WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVIII

Issue 39

October 1, 2021

A Weekly Publication

Administrative Law Division

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RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
School Building Authority of WV (164-02)	Funding School Building Authority Projects Legislative	§18-9D-20	Written Comments Only November 1, 2021, 12:00 pm Shannon Driver 2300 Kanawha Boulevard East Charleston, WV 25311 Shannon.l.driver@wv.gov

NO EMERGENCY RULES FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE OF HEARING

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
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TITLE	164	SCHOOL BUILDING AUTHORITY
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TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-01A)	Feeding of Untreated Garbage to Swine Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021			
Agriculture (61-05)	Commercial Feed Legislative	6/25/2021	7/24/2021	7/27/2021 Approved 8/9/2021	7/26/2021				
Agriculture (61-07, Repeal)	Enrichment of Flour and Bread Law Regulations Legislative	6/28/2021	7/28/2021		7/28/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Agriculture (61-08C, Repeal)	Fruits and Vegetables Certification of Potatoes for Seeding Purposes Legislative	6/28/2021	7/28/2021		7/28/2021	Approved 8/19/2021			
Agriculture (61-10)	Fresh Food Act Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/15/2021			
Agriculture (61-11B)	Auctioneers Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/12/2021			
Agriculture (61-30)	Hemp Products Legislative	6/28/2021	7/28/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/15/2021			
Agriculture (61-31)	Livestock Care Standards Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Agriculture (61-33)	Rural Rehabilitation Program Legislative	6/24/2021	7/24/2021		7/27/2021	Modified & Approved 9/12/2021			
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021			
Agriculture (61-38)	Farmers Markets Legislative	6/24/2021	7/24/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/12/2021			
Agriculture (61-39)	Seed Certification Legislative	6/28/2021	7/28/2021		7/30/2021	Modified & Approved 9/12/2021			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/2/2021	7/6/2021		7/16/2021	Modified & Approved 8/20/2021 Filed 8/26/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021			
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/1/2021	7/1/2021		7/27/2021				
Alcohol Beverage Control Comm. – Beer (176-01)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/1/2021	7/1/2021		7/28/2021				
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	7/30/2021	8/30/2021		9/13/2021				
Chiropractic Examiners (4-09)	Chiropractic Telehealth Practice Legislative	6/9/2021	7/9/2021	6/8/2021 Effective 7/20/2021	7/13/2021				
Contractor Licensing Board (28-01)	Board Organization and Meeting Procedures, Hearing Procedures Procedural	7/12/2021	8/16/2021						
Contractor Licensing Board (28-02)	Contractor Licensing Act Legislative	6/30/2021	7/30/2021		7/30/2021				
Contractor Licensing Board (28-04)	Written Contracts for Services Procedural	7/12/2021	8/16/2021						
Counseling (27-01)	Licensing Rule Legislative	6/30/2021	7/29/2021		7/29/2021				
Counseling (27-02)	Licensed Professional Counselor Fees Rule Legislative	6/29/2021	7/29/2021		7/30/2021				
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Counseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Crime, Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/28/2021	7/28/2021	6/28/2021 Effective 8/9/2021	7/29/2021	Modified & Approved 9/12/2021 Filed 9/23/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dentistry (5-01)	Rule for the WV Board of Dentistry Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-02)	Formation and Approval of Professional Limited Liability Companies Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-06)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-11)	Continuing Education Requirements Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-12)	Administration of Anesthesia by Dentists Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021			
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021			
Dentistry (5-16)	Teledentistry Legislative	6/17/2021	7/17/2021	6/17/2021 Amendment 7/26/2021 Effective 9/6/2021	7/26/2021				
Education (126-022)	Driver Education Regulations (Policy 2422.2) Legislative Exempt	8/16/2021	9/15/2021						
Education (126-044CC)	WV College and Career-Readiness Standards for Science (Policy 2520.3C) Legislative Exempt	6/9/2021	7/12/2021					8/16/2021	7/1/2022
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (Policy 5202) Legislative Exempt	8/16/2021	9/15/2021						

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-161)	Regulations for the Alternative Certification Programs for the Education of Teachers (Policy 5901) Legislative Exempt	7/14/2021	8/16/2021					9/9/2021	10/12/2021
Education (126-174)	Investigating Indoor Air Quality Complaints (Policy 6202) Legislative Exempt	7/14/2021	8/16/2021					9/9/2021	10/12/2021
Education (126-175)	WV Dept. of Ed. Heating, Ventilating and Air-Conditioning (HVAC) Technicians (Policy 6203) Legislative Exempt	7/14/2021	8/16/2021					9/9/2021	10/12/2021
Education (126-176)	School Closings or Consolidations (Policy 6204) Legislative Exempt	7/14/2021	8/16/2021					9/9/2021	10/12/2021
Education (126-189)	Intercounty Student Transfer Appeal (Policy 7212) Legislative Exempt	8/16/2021	9/15/2021						
Education (126-201)	Computation of Average Daily Attendance (ADA) and Average Daily Membership (ADM) (Policy 8100.1) Legislative Exempt	9/9/2021	10/12/2021						
Environmental Protection, Secretary's Office (60-10)	Purchasing Procedure Procedural	8/19/2021	9/20/2021						
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	3/22/2021	4/22/2021		5/12/2021				
Family Protection Services Bd. (191-01)	Operation of the Family Protection Services Board Legislative	6/30/2021	7/30/2021		7/30/2021				
Family Protection Services Bd. (191-02)	Domestic Violence Program Licensure Standards Legislative	6/30/2021	7/30/2021		7/30/2021				
Fire Commission (87-01)	Fire Code Legislative	6/28/2021	7/28/2021		7/30/2021				
Fire Commission (87-04)	State Building Code Legislative	6/23/2021	7/26/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	4/12/2021	5/31/2021	3/30/2021 Effective 5/11/2021	6/23/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			
Fire Commission (87-11)	Specialized Membership Legislative	6/22/2021	7/23/2021		7/30/2021	Approved 9/12/2021			
Fire Commission (87-12)	Junior Firefighters Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Approved 9/12/2021			
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/23/2021	7/26/2021		7/27/2021	Approved 9/12/2021			
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/25/2021	7/27/2021		7/28/2021	Approved 9/12/2021			
Funeral Service Examiners (6-07)	Fee Schedule Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/23/2021			
Health (64-10)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-12)	Hospital Licensure Legislative	6/22/2021	7/22/2021	5/20/2021 Effective 7/1/2021	7/23/2021				
Health (64-42)	Childhood Lead Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021			
Health (64-43)	Food Manufacturing Facilities Legislative	6/30/2021	7/30/2021		7/30/2021				
Health (64-47)	Sewage Treatment and Collection System Design Standards Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021			
Health (64-48)	Emergency Medical Services Legislative	7/29/2021	8/30/2021	7/1/2021 Approved 7/1/2021	9/10/2021				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-57)	Clinical Laboratory Practitioner Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-97)	Maternal Risk Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021			
Health & Human Resources (69-17)	Syringe Services Program Licensure Legislative	7/15/2021	8/16/2021	7/15/2021 Effective 8/26/2021 Amendment 8/27/2021 ERD by 10/8/2021	8/27/2021				
Health Care Authority (65-32)	Certificate of Need Legislative	6/29/2021	7/29/2021		7/30/2021				
Higher Education Policy Comm. (133-59)	Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, and College-Level Examination Program Procedural	4/30/2021	6/1/2021						
Highways (157-01)	Rules Relating Generally to Various Functions of the Commissioner of Highways Procedural	9/8/2021	10/8/2021						
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 8/19/2021			
Insurance Comm. (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/1/2021	7/1/2021		7/27/2021				
Insurance Comm. (114-102)	Term and Universal Life Insurance Reserve Financing Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 9/12/2021			
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	6/1/2021	7/1/2021		7/9/2021	Modified & Approved 8/19/2021 Filed 8/24/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-09)	Child Labor Rule Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021			
Lottery Comm. (179-01)	WV Lottery State Lottery Rules Legislative	5/28/2021	6/29/2021		7/7/2021	Modified & Approved 9/12/2021 Filed 9/27/2021			
Lottery Comm. (179-05)	WV Limited Video Lottery Rule Legislative	6/1/2021	7/1/2021		7/8/2021	Modified & Approved 9/12/2021 Filed 9/27/2021			
Massage Therapy Licensure Bd. (194-01)	General Provisions Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021			
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians, Podiatric Physicians and Surgeons Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021			
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-05)	Bd. Of Medicine Rule for Dispersing of Prescription Drugs by Practitioners Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021			
Medicine (11-10)	Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-11)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-15)	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physicians Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	5/7/2021	6/7/2021	5/7/2021 Approved 6/7/2021 Amendment 8/24/2021 ERD by 10/5/2021	6/11/2021	Modified & Approved 8/18/2021 Filed 8/24/2021			
Miners Health Safety and Training (56-11, repeal)	Rule Governing First-Aid Training of Shaft and Slope Employees Legislative	5/7/2021	6/7/2021		6/11/2021	Approved 8/18/2021			
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/25/2021	7/26/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/24/2021			
Miner Training Education and Certification (48-02)	Safety Training Program for Prospective Underground Coal Miners Legislative Exempt	5/3/2021	6/17/2021					9/7/2021	1/5/2022
Miner Training Education and Certification (48-03)	Safety Training Programs for Prospective Surface Coal Miners Legislative Exempt	5/3/2021	6/17/2021					9/7/2021	1/5/2022
Miner Training Education and Certification (48-04)	Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements Legislative Exempt	5/3/2021	6/17/2021					9/7/2021	10/7/2021
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/25/2021	7/26/2021	6/24/2021 Effective 8/5/2021	7/27/2021	Modified & Approved 8/19/2021 Filed 8/30/2021			
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/29/2021	7/29/2021		7/29/2021	Authorized with certain amendments 9/15/2021 Filed 9/22/2021			
Motor Vehicles (91-09)	Collection of Tax on the Sale of a Vehicle Legislative	6/11/2021	7/12/2021		7/20/2021	Modified & Approved 8/19/2021 Filed 8/30/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Natural Resources (58-25)	Boating Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-26)	Special Boating Rules Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Natural Resources (58-27)	Special Motorboating Regulations Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021			
Natural Resources (58-30)	Wildlife Education Facilities Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-38)	Public Shooting Ranges Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-49)	General Hunting Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021			
Natural Resources (58-53)	General Trapping Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/30/2021	7/29/2021		7/30/2021				
Office of Technology (163-02)	Chief Information Officer Review Legislative	6/23/2021	7/23/2021		7/30/2021				
Office of Technology (163-03)	Cyber Reporting Legislative	6/15/2021	7/15/2021		7/30/2021				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021 Filed 9/29/2021			
Osteopathic Medicine (24-07)	Practitioner Requirements for Controlled Substances Licensure and Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021			
Osteopathic Medicine (24-10)	Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				
Personnel (143-01)	Administrative Rule of the WV Division of Personnel Legislative	5/28/2021	6/30/2021		7/29/2021	Modified & Approved 8/18/2021 Filed 8/24/2021			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021			
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	7/21/2021	8/25/2021	6/23/2021 Effective 8/4/2021	9/28/2021				
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021			
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/14/2021	7/15/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/29/2021			
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020 Extended to 6/15/2021						
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 Extended to 6/15/2021						

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	5/28/2021	6/28/2021		7/28/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-03)	Renewal of Licensure or Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-05)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	6/29/2021	7/30/2021		7/30/2021				
Registered Professional Nurses (19-16)	Telehealth Practice Legislative	6/30/2021 7/30/2021	7/30/2021 8/29/2021	7/2/2021 Withdrawn 7/8/2021 7/29/2021 Effective 9/9/2021	8/31/2021				
School Building Authority (164-01)	Policy and Procedures Handbook Procedural	6/30/2021	8/2/2021					9/28/2021	10/28/2021
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	9/29/2021	11/1/2021						
Sec. of WV DHHR, and WV Insurance Commissioner (114A-01)	All-Payer Claims Database – Data Submission Requirements Legislative	6/30/2021	7/30/2021		7/30/2021				
Sec. of WV DHHR, and WV Insurance Commissioner (114A-02, repeal)	All-Payer Claims Database – Privacy and Security Requirements Legislative	6/30/2021	7/30/2021		7/30/2021				
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/25/2021	7/27/2021		7/30/2021				
Secretary of State (153-30)	Use of Digital Signatures Legislative	6/24/2021	7/27/2021		7/30/2021				
Secretary of State (153-43)	Regulation of Political Party Headquarters Finances Legislative	6/24/2021	7/27/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-45)	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative	6/24/2021	7/27/2021		7/30/2021				
Secretary of State (153-48)	Real Property Electronic Recording Standards and Regulations Legislative	6/29/2021	7/29/2021		7/30/2021				
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Senior Services (76-04)	WV State Plan for Aging Programs Interpretive	6/22/2021	7/22/2021					7/23/2021	10/1/2021
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Social Work Examiners (25-05)	Continuing Education for Social Workers and Providers Legislative	6/30/2021	7/30/2021		7/30/2021				
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	4/28/2021	6/4/2021	4/27/2021 Effective 6/8/2021	6/9/2021				
State Emergency Response Comm. (55-03)	Requests for Information Pursuant to the Community Right to Know Act Procedural	5/12/2021	6/11/2021						
State Police (81-03)	Career Progression Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/18/2021			
Tax (110-01J)	Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes Legislative	6/4/2021	7/7/2021	6/8/2021 Effective 7/20/2021	7/30/2021				
Tax (110-13KK)	WV Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/4/2021	7/7/2021		7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021			
Tax (110-15F)	Sales Tax Holiday Legislative	5/11/2021	6/11/2021	5/7/2021 Amendment 6/3/2021 Approved 6/7/2021	6/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-15L)	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative	6/2/2021	7/7/2021	6/2/2021 Effective 7/14/2021	7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021			
Tax (110-15M)	Vendor Absorption or Assumption of Sales and Use Tax Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021			
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021			
Tax (110-24)	Corporation Net Income Tax Legislative	6/2/2021	7/7/2021		7/27/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			
Transportation (217-01)	Employment Procedures Legislative	6/30/2021	7/30/2021		7/30/2021				
Treasurer (112-02)	Substitute Checks-Exceptional Items Fund Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021			
Treasurer (112-10)	Reporting Debt Legislative	6/28/2021	7/29/2021		7/29/2021	Approved 8/19/2021			
Treasurer (112-12)	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021			
Treasurer (112-13)	Procedures for Providing Services to Political Subdivisions Legislative	6/25/2021	7/26/2021		7/29/2021	Approved 8/20/2021			
Underground Facilities Damage Prevention Bd. (214-02)	Rules of Procedure for Complaints and Contested Cases Before the WV Underground Facilities Damage Prevention Board Procedural	4/21/2021	5/21/2021						
Waste Management, Div. of Water & Waste Mgmt. (33-01B)	Requirements for the Management of Coal Combustion Residuals Legislative	6/25/2021	7/26/2021		7/30/2021				
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	6/4/2021	7/19/2021		7/30/2021				
Water Resources, Div. of Water & Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/23/2021	7/23/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Water Resources, Div. of Water & Waste Mgmt. (47-30B)	Administrative Proceedings and Civil Penalty Assessment Legislative	9/14/2021	10/15/2021	8/19/2021 ERD by 9/30/2021					

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Auditor 155-08	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body 7/1/2022	5/13/2021					
Community & Technical College Education 135-35	Correspondence, Business, Occupational, and Trade Schools 7/19/2022	4/5/2021	4/27/2021	Approved 9/14/2021			
Community & Technical College Education 135-52	Annual Reauthorization of Degree-Granting Institutions 7/19/2022	4/6/2021	4/27/2021	Approved 9/14/2021			
Dangerous Wild Animal Board 74-01	Dangerous Wild Animals 6/5/2022	4/5/2021	4/5/2021	Approved 8/18/2021			
Health 64-103	Expedited Paratner Therapy 6/1/2022	5/10/2021	5/10/2021	Approved 9/12/2021			
Health and Human Resources 69-11	Medication-Assisted treatment – Opioid Treatment Programs 6/1/2022	5/10/2021	5/10/2021	Approved 9/14/2021			
Higher Education Policy Commission 133-48	Research Trust Fund 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Higher Education Policy Commission 133-52	Annual Reauthorization of Degree-Granting Institutions 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022	3/31/2021	3/31/2021	Approved 8/19/2021			
Public Service Commission (150-37)	Rules Governing the Occupancy of Customer-Provided Conduit 8/1/2022	5/6/2021	8/6/2021	Modified & Approved 8/19/2021 Filed 8/24/2021			
Racing Commission 178-05	Pari-Mutuel Wagering 8/1/2022	4/26/2021	4/30/2021	Approved 8/18/2021			
Registererd Professional Nurses 19-08	Limited Prescriptive Authority for Nurses in Advanced Practice 5/15/2022	3/17/2021	5/10/2021				
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					
Secretary of State 153-03	Voter Registration at the Division of Motor Vehicles 5/23/2022	5/10/2021	5/10/2021				

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Secretary of State 153-05	Voter Registration List Maintenance by the Secretary of State 5/23/2022	5/10/2021	5/10/2021				
Treasurer 112-04	Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies 6/1/2022	5/5/2021	5/6/2021	Approved 8/19/2021			
Treasurer 112-06	Selection of State Depositories for Disbursement Accounts through Competitive Bidding 6/1/2022	5/6/2021	5/6/2021	Approved 8/19/2021			
Treasurer 112-07	Selection of State Depositories for Receipt Accounts 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021			
Treasurer 112-08	Procedures for Processing Payments from the State Treasury 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021			

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LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health

RULE TYPE: Legislative TITLE-SERIES: 64-42

RULE NAME: Childhood Lead Screening

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

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

Michelle L Bradley -- 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.

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health

RULE TYPE: Legislative TITLE-SERIES: 64-47

RULE NAME: Sewage Treatment and Collection System Design Standards

CITE AUTHORITY: 16-1-4 and 16-1-9

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

Michelle L Bradley -- 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.

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health

RULE TYPE: Legislative TITLE-SERIES: 64-97

RULE NAME: Maternal Risk Screening

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

Michelle L Bradley -- 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

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Lottery Commission

RULE TYPE: Legislative TITLE-SERIES: 179-01

RULE NAME: State Lottery Rules

CITE AUTHORITY: W. Va. Code 29-22-5, 9(b), 9(c), 10, 16 and 17

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.

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9/27/2021 2:51:30 PM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Lottery Commission

RULE TYPE: Legislative TITLE-SERIES: 179-05

RULE NAME: Limited Video Lottery Rule

CITE AUTHORITY: W. Va. Code 29-22B-402

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.

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Osteopathic Medicine

RULE TYPE: Legislative TITLE-SERIES: 24-01

RULE NAME: Licensing Procedures for Osteopathic Physicians

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

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

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

Yes

Chase Holcomb -- 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.

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Osteopathic Medicine

RULE TYPE: Legislative TITLE-SERIES: 24-02

RULE NAME: Osteopathic Physician Assistants

CITE AUTHORITY: W. Va. Code § 30-3E-3(a) and (b)

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
Chase Holcomb -- 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.

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9/24/2021 2:24:14 PM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Osteopathic Medicine

RULE TYPE: Legislative TITLE-SERIES: 24-07

RULE NAME: Practitioner Requirements for Controlled Substances Licensure and Accessing the West Virginia Controlled Substances Monitoring Program Database

CITE AUTHORITY: W. Va. Code § 60A-9-5a(c) and § 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
Chase Holcomb -- 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.

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9/28/2021 8:49:32 AM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-01

RULE NAME: Licensure and Practice of Pharmacist Care

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.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
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9/28/2021 8:42:48 AM
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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Pharmacy TITLE-SERIES: 15-02

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

RULE NAME: 15-02 Rules of the Board of Pharmacy for the Uniform Controlled Substances Act

PRIMARY CONTACT

NAME: Ryan Hatfield

ADDRESS: 2310 Kanwha Blvd E

Charleston, WestVirginia 25311

EMAIL:

PHONE NUMBER: 304-558-0558

CITE STATUTORY AUTHORITY: 60A-3-301 and 30-5-7

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

General rulemaking and Controlled Substances Act. This rule needs an emergency amendment to mirror DEA changes due to Covid.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/21/2021

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/25/2021

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE
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9/28/2021 8:51:22 AM
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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.

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9/29/2021 11:30:59 AM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-16

RULE NAME: Regulations Governing 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 Real Estate Appraiser Licensing and Certification Board

405 Capitol Street, Suite 906
Charleston, West Virginia 25301
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Dean E. Dawson
Board Chair

Patricia Rouse Pope
Executive Director

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SECRETARY OF STATE
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Date: September 28, 2021

To: The Honorable Mac Warner
WV Secretary of State

From: Patricia Rouse Pope
Executive Director, WV Real Estate Appraiser Licensing and Certification Board

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

The WV Real Estate Appraiser Licensing and Certification Board (WVREALCB) respectfully requests the rule described below be suspended in full, effective immediately, pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Jim Justice on March 16, 2020. The WVREALCB further requests the subject rule remain suspended until the WVREALCB terminates the Notice or the State of Emergency is lifted, whichever occurs first.

190CSR3 defines Renewal of Licensure or Certification. Suspension of this rule will extend the existing appraiser and apprentice permit, license or certification expiration date of September 30, and the assessment of non-applicable late fees due to COVID-19 crisis-related circumstances. Strict compliance with this rule could hinder or delay necessary action required of appraisers and apprentices conducting business in the State of West Virginia and their profiles listed on the Federal Register.

Thank you for your attention to this request.

Respectfully,

Patricia R. Pope

Patricia Rouse Pope
Executive Director

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/29/2021 11:05:10 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: School Building Authority Of WV TITLE-SERIES: 164-02

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

RULE NAME: FUNDING SCHOOL BUILDING AUTHORITY PROJECTS

CITE STATUTORY AUTHORITY: §18-9D-20

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/01/2021 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Shannon Driver

ADDRESS: 2300 Kanawha Boulevard, East

Charleston, WV 25311

EMAIL: shannon.l.driver@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

9/28/2021 11:07 AM

Office of West Virginia
Secretary Of State

PROCEDURAL

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

AGENCY: School Building Authority Of WV TITLE-SERIES: 164-01

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

RULE NAME: Policy & Procedures Handbook of the School Building Authority of West Virginia

CITE STATUTORY AUTHORITY: §18-9D-20

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

October 28, 2021

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

Yes

Benjamin Ashley -- 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.

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Feeding of Untreated Garabge to Swine, 61-01A

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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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: adair.sankoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Sankoff, Director

September 15, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Beth Southern
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd., East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Fresh Food Act, 61-10

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

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September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd., East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Auctioneers, 61-11B

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

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Legislative Rule-Making Review Committee

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Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 15, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Stoney Helmick
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd., East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Hemp Products, 61-30

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

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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Susan Baxter
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Rural Rehabilitation Program, 61-33

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

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Susan Baxter
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Farm to Food Bank Tax Credit, 61-36

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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Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Chad Linton
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd., East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Farmers Markets, 61-38

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

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September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Josh Arbaugh
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. E
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Seed Certification, 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 ____
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September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: David Lee
Crime, Delinquency, and Correction
WVSP Academy, PDC
123 Academy Drive
Dunbar, WV 25064

From: Legislative Rule-Making Review Committee

Proposed Rule: Law Enforcement Training and Certification Standards, 149-02

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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Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: WV Board of Dentistry
Dental Examiners, WV Board of
PO Box 1447
Crab Orchard, WV 25827

From: Legislative Rule-Making Review Committee

Proposed Rule: Rule for the West Virginia Board of Dentistry, 5-01

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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Legislative Rule-Making Review Committee

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Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: WV Board of Dentistry
Dental Examiners, WV Board of
PO Box 1447
Crab Orchard, WV 25827

From: Legislative Rule-Making Review Committee

Proposed Rule: Formation and Approval of Professional Limited Liability Companies, 5-02

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 ____
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Legislative Rule-Making Review Committee

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Adair Sankoff, Director

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

To: Mac Warner, Secretary of State, State Register

To: WV Board of Dentistry
Dental Examiners, WV Board of
PO Box 1447
Crab Orchard, WV 25827

From: Legislative Rule-Making Review Committee

Proposed Rule: Formation and Approval of Dental Corporation and Dental Practice Ownership, 5-06

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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Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: WV Board of Dentistry
Dental Examiners, WV Board of
PO Box 1447
Crab Orchard, WV 25827

From: Legislative Rule-Making Review Committee

Proposed Rule: Continuing Education Requirements, 5-11

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

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September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: WV Board of Dentistry
Dental Examiners, WV Board of
PO Box 1447
Crab Orchard, WV 25827

From: Legislative Rule-Making Review Committee

Proposed Rule: Administration of Anesthesia by Dentists, 5-12

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

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

To: Mac Warner, Secretary of State, State Register

To: WV Board of Dentistry
Dental Examiners, WV Board of
PO Box 1447
Crab Orchard, WV 25827

From: Legislative Rule-Making Review Committee

Proposed Rule: Expanded Duties of Dental Hygienists and Dental Assistants, 5-13

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

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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Ken Tyree
Fire Commission
1207 Quarrier Street
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Volunteer Fire Department Equipment and Training Grant Funding Disbursement, 87-10

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

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September 12, 2021

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To: Mac Warner, Secretary of State, State Register

To: Ken Tyree
Fire Commission, WV State
1207 Quarrier Street
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Specialized Membership, 87-11

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 ___X___
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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: adair.sankoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

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September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Ken Tyree
Fire Commission, WV State
1207 Quarrier Street
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Junior Firefighters, 87-12

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 ___ ___
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September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Ken Tyree
Fire Commission, WV State
1207 Quarrier Street
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Certification of Fire Chiefs, 87-13

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

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   - (A) as originally filed ____
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September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Ken Tyree
Fire Commission, WV State
1207 Quarrier Street
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes, 87-14

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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To: Mac Warner, Secretary of State, State Register

To: Ken Tyree
Fire Marshal, WV State
1207 Quarrier Street
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulation of Frireworks and Related Eplosive Material, 103-04

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

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

To: Mac Warner, Secretary of State, State Register

To: WV Board of Funeral Service Examiners
Funeral Service Examiners
179 Summers Street
Suite 319
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Fee Schedule, 6-07

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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Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health, WV Bureau for Public
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Childhood Lead Screening, 64-42

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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Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Michelle Bradley
Health, WV Bureau for Public
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Sewage Treatment and Collection System Design Standards, 64-47

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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Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: April Robertson
Health, WV Bureau for Public
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Maternal Risk Screening, 64-97

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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September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: April Robertson
Health and Human Resources, WV Department of
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Expedited Partner Therapy, 64-103

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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September 14, 2021

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

To: Mac Warner, Secretary of State, State Register

To: April Robertson
Health and Human Resources, WV Department of
One Davis Square
Suite 100, East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Medication Assisted Treatment-Opioid Treatment Programs, 69-11

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

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Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Erin Hunter
Insurance Commission, WV
900 Pennsylvania Ave. 9th Floor
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Term and Universal Life Insurance Reserve Financing, 114-102

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

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Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Brian Nickerson
Lottery Commission, WV
900 Pennsylvania Ave.
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia Lottery State Lottery Rules, 179-01

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

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September 12, 2021
NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
To: Mac Warner, Secretary of State, State Register

To: Brian Nickerson
Lottery Commission, WV
900 Pennsylvania Avenure
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia Lottery Limited Video Lottery Rule, 179-05

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

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Adair Sankoff, Director

September 14, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensing and Disciplinary Procedures; Physicians, Podiatric Physicians and Surgeons, 11-01A

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

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To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
West virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, 11-01B

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

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September 14, 2021

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To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Board of Medicine Rules for Dispensing of Prescription Drugs by Practicioners, 11-05

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

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To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
West Virginia Board of Medicine
101 Dee Drive Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Continuing Education for Physicians and Podiatric Physicians, 11-06

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

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   - (A) as originally filed X
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To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
West Virginia Board of Medicine
101 Dee Drive Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database, 11-10

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

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To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
West Virginia Board of Medicine
101 Dee Drive Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities, 11-11

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

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Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Sankoff, Director

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LRMRC

September 14, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Registration to Practice During a Declared State of Emergency, 11-14

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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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. ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Sankoff, Director

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September 15, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Adam Holley
Motor Vehicles, WV Division of
5707 Maccorkle Ave, SE
PO Box 17200
Charleston, WV 25317

From: Legislative Rule-Making Review Committee

Proposed Rule: Dealer Licensing, 91-06

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 ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

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Adair Sankoff, Director

September 14, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Chase Holcomb
Osteopathic Medicine
405 Capitol Street, Suite 402
Charleston, WV 25314

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensing Procedures for Osteopathic Physicians, 24-01

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

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

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Adair Sankoff, Director

September 14, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Chase Holcomb
Osteopathic Medicine, WV Board of
405 Capitol Street, Suite 402
Charleston, WV 25314

From: Legislative Rule-Making Review Committee

Proposed Rule: Osteopathic Physician Assistants, 24-02

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 ____
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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

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

Adair Sankoff, Director

September 14, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Chase Holcomb
Osteopathic Medicine, WV Board of
405 Capitol Street
Suite 402
Charleston, WV 25314

From: Legislative Rule-Making Review Committee

Proposed Rule: Practitioner Requirements for Controlled Substance Licensure and Accessing the West Virginia Controlled Substances Monitoring Program Database, 24-07

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

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

Adair Sankoff, Director

September 14, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield
Pharmacy, WV Board of
2310 Kanawha Blvd. E
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure and Practice of Pharmacists Care, 15-01

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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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

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

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Adair Sankoff, Director

September 14, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield
Pharmacy, WV Board of
2310 Kanawha Blvd., East
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Controlled Substance Monitoring Act, 15-08

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

Senator Dave Sypolt, Co-Chair
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Adair Sankoff, Director

September 14, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield
Pharmacy, WV Board of
2310 Kanawha Blvd. East
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulations Governing Pharmacists, 15-16

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

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   - (A) as originally filed ____
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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
Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

From: Legislative Rule-Making Review Committee

Proposed Rule: Sales Tax Holiday, 110-15F

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
Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Mark Morton
Tax
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Vendor Absorptioon or Assumption of Sales and Use Tax, 110-15M

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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Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Mark Morton
Tax
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: On-line Bingo and Raffles, 110-16A

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

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   - (A) as originally filed — X
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Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 12, 2021

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

To: Mac Warner, Secretary of State, State Register

To: Mark Morton
Tax
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Corporation Net Income Tax, 110-24

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

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Orders Report

Docket Number	Agency	Respondent	Date Rendered
21-1-12068-H	Health Care Authority	Raleigh General Hospital	9/13/2021
21-2-12070-P	Health Care Authority	Pleasant Valley Hospital, Inc.	9/9/2021
21-6-12125-A	Health Care Authority	West Virginia University Hospital, Inc.	9/9/2021
19-6-11770-H	Health Care Authority	United Hospital Center, Inc.	8/30/2021
21-1-12117-X	Health Care Authority	Compass Counseling, LLC	8/30/2021
19-8-11765-H	Health Care Authority	Hampshire Memorial Hospital, Inc.	8/30/2021
20-6-11984-H	Health Care Authority	West Virginia University Hospitals, Inc.	8/23/2021
21-7-12102-P	Health Care Authority	Braxton County Memorial Hospital	8/20/2021
21-1-12136-X	Health Care Authority	Psychological Assessment and Intervention Services, Inc.	8/20/2021
21-3-12132-X	Health Care Authority	Charleston Area Radiation Therapy Centers, LLC	8/17/2021
20-4-11889-H	Health Care Authority	Pocahontas Memorial Hospital	9/8/2021
21-6-12045-H	Health Care Authority	West Virginia University Hospitals, Inc.	8/23/2021
21-9-12133-X	Health Care Authority	American Family Matters, LLC	8/23/2021
21-4-12109-P	Health Care Authority	Pocahontas Memorial Hospital	8/23/2021
21-6-12118-P	Health Care Authority	Preston Memorial Hospital Corporation	9/8/2021
21-7-12069-H	Health Care Authority	Stonewall Jackson Memorial Hospital Company	9/9/2021
21-2-12141-X	Health Care Authority	Logan General Hospital LLC dba Logan Regional Medical Center	8/23/2021
21-3-12142-X	Health Care Authority	Charleston Hospital Inc dba Saint Francis Hospital	8/23/2021
21-1C-02206	Insurance Commission	Providence Washington Insurance Company	9/24/2021
20-THP-02101	Insurance Commission	Progressive Casualty Insurance Company	9/27/2021
20-74-W	Medicine, West Virginia Board Of	Dibbendu Mahanayak, MD	9/17/2021
19-103-W	Medicine, West Virginia Board Of	Sriramloo Kesari, MD	9/17/2021
20-49-W	Medicine, West Virginia Board Of	Daniel Salmeron, MD	9/17/2021

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 26-21

By the Governor

WHEREAS, a State of Emergency was declared on the March 16, 2020 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; and

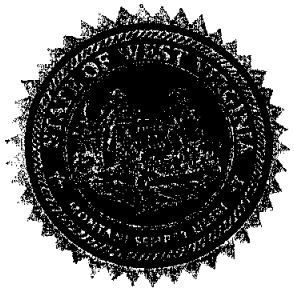
WHEREAS, West Virginia Code § 15-5-6 authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or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

WHEREAS, Executive Order 83-20 allowed for certain employees of any state agency of West Virginia who were directly involved in the pandemic response to carry forward certain amounts of unused paid leave from 2020, as designated by the applicable secretary, commissioner, or other responsible head of such agency; and

WHEREAS, due to the ongoing need for pandemic response in 2021, it is appropriate that certain portions of employees' unused annual leave from 2021, which is attributable to such employee's direct involvement in the pandemic response, be allowed to carry forward to and through the calendar year 2026; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of West Virginia Code §15-5-6, hereby **DECLARE** and **ORDER** that, in the discretion of the West Virginia Division of Personnel which may issue additional guidance from time to time, notwithstanding West Virginia CSR § 143-1-14.3.a, employees of any state agencies of West Virginia, including without limitation employees of local health departments, who are designated by the applicable secretary, commissioner, or other responsible head of such agency to have been directly involved in the pandemic response and therefore unable to use some portion of such employee's annual leave in calendar year 2021 due to the emergency situation, and are subject to losing said portion of such employee's annual leave, shall have the portion of such employee's unused annual leave attributable to such employee's direct involvement in the pandemic response, as designated by the applicable secretary, commissioner, or other responsible head of such employee's applicable agency, carry forward to and through the calendar year 2026. Said carried-forward leave shall expire at the end of calendar year 2026. If such carried-forward leave remains unused at the time such employee separates or retires from his or her employment for any reason prior to the expiration of such carried-forward leave under the terms of this Order, such carried-forward leave shall not be counted toward any retirement or separation from employment payment or other benefit under any provision of West Virginia law, rule, or regulation, including without limitation under W. Va. Code §§ 5-5-3, 5-5-6(b), 5-16-13, and/or 15-2A-21 or West Virginia CSR § 143-1-14.3.f.

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 Twenty-Fourth day of September, in the year of our Lord, Two Thousand Twenty-One in the One Hundred Fifty-Ninth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

AT CHARLESTON

EXECUTIVE ORDER NO. 27-21

By the Governor

WHEREAS, West Virginia's WorkForce Investment System provides important training to many West Virginians which enhance participants' skills and earning potential and contributes to the vitality of the West Virginia economy; and

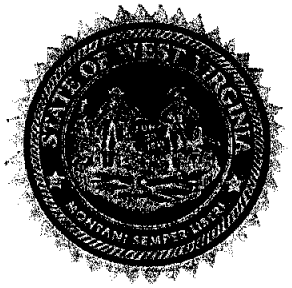
WHEREAS, Executive Order No. 8-12 was entered on April 24, 2012, required that WorkForce West Virginia develop and implement a drug screening policy for WIA Title I training-level services; and

WHEREAS, Executive Order 8-12 has become redundant in nature in part due to the enactment of the West Virginia Safer Workplace Act which provides employers the flexibility to drug screen and is no longer needed by WorkForce West Virginia.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me as Governor by the Constitution and the laws of this State, do hereby **ORDER** Executive Order No. 8-12 requiring WorkForce West Virginia to develop and implement a drug screening policy for WIA Title I training-level services is hereby rescinded.

[*Signature Page to Follow*]

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



By the Governor

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

GOVERNOR

SECRETARY OF STATE

GREENBRIER COUNTY HEALTH DEPARTMENT
9109 SENECA TRAIL SOUTH
RONCEVERTE, WEST VIRGINIA 24970
Public Health Nursing 304-645-1787
Environmental Health 304-645-1539

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STATE OF WV

OTHER

Press Release

Released: Friday, September 17, 2021

GREENBRIER COUNTY BOARD OF HEALTH ISSUES AN INDOOR MASK MANDATE

By order of the Greenbrier County Board of Health, an indoor mask mandate is being issued effective immediately.

"Greenbrier County health workers and facilities have become overwhelmed with the rise in COVID cases in recent weeks and we feel it is our duty to respond," stated Dr. Drema Hill, Vice-Chairman of the Greenbrier County Board of Health.

The indoor mask mandate is as follows:

Any individual, regardless of vaccination status, is required to wear a mask or face covering that covers their mouth and nose while inside any building open to the public except for:

- children under the age of 2
- anyone who has trouble breathing or a valid medical reason
- anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance

All businesses and organizations that invite the public into their facilities shall require compliance with this mandate. They shall:

- post adequate signage
- implement this mandate on their premises

This mandate does NOT apply to:

- outdoor spaces
- one's residence
- when individuals can physically isolate in a physically separated office or other space when no others are present
- when actively engaged in the consumption of food and/or beverage

This mandate will be reviewed by the Greenbrier County Commission within 30 days.