, Co-Chair

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OFFICE WEST VIRGINIA
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December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Recovery Residence Certification and Accredidation Program, 69-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Senator Dave Sypolt, Co-Chair

Delegate Geoff Foster, Co-Chair

OFFICE WEST VIRGINIA
SECRETARY OF STATE

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Roberston april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Child Placing Agencies Licensure, 78-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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Legislative Rule-Making Review Committee

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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: 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 West Virginia, 78-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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OFFICE WEST VIRGINIA SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Procedure to Contest the Substantiation of Child Abuse or Neglect, 78-27

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Legislative Rule-Making Review Committee

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James Fuerhoff, Director

OFFICE WEST VIRGINIA SECRETARY OF STATE

LRMRC

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson april.l.robertson@wv.gov
Health Care Authority
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Exemption from Certificate of Need, 65-29

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee
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James Fuerhoff, Director
OFFICE WEST VIRGINIA SECRETARY OF STATE
Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
December 09, 2020
NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mitchell Woodrum mitch.e.woodrum@wv.gov
Labor
1900 Kanawha Boulevard East, Bldg 3, Room 200
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Steam Boiler Inspection, 42-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___ ___
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

LRMRC

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin jodeemartin@wvda.us
Livestock Care Standards Board
1900 Kanawha Boulevard East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Livestock Care Standards, 73-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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2020 DEC 10 A 8:42

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: June Somerville jsomerville@wvlottery.com
Lottery Commission
900 Pennsylvania Avenue
Charleston, WV 25327

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia Lottery Interative Wagering Rule, 179-10

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

December 09, 2020

LRMRC

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nonnie Ramsey wvbopt@wv.gov
Physical Therapy
2 Players Club Drive, Suite 102
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: General Provisions for Physical Therapist and Physical Therapist Assistants, 16-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nonnie Ramsey wvbopt@wv.gov
Physical Therapy
2 Players Club Drive, Suite 102
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Fees for Physical Therapist and Physical Therapist Assistants, 16-04

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

FILED
2020 DEC 10 A 8:40
OFFICE WEST VIRGINIA
SECRETARY OF STATE

LRMRC

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nonnie Ramsey wvbopt@wv.gov
Physical Therapy
2 Players Club Drive, Suite 102
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: General Provisions for Athletic Trainers, 16-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nonnie Ramsey wvbopt@wv.gov
Physical Therapy
2 Players Club Drive, Suite 102
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Fees for Athletic Trainers, 16-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
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Senator Dave Sypolt, Co-Chair
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James Fuerhoff, Director

December 09, 2020

LRMRC

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Joe Moore joe.k.moore@wv.gov
Racing Commission
900 Pennsylvania Avenue, Suite 533
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Thoroughbred Racing, 178-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Joe Moore joe.k.moore@wv.gov
Racing Commission
900 Pennsylvania Avenue, Suite 533
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Greyhound Racing, 178-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE
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James Fuerhoff, Director

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December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Joe Moore joe.k.moore@wv.gov
Racing Commission
900 Pennsylvania Avenue, Suite 533
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Advance Deposit Account Wagering, 178-10

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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SECRETARY OF STATE

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jerry Forren jerry.a.forren@wv.gov
Real Estate Commission
300 Capitol Street, Suite 400
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business, 174-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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SECRETARY OF STATE

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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Tracy Carr tracy.j.carr@wv.gov
Rehabilitation Services
107 Capitol Street
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Ron Yost Personal Assistance Services Act Board, 198-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
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Legislative Rule-Making Review Committee

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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

December 09, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Morton taxlegal@wv.gov
Tax
1900 Kanawha Boulevard East, Building 1, W-300
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Downstream Natural Gas Manufacturing Investment Tax Credit, 110-13GG

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
   - (B) as modified by the agency ___ ___
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Orders Report

Docket Number	Agency	Respondent	Date Rendered
[redacted]	**Health Care Authority**	REM West Virginia	11/30/2020
[redacted]	**Health Care Authority**	Wetzel County Hospital, Inc.	11/30/2020
[redacted]	**Health Care Authority**	Hometown Care LLC	11/30/2020
[redacted]	**Health Care Authority**	United Hospital Center, Inc.	11/30/2020
[redacted]	**Health Care Authority**	United Hospital Center, Inc.	11/30/2020
[redacted]	**Health Care Authority**	United Hospital Center, Inc.	11/30/2020
[redacted]	**Health Care Authority**	Encompass Healh Rehabilitation Hospital of Huntington	11/23/2020
[redacted]	**Health Care Authority**	Wheeling Hospital	11/23/2020
[redacted]	**Health Care Authority**	Preston Memorial Hospital Corporation	11/23/2020
[redacted]	**Medicine, West Virginia Board Of**	Brenna Leigh Steinberg, DPM	12/2/2020
[redacted]	**Medicine, West Virginia Board Of**	Vincent Anthony Lombardi, MD	12/2/2020
[redacted]	**Medicine, West Virginia Board Of**	Yenisey Yanes, DPM	12/2/2020
[redacted]	**Medicine, West Virginia Board Of**	Kang Lu, MD	11/13/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

AT CHARLESTON

EXECUTIVE ORDER NO. 82-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia, to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19 (the "State of Emergency Declaration"); and

WHEREAS, as of this date, there are several entities that have developed COVID-19 vaccines that have applied for emergency use authorization with the United States Food and Drug Administration, and it is anticipated that such vaccines will soon become available for distribution; and

WHEREAS, the citizens of West Virginia have worked tirelessly to mitigate the spread of the virus and endured the impacts of this COVID-19 pandemic, and the proliferation of these COVID-19 vaccines will help to expedite an end to this pandemic in West Virginia, across the nation, and around the world; and

WHEREAS, this State and its relevant agencies, boards, and commissions, as well as private health care entities and groups across the State, and their resources, will be actively engaged with all endeavors in support of all COVID-19 vaccination preparedness, deployment, and delivery related lines of effort; and

WHEREAS, there will, therefore, be need for coordination and cooperation between all levels of government, including federal agencies, State agencies, local agencies, and governments of other states, as well as the health care industry in this State, to ensure that West Virginia's COVID-19 vaccination preparedness, deployment, and delivery related lines of effort operate efficiently and safely; and

WHEREAS, all resources used in conjunction with the statewide COVID-19 vaccination preparedness, deployment, and delivery related lines of effort will require that an organized, capable, and fully equipped agency serve as the principal agency responsible for the coordination, direction, and management of all State agency activities associated with preparing for and conducting the statewide vaccination effort; and

WHEREAS, the COVID-19 Joint Interagency Task Force will be the principal agency responsible for such coordination, direction, and management and will report directly to the Governor, as the sole liaison for all statewide COVID-19 vaccination preparedness, deployment, and delivery related lines of effort; and

WHEREAS, Major General Hoyer, currently serving as the Adjutant General of the West Virginia National Guard, also serves on the Governor's Coronavirus Task Force and works on a daily basis with agencies at all levels of State government that will be required to support these important events; and

WHEREAS, it is in the best interest of the public that all State resources tasked to assist with the statewide COVID-19 vaccination preparedness, deployment, and delivery related lines of effort, as well as certain representatives of the health care industry in this State, designate certain persons to consult with the COVID-19 Joint Interagency Task Force created by this Order on all decisions regarding development, planning, coordination, roles, and responsibilities, as well as other duties as needed, to ensure that all activities associated with the statewide COVID-19 vaccination preparedness, deployment, and delivery efforts are successful.

NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as the Governor of the State of West Virginia, do hereby **ORDER** that:

1. There is hereby created a COVID-19 Joint Interagency Task Force (the "COVID-19 JIATF") to support all COVID-19 vaccination preparedness, deployment, and delivery related lines of effort. The COVID-19 JIATF shall provide logistical support, testing lanes support, and PPE support, and shall support the receipt and distribution of COVID-19 vaccinations throughout the State of West Virginia. The COVID-19 JIATF shall support Operation Warp Speed, and shall provide support to hospitals, long term care facilities, and local health departments, among others.

2. The COVID-19 JIAFTA shall be comprised of the following agencies and entities, dedicated to the COVID-19 pandemic response effort:

- West Virginia Department of Health and Human Resources ("WVDHHR");
- West Virginia National Guard ("WVNG");
- West Virginia Division of Emergency Management ("WVDEM");
- West Virginia Higher Education Policy Commission ("WVHEPC");
- West Virginia Hospital Association ("WVHA");
- West Virginia Department of Agriculture ("WVDAG");
- West Virginia Department of Education ("WVDOE");
- West Virginia Health Care Association ("WVHCA"); and
- Joan C. Edwards School of Medicine, Marshall University.

3. The COVID-19 JIATF is hereby designated as the principal agency to coordinate all State agency planning and response for activities associated with COVID-19 vaccination preparedness, deployment, and delivery efforts throughout the State of West Virginia.

4. Major General James A. Hoyer is hereby designated to lead the COVID-19 JIATF (the "COVID-19 JIATF Head"). The COVID-19 JIATF Head shall serve as the liaison to the Governor for the planning, coordination, direction, and management of all events associated with the statewide COVID-19 vaccination preparedness, deployment, and delivery efforts within this State for which any major State assistance is required.

5. All State agencies, resources, or entities that aid, assist, or participate in any events related to the COVID-19 vaccination preparedness, deployment, and delivery efforts shall coordinate through the COVID-19 JIATF Head, or his or her designee, all development, planning, coordination, and roles and responsibilities, and the COVID-19 JIATF Head will advise the Governor on all emerging, current, and/or future plans necessary for a successful COVID-19 vaccination preparedness, deployment, and delivery efforts.

6. The COVID-19 JIATF shall coordinate with key agencies that will have major roles in the support of COVID-19 vaccination preparedness, deployment, and delivery efforts.

7. The COVID-19 JIATF Head shall work with all appropriate federal agencies related to COVID-19 vaccination preparedness, deployment, and delivery efforts and shall secure the appropriate federal support.

8. All agencies and entities utilized in conjunction with COVID-19 activities shall coordinate all actions, assignments, roles, and responsibilities through the COVID-19 JIATF Head and shall be responsible for keeping the COVID-19 JIATF Head informed, at all times, as to all critical or key issues, problems, or concerns.

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

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

GOVERNOR

By the Governor

SECRETARY OF STATE

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.

OTHER

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	$16.29	*15735.74*
Hazardous waste treated or disposed on-site	$14.66	*139.27*
Hazardous waste treated off-site to be rendered non-hazardous	$12.22	*16906.96*
Hazardous waste treated on-site to be rendered non-hazardous	$4.07	*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.

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2020 DEC -8 P 1:4

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

2020 ANNUAL REPORT

WEST VIRGINIA NURSING HOME ADMINISTRATOR'S LICENSING BOARD

13049 Winfield Road
Winfield, WV 25213
Physical Address

PO Box 522
Winfield, WV 25213
Mailing Address

Telephone: (304) 586-4070
FAX: (304) 586-4079

State of West Virginia
Board of Examiners of Psychologists
P.O. Box 3955
Charleston, WV 25339-3955

Phone: 304-558-3040
Fax: 304-558-0608
Email: psychbd@wv.gov
Web: www.psychbd.wv.gov

November 5, 2020

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2020 DEC 10 P 12: 11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

The Honorable Jim Justice, Governor
Main Building – Capitol Complex
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice:

The West Virginia Board of Examiners of Psychologists is pleased to submit an annual report for fiscal years 2019 and 2020, in compliance with West Virginia Code §30-1-12(b).

Sincerely,

Sandra Stroebel PhD
Sandra Stroebel, Ph.D.
Board President

Beverly A Branson MA
Beverly Branson, MA
Board Secretary

cc: WV Legislature
Mac Warner, Secretary of State
Dee Spelock, Legislative Librarian
Linda Lyter, President of the WV Licensing Board Association