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CONTENTS

Chronological Index

Rule Monitor

Notices

a. Legislative Rules

b. Interpretive Rules

c. Procedural Rules

d. Emergency Rules

e. Legislative Rule-Making Review Committee

Legislative Interims

Orders

Ethics Commission Opinions

Office of Tax Appeal Decisions

Other Documents or Information Filed

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

Attorney General's Office

Corrections

Counseling, WV Bd. Of

Health Care Authority

Health Information Network

Insurance Commission

Landscape Architects

Medicine, WV Bd. Of

Natural Resources

Surface Mine Board

CHRONOLOGICAL INDEX, VOLUME XXXIII ISSUE 1			
NO NEW PROPOSED RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

NO NEW EMERGENCY RULES WERE FILED THIS WEEK				
AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE FOR 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

- Titles followed by an asterisk (**) indicate that the rule is in effect as an emergency
- 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)
- If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
- Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	13	OCCUPATIONAL THERAPY
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	20	SANITARIANS
TITLE	24	OSTEOPATHY
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE	33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE	35	OFFICE OF OIL AND GAS
TITLE	36	COAL MINE HEALTH & SAFETY
TITLE	38	MINING & RECLAMATION
TITLE	42	LABOR
TITLE	45	OFFICE OF AIR QUALITY
TITLE	47	OFFICE OF WATER RESOURCES
TITLE	48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	63	CONSERVATION AGENCY
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH & HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	82	CULTURE AND HISTORY
TITLE	85	WORKERSCOMPENSATION BY THE INSURANCE COMMISSION
TITLE	86	VETERANS AFFAIRS
TITLE	87	FIRE COMMISSION
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE	96	WORKFORCE WEST VIRGINIA
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	113	HEALTH INSURANCE PLAN
TITLE	114	INSURANCE
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTION
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	157	DIVISION OF HIGWAYS
TITLE	158	ETHICS COMMISSION
TITLE	162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE	172	STATE RAIL AUTHORITY
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION – BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY
TITLE	184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	191	FAMILY PROTECTION SERVICES BOARD
TITLE	199	EXPLOSIVES & BLASTING
TITLE	204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY
TITLE	205	OUTDOOR HERITAGE CONSERVATION FUND
TITLE	207	COALFIELD COMMUNITY DEVELOPMENT
TITLE	210	GOHELP

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-1)	Board Rules and Rules of Professional Conduct Legislative	6/15/2015	7/15/2015		7/24/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Administration (148-1)	Purchasing Division Legislative	7/27/2015	8/26/2015	7/23/2015 Approved 7/31/2015	9/1/2015	Approved 11/19/2015			
Administrative Hearings (105-1)	Appeal Procedures Legislative	6/22/2015	7/22/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Agriculture (61-23D)	Inspection of Nontraditional, Domesticated Animals Legislative	6/10/2015	7/17/2015	6/10/2015 Effective 7/22/2015	7/30/2015	Modified & Approved 10/22/2015 Filed 11/3/2015			
Agriculture (61-28)	Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas Legislative	6/30/2015	7/30/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Agriculture (61-31)	Livestock Care Standards Legislative	6/30/2015	7/30/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Agriculture (61-34)	Captive Cervid Farming Legislative	4/28/2015	5/28/2015	4/28/2015 Approved 5/12/2015	7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015			
Air Quality (45-39)	Control of Annual Nitrogen Oxides Emissions - Repeal Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 11/19/2015			
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 11/19/2015			
Air Quality (45-41)	Control of Annual Sulfur Dioxide Emissions - Repeal Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 11/19/2015			
Alcohol Beverage Control Comm. (175-2)	Private Club Licensing Legislative	6/10/2015	7/11/2015		7/31/2015	Approved 10/22/2015			
Alcohol Beverage Control Comm. (175-10)	Distilleries and Mini-Distilleries Legislative	6/10/2015	7/11/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/4/2015			
Alcohol Beverage Control Comm – Beer (176-1)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/10/2015	7/11/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/4/2015			
Community & Technical College Ed. (135-21)	Freshman Assessment and Placement Standards Procedural	8/24/2015 10/26/2015	9/28/2015 11/30/2015					12/14/2015	1/14/2016
Conservation Committee (63-2)	WV Conservation Agency Financial Assistance Program Legislative	4/29/2015	5/29/2015	4/29/2015 Approved 5/12/2015	6/5/2015	Modified & Approved 9/15/2015 Filed 9/16/2015			
Consolidated Public Retirement Board (162-2)	Benefit Determination and Appeal Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Consolidated Public Retirement Board (162-3)	Teachers' Defined Contribution Retirement System Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 9/15/2015 Filed 9/22/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Consolidated Public Retirement Board (162-4)	Teachers Retirement System Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 9/15/2015 Filed 9/22/2015			
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service,Loan and Correction of Error Interest Factors Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 9/15/2015 Filed 9/22/2015			
Consolidated Public Retirement Board (162-8)	Service Credit for Accrued and Unussed Sick and Annual Leave Legislative	6/4/2015	7/6/2015		7/28/2015	Approved 9/15/2015			
Consolidated Public Retirement Board (162-9)	West Virginia State Police Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Consolidated Public Retirement Board (162-10)	Deputy Sheriff Retirement System Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Counseling (27-1)	Licensing Rule Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 10/20/2015			
Counseling (27-3)	Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 9/16/2015 Filed 9/29/2015			
Counseling (27-5)	Disciplinary and Complaint Procedures for Counselors Procedural	6/17/2015	7/20/2015						
Counseling (27-8)	Marriage and Family Therapists Licensing Rule Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 10/20/2015			
Counseling (27-10)	Marriage and Family License Renewal and Continuing Professional Education Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 9/16/2015 Filed 9/29/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Counseling (27-11)	Disciplinary and Complaint Procedures for Marriage and Family Therapists Procedural	6/17/2015	7/20/2015						
Counseling (27-12)	Contested Case Hearing Procedure for Marriage and Family Therapist Procedural	6/17/2015	7/20/2015						
Crime, Delinquency and Correction (GCCDC) (149-2)	Law Enforcement Training and Certification Standards Legislative	6/15/2015	7/22/2015		7/27/2015	Modified & Approved 10/22/2015 Filed 11/5/2015			
Dentistry (5-11)	Continuing Education Requirements Legislative	5/13/2015	6/13/2015		7/23/2015	Modified & Approved 9/16/2015 Filed 9/23/2015			
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	5/13/2015	6/13/2015		7/23/2015	Modified & Approved 9/16/2015 Filed 9/23/2015			
Education (126-14)	WV Measurers of Academic Progress (2340) Legislative Exempt	11/13/2015	12/14/2015					12/18/2015	1/19/2016
Education (126-15)	Programs of Study for Limited English Proficient Students (2417) Legislative Exempt	11/13/2015	12/14/2015					12/18/2015	1/19/2016
Education (126-44AA)	WV College and Career-Readiness Standards for English Language Arts (2520.1A) Legislative Exempt	11/13/2015	12/14/2015					12/18/2015	7/1/2016
Education (126-44BB)	WV College and Career-Readiness Standards for Mathematics (2520.2B) Legislative Exempt	11/13/2015	12/14/2015					12/18/2015	7/1/2016
Education (126-44P)	Alternate Academic Achievement Standards for Science in WV Schools (2520.16) Legislative Exempt	8/13/2015	9/14/2015					10/15/2015	7/1/2016
Education (126-73)	School Calendar (3234) Legislative Exempt	12/18/2015	1/19/2016						
Education (126-142)	Performance Evaluation of School Personnel (5310) Legislative Exempt	7/9/2015	8/10/2015						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-149)	Professional Development for WV Educators (5500) Legislative Exempt	12/18/2015	1/19/2016						
Election Commission (146-3)	Regulation of Campaign Finance Legislative	5/20/2015	6/19/2015		7/31/2015	Modified w/certain amendments and approved 11/19/2015 Filed 11/30/2015 2nd Filed 12/22/2015			
Election Commission (146-5)	WV Supreme Court of Appeals Campaign Financing Program Legislative	5/20/2015	6/19/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 11/30/2015 2nd Filed 12/22/2015			
Ethics Commission (158-21)	Public Use of Names or Likeness Legislative	5/12/2015	6/12/2015	5/12/2015 Effective 6/23/2015	6/30/2015	Approved w/certain amendments 11/19/2015			
Fire Commission (87-1)	Fire Code Legislative	5/1/2015	5/29/2015 Written Comments 6/1/2015		6/29/2015	Approved 11/19/2015			
Fire Commission (87-4)	State Building Code Legislative	5/1/2015	6/1/2015		6/29/2015	Modified & Approved 11/19/2015 Filed 12/10/2015			
Fire Commission (87-7)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Inspectors and Plans Examiners Legislative	5/1/2015	6/1/2015		6/29/2015	Modified & Approved 11/19/2015 Filed 12/10/2015			
Health (64-48)	Emergency Medical Services Legislative	6/25/2015	7/25/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/8/2015			
Health (64-51)	Fees for Service Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 10/22/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-56)	Infectious Medical Waste Legislative	6/25/2015	7/25/2015		7/27/2015	Modified & Approved 9/16/2015 Filed 9/23/2015			
Health (64-64)	Aids-Related Medical Testing and Confidentiality Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 9/16/2015			
Health (64-76)	Tuberculosis Testing, Control, Treatment and Commitment Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 9/16/2015			
Health (64-102)	Farmers Market Vendors Legislative	6/25/2015	7/25/2015		7/27/2015	Modified & Approved 10/22/2015 Filed 10/23/2015			
Health (64-104)	Certification of Opioid Overdose Prevention and Treatment Training Programs Legislative	6/25/2015	7/25/2015		7/27/2015	Modified & Approved 9/16/2015 Filed 9/23/2015			
Health & Human Resources (69-8)	Chronic Pain Management Clinic Licensure Legislative	6/26/2015	7/26/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/8/2015			
Health & Human Resources (69-9)	Neonatal Abstinence Centers Legislative	6/25/2015	7/25/2015	6/25/2015 Approved 7/29/2015 Amendment 12/8/2015 Approved 12/15/2015	7/31/2015	Modified & Approved 11/19/2015 Filed 12/8/2015			
Health & Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	6/26/2015	7/26/2015	6/26/2014 Amendment 7/17/2015 Approved 7/29/2015 Amendment 10/23/2015 ERD by 12/4/2015	7/31/2015	Modified & Approved 10/22/2015 Filed 10/23/2015			
Higher Education Policy Comm. (133-19)	Guidelines for the Offering of Early Enrollment Courses for High School Students Procedural	11/24/2015	12/24/2015						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Comm. (133-26)	Underwood-Smith Teacher Scholarship Program Legislative	6/4/2015	7/4/2015			Approved 10/28/2015			
Higher Education Policy Comm. (133-58)	Nursing Scholarship Program Legislative	6/4/2015	7/4/2015			Approved 10/28/2015			
Highways (157-11)	State Transportation Infrastructure Fund Program Legislative	6/29/2015	7/29/2015		7/31/2015	Modified & Approved 9/15/2015 Filed 9/30/2015			
Human Rights Commission (77-10)	Pregnant Workers' Fairness Act Legislative	6/29/2015	7/30/2015		7/31/2015	Modifed w/certain amendments & Approved 11/19/2015 Filed 12/8/2015			
Human Services (78-1)	Child Care Center Licensing Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Approved 10/22/2015			
Human Services (78-18)	Family Child Care Facility Licensing Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Approved 10/22/2015			
Human Services (78-19)	Family Child Care Home Registration Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 10/28/2015			
Human Services (78-23)	W. Va. Works Program Sanctions Legislative	6/25/2015	7/25/2015	6/25/2015 Amendment 7/31/2015 Approved 9/4/2015	7/31/2015	Modified & Approved 10/22/2015 Filed 11/13/2015			
Human Services (78-24)	Qualifications for a Restricted Provisional License to Practice as a Social Worker Within the Dept. of Health & Human Resources Legislative	6/25/2015	7/25/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/8/2015			
Human Services (78-25)	Goals for Foster Children Legislative	6/26/2015	7/26/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/22/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-5)	Wage Payment and Collection Legislative	6/25/2015	7/25/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/9/2015			
Labor (42-8)	Minimum Wages and Maximum Hours Standards Regulations Legislative	6/26/2015	7/27/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/9/2015			
Labor (42-21)	Elevator Safety Act Legislative	6/26/2015	7/27/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 11/17/2015			
Labor (42-21A)	Licensing of Elevator Mechanics and Technicians and Registration of Apprentices Legislative	6/26/2015	7/27/2015		7/31/2015	Approved 11/19/2015			
Medical Imaging & Radiation Therapy Tech. Bd. of Exam. (18-1)	Rules of the WV Medical Imaging & Radiation Therapy Tech Bd of Exam Legislative	3/6/2015	5/1/2015		6/8/2015	Approved 10/22/2015			
Medicine (11-11)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/12/2015	7/13/2015	6/12/2015 Approved 6/30/2015	7/27/2015	Modified & Approved 10/22/2015 Filed 10/23/2015			
Miners' Health, Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/26/2015	7/27/2015	6/26/2015 Effective 8/7/2015	7/30/2015	Approved 10/22/2015			
Mining and Reclamation (38-2)	WV Surface Mining Reclamation Legislative	6/23/2015	7/24/2015		7/27/2015	Approved 11/19/2015			
Natural Resources (58-47)	Prohibition When Hunting and Trapping Legislative	6/23/2015	7/22/2015		7/30/2015	Modified & Approved 9/15/2015 Filed 10/8/2015			
Natural Resources (58-49)	General Hunting Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015			
Natural Resources (58-50)	Deer Hunting Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-52)	Wild Boar Hunting Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015			
Natural Resources (58-60)	Fishing Regulations Legislative Exempt							12/16/2015	1/1/2016
Natural Resources (58-74)	Elk Restoration and Management Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Modified & Approved 10/22/2015 Filed 10/29/2015			
Nursing Home Administrators Licensing Bd. (21-1)	Nursing Home Administrators Legislative	6/9/2015	7/10/2015		7/17/2015	Modified & Approved 10/22/2015 Filed 11/2/2015			
Oil and Gas (35-08)	Horizontal Well Development Legislative	7/24/2015	Hearing 7/23/2015 Written 7/27/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 11/23/2015			
Personnel (143-1)	Administrative Rule of the WV Div. of Personnel Legislative	5/19/2015	6/30/2015		7/21/2015	Approved 11/19/2015			
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 10/22/2015 Filed 12/17/2015			
Pharmacy (15-2)	Rules of the Bd. Of Pharmacy for the Uniform Controlled Substances Act Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 11/19/2015 Filed 12/17/2015			
Pharmacy (15-4)	Record Keeping and Automated Data Processing Systems Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 10/22/2015 Filed 12/17/2015			
Pharmacy (15-5)	Licensure of Wholesale Drug Distributors, Third-Party Logistics Providers and Manufacturers Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 10/22/2015 Filed 12/17/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Professional Engineers (7-1)	Examination, Licensure and Practice of Professional Engineers Legislative	4/3/2015	5/4/2015	4/3/2015 Withdrawn 5/11/2015 5/11/2015 Approved 6/2/2015	5/11/2015	Modified & Approved 9/16/2015 Filed 9/22/2015			
Property Valuation Training & Procedures Commission (189-5)	Tax Map Sales Legislative	6/11/2015	7/13/2015		7/29/2015	Modified & Approved 10/22/2015 Filed 10/27/2015			
Public Transit (225-1)	Rail Fixed Guideway Systems State Safety Oversight Legislative	7/1/2015	7/30/2015		7/31/2015	Modified & Approved 9/15/2015 Filed 9/30/2015			
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/11/2015	7/13/2015		7/22/2015	Approved 11/19/2015			
Racing Commission (178-5)	Pari-Mutuel Wagering Legislative	6/11/2015	7/13/2015		7/22/2015	Approved 11/19/2015			
Secretary of State (153-3)	(Repeal of) Registration Forms and Receipts Legislative	5/27/2015	6/30/2015		6/30/2015	Approved 11/19/2015			
Secretary of State (153-9)	(Repeal of) Elimination of Precinct Registration Books Legislative	5/27/2015	6/30/2015		7/1/2015	Approved 11/19/2015			
Secretary of State (153-23)	(Repeal of) Absentee Voting by Military Voters Who Are Members of Reserve Units Called to Active Duty Legislative	5/27/2015	6/30/2015		6/30/2015	Approved 11/19/2015			
Secretary of State (153-52)	Freedom of Information Act Database Legislative	5/18/2015	6/19/2015	7/1/2015 Effective 8/12/2015	6/30/2015	Modified & Approved 11/19/2015 Filed 11/30/2015 2nd Filed 12/22/2015			
Senior Services (76-3)	WV State Plan for Aging – Title V Interpretive	10/17/2014	11/17/2014						
Social Work, WV Bd of (25-1)	Qualifications for the Profession of Social Work Legislative	6/9/2015	7/10/2015	5/26/2015 Approved 6/9/2015	7/21/2015	Modified & Approved 11/19/2015 Filed 12/4/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology and Audiology Legislative	4/22/2015	6/5/2015		6/8/2015	Modified & Approved 11/19/2015			
Speech-Language Pathology & Audiology (29-2)	Rule Governing Speech-Language Pathology and Audiology Assistants Legislative	4/22/2015	6/5/2015		6/8/2015	Modified w/certain amendments & Approved 11/19/2015			
Tax Department (110-1H)	Valuation of Timberland and Managed Timberland Legislative	6/11/2015	7/13/2015		7/29/2015	Modified & Approved 11/19/2015			
THE ABOVE RULE HAS BEEN WITHDRAWN 12/11/2015									
Tax Department (110-10D)	Use and Acceptance of Electronic Records Procedural	11/9/2015	12/10/2015					12/23/2015	1/25/2016
Tax Department (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/11/2015	7/13/2015		7/29/2015	Modified & Approved 9/16/2015 Filed 9/18/2015			
Tax Department (110-10L)	Claiming Tax Refund or Credit Procedural	11/9/2015	12/10/2015					12/23/2015	1/25/2016
Tax Department (110-14C)	Motor Fuel Excise Tax Interpretive	11/5/2015	12/4/2015						
Tax Department (110-50H)	Exchange of Info Agreement Between the Comm of the Tax Div of the Dept of Rev and the Sec of the Dept of Commerce, the Sec of the Dept of Environmental Protection, the Dir of the Div of Forestry of the Dept of Commerce and the Comm of the PSC Legislative	6/11/2015	7/13/2015		7/29/2015	Approved 9/16/2015			
Veterans' Assistance (86-2)	State Home for Veterans-Fiscal Legislative	5/29/2014	6/28/2014	5/28/2014 Approved 6/2/2014 Expired 9/2/2015	8/1/2014	Approved 9/16/2015			
Veterans' Assistance (86-4)	VA Headstones or Markers Legislative	5/28/2014	6/28/2014		8/1/2014	Approved 9/16/2015			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards Legislative	6/15/2015	Hearing 7/21/2015 Written Comments 7/31/2015	6/29/2015 Effective 8/10/2015 Amendment 9/21/2015 Approved 10/22/2015	7/31/2015	Modified & Approved 11/19/2015 Filed 11/24/2015			
Water Resources, Div. of Water & Waste Mgmt. (47-30B)	Administrative Proceedings and Civil Penalty Assessment Legislative	6/23/2015	7/24/2015		7/27/2015	Approved 11/19/2015			
Water Resources, Div. of Water & Waste Mgmt. (47-63)	Aboveground Storage Tanks Legislative	6/25/2015	7/30/2015		7/31/2015	Modified & Approved 11/19/2015			
Water Resources, Div. of Water & Waste Mgmt. (47-64)	Aboveground Storage Tank Administrative Proceedings and Civil Penalty Assessment Legislative	6/25/2015	7/30/2015		7/31/2015	Approved 11/19/2015			
Water Resources, Div. of Water & Waste Mgmt. (47-65)	Aboveground Storage Tank Fee Assessments Legislative	6/25/2015	7/30/2015		7/31/2015				
WorkForce West Virginia (96-4)	WV Prevailing Wage Act Legislative	9/22/2015	10/22/2015	8/28/2015 ERD by 10/9/2015	11/6/2015	Modified & Approved 11/19/2015 Filed 12/4/2015			

WV Division of Corrections' Policy Directives
Additions/Revisions
01 January 2016

Policy Directive	Issue Date
100	01 January 2016
101	01 January 2016
102	01 January 2016

LEGISLATIVE

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SECRETARY OF STATE

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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WEST VIRGINIA SECRETARY OF STATE

FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY **Natural Resources**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-55**
RULE NAME **Migratory Bird Hunting Rule**

CITE AUTHORITY **20-1-17(b) and 29A-1-3(c)**

RULE IS LEGISLATIVE EXEMPT
Yes
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
29A-1-3(c)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE EFFECTIVE DATE OF THIS RULE IS
Tuesday, January 05, 2016

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.
Yes
Joshua L Jarrell -- 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.

Title-Series: 58-55 Rule Id: 9972 Document: 27369

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LEGISLATIVE

FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY **Natural Resources**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-57**

RULE NAME **Waterfowl Hunting Rule**

CITE AUTHORITY **29A-1-3(c) and 20-1-17(b)(7)**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

29A-1-3(c)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE EFFECTIVE DATE OF THIS RULE IS

Tuesday, January 05, 2016

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Joshua L Jarrell -- 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.

Title-Series: 58-57 Rule Id: 9970 Document: 27367

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ADMINISTRATIVE LAW DIVISION

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY **Natural Resources**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **58-59**

RULE NAME **Special Waterfowl Hunting Areas**

CITE AUTHORITY **20-1-7(30) and 29A-1-3(c)**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

29A-1-3(c)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE EFFECTIVE DATE OF THIS RULE IS

Tuesday, January 05, 2016

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Joshua L Jarrell -- 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.

Title-Series: 58-59 Rule Id: 9971 Document: 27368

Orders Report

Docket Number	Agency	Respondent	Date Rendered
16-AP-CO-02000	Insurance Commission	Nationwide Insurance Company	1/5/2016
N/A	Medicine, West Virginia Board Of	Muhammad Salim Ratnani, MD	12/21/2015
2015-03-SMB	Surface Mine Board	Bluestone Coal Corporation	12/29/2015
2015-03-SMB	Surface Mine Board	Second Sterline Corporation	12/29/2015
2015-03-SMB	Surface Mine Board	Energy Plus Inc	12/29/2015
2015-03-SMB	Surface Mine Board	National Resources Inc	12/29/2015
2015-03-SMB	Surface Mine Board	Dynamic Energy Inc	12/29/2015
2015-03-SMB	Surface Mine Board	Pay Car Mining Inc	12/29/2015
2015-03-SMB	Surface Mine Board	Nuface Mining Company Inc	12/29/2015
2015-03-SMB	Surface Mine Board	Justice Highwall Mining Inc	12/29/2015

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AG OPINION

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

(304) 558-2021
Fax (304) 558-0140

January 5, 2016

The Honorable William P. Cole III
President of the Senate
Building 1, Room 229M
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear President Cole:

You have asked for an Opinion of the Attorney General regarding the filling of a vacancy created by the resignation of a State Senator who was elected as a member of one political party but was affiliated with another political party at the time of his or her resignation. This Opinion is being issued pursuant to West Virginia Code § 5-3-1, which provides that the Attorney General shall "render to the president of the Senate and/or the speaker of the House of Delegates a written opinion or advice upon any questions submitted to the attorney general by them or either of them whenever he or she is requested in writing so to do." To the extent this Opinion relies on facts, it is based solely upon the factual assertions set forth in your correspondence with the Attorney General's Office.

In your letter, you suggest that West Virginia law designates the political party of the State Senator at the time of resignation as the state party responsible for submitting a list of potential replacements to the Governor. You point to West Virginia Code § 3-10-5, which is entitled "Vacancies in the State Legislature." In particular, you note that subsection (a) states that the "party executive committee of the party with which the person holding office immediately preceding the vacancy was affiliated" would be responsible for submitting a list of three potential replacements to the Governor. Based on this language, you believe that the responsible political party is the one to which the State Senator belonged at the time of his or her resignation.

Your letter raises the following legal question:

Which political party is responsible for submitting a list of potential replacements to the Governor to fill a vacancy created by the resignation of a State Senator who was elected to office as a member of one political party but was affiliated with another political party at the time of his or her resignation?

As you note, the relevant statutory provision is West Virginia Code § 3-10-5. In its entirety, the provision reads:

> (a) Any vacancy in the office of State Senator or member of the House of Delegates shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted *by the party executive committee of the party with which the person holding the office immediately preceding the vacancy was affiliated.* The list of qualified persons to fill the vacancy shall be submitted to the Governor within fifteen days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the fifteen-day period, the Governor shall appoint within five days thereafter a legally qualified person of *the same political party as the person vacating the office.*
>
> (b) In the case of a member of the House of Delegates, the list shall be submitted by the party executive committee of the delegate district in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the House of Delegates is for the unexpired term.
>
> (c) In the case of a State Senator, *the list shall be submitted by the party executive committee of the state senatorial district in which the vacating senator resided at the time of his or her election or appointment.* The appointment to fill a vacancy in the State Senate is for the unexpired term, unless section one of this article requires a subsequent election to fill the remainder of the term, which shall follow the procedure set forth in section one of this article.

W. Va. Code § 3-10-5 (emphases added). We are aware of no cases of the West Virginia Supreme Court of Appeals that have interpreted this statutory provision. The provision is mentioned in several previous Attorney General Opinions, but none of those addresses the question you pose. *See* 2013 WL 1287948 (Jan. 13, 2013); 63 W. Va. Op. Att'y Gen. No. 19 (Nov. 6, 1989); 53 W. Va. Op. Att'y Gen. 93 (Sept. 12, 1968).

Our first task is to "determine whether the language at issue is ambiguous." *Bd. of Trustees of Firemen's Pension & Relief Fund of City of Fairmont v. City of Fairmont*, 215 W. Va. 366, 370, 599 S.E.2d 789, 793 (2004); *see also State ex rel. Hall v. Schlaegel*, 202 W. Va. 93, 96, 502 S.E.2d 190, 193 (1998) ("As with all issues of statutory construction, we must first determine whether the language at issue presents any ambiguity."). That is true where a statutory provision "is susceptible of two *reasonable* constructions." *Firemen's Pension & Relief Fund*, 215 W. Va. at 370, 599 S.E.2d at 793 (emphasis added); *Lawson v. Cnty. Comm'n of Mercer Cnty.*, 199 W. Va. 77, 81, 483 S.E.2d 77, 81 (1996) (finding ambiguity where a "statute can be read by reasonable persons to have different meanings"). Thus, "'[m]ere informality in phraseology or clumsiness of expression does not make it ambiguous, if the language imports one meaning or intention with reasonable certainty.'" *Jessee v. Aycoth*, 202

W. Va. 215, 218, 503 S.E.2d 528, 531 (1998) (quoting Syl. Pt. 13, *State v. Harden*, 62 W. Va. 313, 58 S.E. 715 (1907)). Similarly, "[t]he fact that parties disagree about the meaning of a statute does not itself create ambiguity or obscure meaning." *T. Weston, Inc. v. Mineral Cnty.*, 219 W. Va. 564, 568, 638 S.E.2d 167, 171 (2006) (citation omitted); *see also State v. Chapman*, No. 13-0111, 2013 WL 5676630, at *4 (W. Va. Oct. 18, 2013) ("[a] statute is not ambiguous simply because different interpretations are conceivable" (internal quotations omitted)).

With respect to the question you ask, we do not find the statute to be ambiguous, as we believe "the language imports one meaning or intention with reasonable certainty." *Jessee*, 202 W. Va. at 218, 503 S.E.2d at 531. Heeding the instruction of our Supreme Court of Appeals to read statutory language "in context," *In re Estate of Lewis*, 217 W. Va. 48, 53, 614 S.E.2d 695, 700 (2005), and not to focus on "any single part, provision, section, sentence, phrase or word," Syl. Pt. 5, *Fruehauf Corp. v. Huntington Moving & Storage Co.*, 159 W. Va. 14, 217 S.E.2d 907 (1975), our conclusion is informed by three sentences in the statute. *First*, "[a]ny vacancy in the office of State Senator . . . shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted by the party executive committee *of the party with which the person holding the office immediately preceding the vacancy was affiliated.*" W. Va. Code § 3-10-5(a) (emphasis added). *Second*, "[i]f the list is not submitted to the Governor within the fifteen-day period, the Governor shall appoint within five days thereafter a legally qualified person *of the same political party as the person vacating the office.*" *Id.* (emphasis added). *Third*, "the list shall be submitted by the party executive committee *of the state senatorial district in which the vacating senator resided at the time of his or her election or appointment.*" *Id.* § 3-10-5(c) (emphasis added). As explained in detail below, these three sentences together convey "with reasonable certainty" that the political party responsible for the list of potential replacements is the one to which the State Senator belonged at the time of his or her resignation. *Jessee*, 202 W. Va. at 218, 503 S.E.2d at 531.

Standing alone, the first sentence is arguably ambiguous. That sentence in subsection (a) states that the list of potential replacements is to come from the party executive committee "of the party" with which "the person holding the office immediately preceding the vacancy was affiliated." W. Va. Code § 3-10-5(a). We believe this language suggests that the appropriate political party should be determined by identifying the party affiliation of the vacating senator at the time "immediately preceding the vacancy." Without more context, however, we recognize that the phrase "was affiliated" might be understood one of two ways: to refer to the senator's party affiliation at the time of election or appointment, or to the senator's party affiliation at the time of the vacancy.

But the second sentence—which follows later in subsection (a)—makes clear that the Legislature intended for a vacated Senate seat to remain of the same political party that it was at the time of the vacancy. When a list of potential replacements is not timely submitted to the Governor by the responsible political party, the Governor is restricted to appointing a person "of the same political party as the person vacating the office." *Id.* By using the word "vacating"—a present participle—the statute refers unambiguously to the political party of the person at the time of vacancy. *See* Merriam Webster Online, *Present Participle*, http://www.merriam-

AG OPINION

webster.com/dictionary/present%20participle (last visited Jan. 4, 2016) (defining "present participle" as "a participle that typically expresses present action in relation to the time expressed by the finite verb in its clause"). For example, if an announcer referred to "the hat worn by the person hitting the ball," the announcer would clearly be referring to the hat worn by the person in the act of hitting the ball, not to the hat worn by that person months or years earlier. This sentence thus plainly limits the Governor, in the absence of a timely-submitted list of potential replacements, to appointing a replacement from the political party with which the previous senator was affiliated at the time of the vacancy. It would make no sense for a different rule to apply to determining the political party responsible for submitting the list of potential replacements.

Were there any remaining doubt, the third sentence provides yet more context confirming the Legislature's intent for a replacement senator to come from the political party with which the vacating senator was affiliated at the time of the vacancy. In contrast to the first sentence, this sentence from subsection (c) addresses not the *identity* of the responsible political party but the *location* of the specific party executive committee responsible for the list, and it expressly qualifies that location as "the senatorial district" in which the vacating senator resided at "the time of his or her election or appointment." W. Va. Code § 3-10-5(c).[1] This sentence shows that the Legislature knew how to (and did) specify "the time of . . . election or appointment" when it saw fit to do so. *Id.* The Legislature specifically did not include that same qualifier when referring to the vacating senator's party affiliation in subsection (a), and our Supreme Court of Appeals has made clear that "we are obliged not to add to statutes something the Legislature purposely omitted." *Banker v. Banker*, 196 W. Va. 535, 546–47, 474 S.E.2d 465, 476–77 (1996).

In sum, reading the statute in its entirety, as we must, we find that the statute can only be reasonably understood to refer to a vacating senator's party affiliation at the time of the vacancy. The statute is therefore unambiguous as to the question you pose, and "it should be applied as written." *State ex rel. Corp. of Charles Town v. Sanders*, 224 W. Va. 630, 633, 687 S.E.2d 568, 571 (2009).

[1] This geographical qualifier on the appropriate party committee has come into play previously in circumstances where there has been redistricting since an election or appointment. When current Agriculture Commissioner Helmick resigned his seat in the State Senate, it was undisputed under subsection (a) that the Democratic party would submit the list of potential replacements, but it was subsection (c) that dictated which county committees of the Democratic party would participate in compiling the list. Though there had been redistricting since then-Senator Helmick took office, the plain terms of subsection (c) required that the potential replacements be selected from the old senatorial district from which Helmick had been elected. Marla Pisciotta, WV Senate awaits Helmick's replacement, State Journal (Jan. 4, 2013, 5:10 PM), http://www.statejournal.com/story/20507029/wv-senate-awaits-helmicks-replacement (last updated Feb. 3, 2013, 5:10 PM). Subsection (c) might also be relevant were a senator to resign after having moved out of his or her district.

Our conclusion is bolstered by a review of the statutory history. Prior to an amendment in 2010, West Virginia Code § 3-10-5 consisted only of a single paragraph first enacted in 1963. Ch. 64, Acts of the Legislature, 1963, at 377. In pertinent part, it read:

> Any vacancy in the office of State Senator or member of the House of Delegates shall be filled by appointment by the Governor, in each instance from a list of three legally qualified persons submitted by the party executive committee of the delegate district in the case of a member of the House of Delegates, and by the party executive committee of the state senatorial district in the case of a state senator, of the party with which the person holding the office immediately preceding the vacancy was affiliated, and of the county or state senatorial district, respectively, in which he resided at the time of his election or appointment.

W. Va. Code § 3-10-5 (1963). Like today's version of the statute, the pre-2010 version provided that the list of potential replacements was to be submitted by the party executive committee "of the party with which the person holding the office immediately preceding the vacancy was affiliated," and "of the . . . state senatorial district . . . in which [that person] resided at the time of his election or appointment." Though the pre-2010 statute included a reference to "the time of . . . election or appointment," that reference did not qualify the party affiliation language. In 2010, the Legislature essentially broke this paragraph into the three subsections that exist today, but did not change the substance. *See* Ch. 78, Acts of the Legislature, 2010, at 950.[2] This statutory history confirms that the Legislature has knowingly chosen not to tie the replacement candidate to the former senator's party affiliation at the time of his or her election or appointment.

We also find support in a review of the laws of other States, which shows that our State's law is very different from those that have been construed to require vacancies to be filled by the party at the time of election or appointment. Some States have laws that expressly provide that the party at the time of election fills a vacancy.[3] In other States, where courts have read that requirement into their states' laws, the laws have been truly ambiguous, referring without any

[2] An electronic version is available at: http://www.legis.state.wv.us/Bill_Status/bills_history.cfm?INPUT=557&year=2010&sessiontype=RS.

[3] *See, e.g.*, Nev. Const. art. IV, § 12 ("In case of the death or resignation of any member of the legislature, either senator or assemblyman, the county commissioners of the county from which such member was elected shall appoint a person *of the same political party as the party which elected such senator or assemblyman* to fill such vacancy" (emphasis added)); Md. Const. art. III, § 13 ("the Governor shall appoint a person to fill such vacancy from a person whose name shall be submitted to him in writing, within thirty days after the occurrence of the vacancy, by the Central Committee of the political party, if any, with which the Delegate or Senator, so vacating, *had been affiliated, at the time of the last election or appointment of the vacating Senator or Delegate*" (emphasis added)); N.J. Const. art. IV, § 4, ¶ 1 ("the vacancy shall be filled within 35 days by the members of the county committee *of the political party of which the incumbent was the nominee* from the municipalities or districts or units thereof which comprise the legislative district" (emphasis added)); Ind. Code § 3-13-5-.1(b) ("A vacancy in a legislative office that was last held by a person *elected or selected as a candidate of a political party* described by IC 3-8-4-10 shall be filled by the state committee of the political party." (emphasis added)).

AG OPINION

other context or elaboration to "the party" or "the political party" of the previous official.[4] In contrast, our statute expressly references "the time of . . . election or appointment" but does not apply that qualifier to the vacating official's party affiliation, and also provides ample other context that makes clear that the party at the time of the vacancy fills the vacancy.

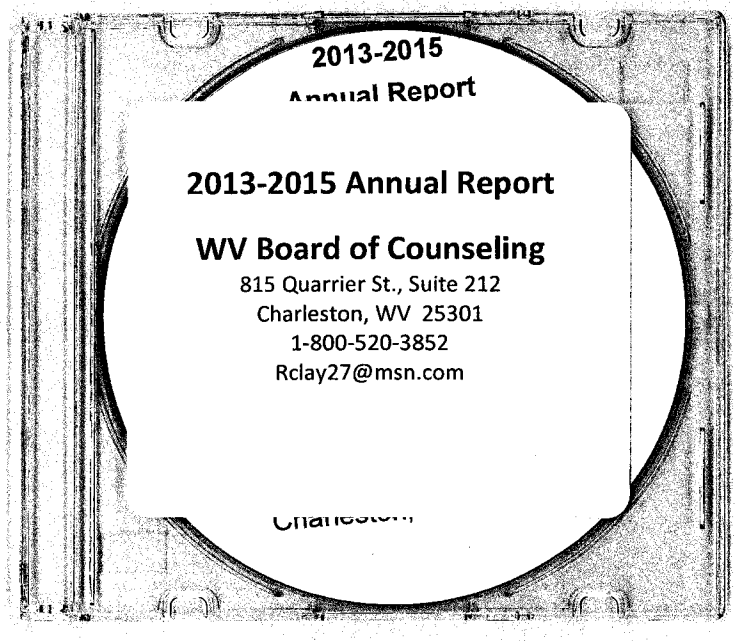
Sincerely,

Patrick Morrisey
Attorney General

Elbert Lin
Solicitor General

Erica N. Peterson
Assistant Attorney General

[4] *See Richards v. Bd. of Cnty. Comm'rs of Sweetwater Cnty.*, 6 P.3d 1251 (Wyo. 2000) (interpreting statute that referred simply to "the political party to which the member whose office is vacant belonged"); *Wilson v. Sebelius*, 72 P.3d 553 (Kan. 2003) (interpreting statute that referred only to "the party").



OTHER

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

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SECRETARY OF STATE

December 28, 2015

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **December 25, 2015**.

LETTERS OF INTENT FOR EXPEDITED REVIEW RECEIVED

December 21, 2015 – New Lifeclinics, Inc., Millwood, Jackson County, CON File #15-3-10708-BH, for the development of an outpatient substance abuse treatment clinic located at 2152 Greenbrier Street, Charleston, Kanawha County; capital expenditure: $12,000.

December 21, 2015 – New Lifeclinics, Inc., Millwood, Jackson County, CON File #15-5-10709-BH, for the development of an outpatient substance abuse treatment clinic located at 6675 Point Pleasant Road, Millwood, Jackson County; capital expenditure: $25,000.

December 21, 2015 – New Lifeclinics, Inc., Millwood, Jackson County, CON File #15-9-10710-BH, for the development of an outpatient substance abuse treatment clinic located at 1927 Rock Cliff Drive, Martinsburg, Berkeley County; capital expenditure: $12,000.

EXPEDITED APPLICATIONS RECEIVED

December 21, 2015 – Bio-Medical Applications of West Virginia, Inc. d/b/a Fresenius Medical Care Charles Town, Raleigh, North Carolina, CON File #15-9-10687-R, for the addition of four (4) dialysis stations to the FMC Charles Town, Jefferson County, facility; capital expenditure: $1,292,694.

December 23, 2015 – Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #15-5-10629-X/P, for the development of primary care practitioner services at Westbrook Health Services, Inc.; capital expenditure: $10,000.

HEARING NOTICES

The Administrative Hearing and Prehearing Conference have been SCHEDULED in the following matter:

December 22, 2015 – Marietta Memorial Hospital, Marietta, Ohio, CON File #15-5-10515-P, for the establishment of an ambulatory care facility in Parkersburg, Wood County.

Prehearing Conference: Friday, January 15, 2016, at 1:30 p.m.
Administrative Hearing: Monday, January 25, 2016, at 9:00 a.m.

The Prehearing Conference has been AMENDED in the following matter:

University of Pittsburgh Physicians, Pittsburgh, Pennsylvania, CON File #15-WV-10524-P, for the provision of telemedicine services in West Virginia.

Prehearing Conference: Friday, January 22, 2016, at 10:00 a.m.
Administrative Hearing: Friday, January 29, 2016, at 9:00 a.m.

The prehearing conference and administrative hearing in the above-referenced matters will be held in the offices of the Health Care Authority, 100 Dee Drive, Charleston, West Virginia 25311-1600, unless otherwise noted.

ORDER GRANTING MOTION FOR PROCEEDINGS *IN CAMERA* ISSUED

December 21, 2015 – Cabell Huntington Hospital, Inc., Huntington, Cabell County, CON File #14-2-10375-A.

PROJECTS DETERMINED NOT REVIEWABLE

December 24, 2015 – Diversified Assessment and Therapy Services, Kenova, Wayne County, CON File #15-3-10492-X, for the provision of the following I/DD Waiver Services: Behavior Support Professional, Crisis Services, Dietary Therapy, Electronic Monitoring and On-site Surveillance, Environmental Accessibility Adaptation, Occupational Therapy, Person-Centered Support Traditional Family, Person-Centered Support Traditional Agency, Physical Therapy, Respite Traditional Agency, Service Coordination, Skilled Nursing LPN, Skilled Nursing RN, Speech Therapy, Supported Employment, Job Development, Pre-Vocational, Transportation Traditional Miles and Transportation Traditional Trips in Kanawha County.

December 24, 2015 – Highland-Clarksburg Hospital, Inc., Clarksburg, Harrison County, CON File #15-6-10691-X, for the conversion of 15 of the Veterans Administration beds to forensic beds; no capital expenditure.

December 24, 2015 – National Youth Advocate Program, Columbus, Ohio, CON File #15-9-10698-X, for the complete relocation of its Martinsburg office from 1314 Edwin Miller Blvd., Suite 103 to 1314 Edwin Miller Blvd., Suite 212, Martinsburg, Berkeley County; no capital expenditure.

CERTIFICATE OF NEED APPROVALS ISSUED

December 22, 2015 – St. Mary's Medical Center, Inc. d/b/a St. Mary's Medical Center, Huntington, Cabell County, CON File #15-2-10624-H, for the construction of new space on the hospital campus to house a hybrid operating room to be used primarily for cardiac, including open heart surgery, vascular and general surgery procedures, and a relocated, expanded Post-Anesthesia Care Unit; capital expenditure: $9,000,000.

OTHER

December 24, 2015 – FMRS Health Systems, Inc., Beckley, Raleigh County, CON File #15-1-10589-P, for the provision of primary care services; capital expenditure: $15,000.

EXTENSION GRANTED

December 24, 2015 – Raleigh General Hospital, Beckley, Raleigh County, CON File #14-1-10261-P, for the development of a Wound Care Center, including the provision of hyperbaric oxygen services, in Beckley, Raleigh County; capital expenditure: $841,250.

Extension granted through June 30, 2016.

RENEWALS GRANTED

December 24, 2015 – MRT JV, LLC and Monongalia General Hospital, Morgantown, Monongalia County, CON File #14-6-10127-A/E, for the acquisition and operation of the Fairmont Regional Cancer Center and acquisition of a linear accelerator which MRTJV would operate at the Zelda Stein Weiss Cancer Center on MGH's campus; capital expenditure: $10,620,000.

Renewal granted through December 31, 2016.

December 24, 2015 – Raleigh General Hospital, Beckley, Raleigh County, CON File #02-1-7505-H, for renovation related to its emergency department, surgery, cardiac catheterization, endoscopy, radiology and selected outpatient services within the hospital; capital expenditure: $33,000,000.

Renewal granted through December 31, 2016.

December 24, 2015 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #13-6-9817-P, for the construction of WVU Healthcare Outpatient Center, an ambulatory care/outpatient center at University Town Center in Morgantown on property owned by WVUH; capital expenditure: $52,250,000.

Renewal granted through March 31, 2016.

December 24, 2015 – West Virginia University Hospitals-East, Morgantown, Monongalia County, CON File #06-9-8255-H, for the implementation of a Facility Strategic Plan; capital expenditure: $41,515,000.

Renewal granted through December 31, 2016.

LETTERS OF INTENT EXPIRED

W.Va. (C.S.R. § 65-7-11.3) states, in part, that letters of intent are effective for one year from the date of their filing. The following represents letters of intent that have expired:

December 19, 2015 – Brookside Farm Addiction Treatment, Morgantown, Monongalia County, CON File #14-6-10370-BH, for the development and opening of a Long Term Residential Addiction Treatment Center in Aurora, Preston County; capital expenditure: $1,000,000.

December 23, 2015 – Vein Health Solutions Ultrasound Center, Beckley, Raleigh County, CON File #14-1/4-10376-P, for the establishment of an Ultrasound Center in Lewisburg, Greenbrier County and Beckley, Raleigh County; capital expenditure: $1,500,000.

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

OTHER

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

FILED
2016 JAN -4 P 2:14
OFFICE WEST VIRGINIA
SECRETARY OF STATE

January 4, 2016

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **January 1, 2016**.

AMENDED LETTER OF INTENT RECEIVED

December 28, 2016 – Buckthorn Holdings, LLC, Charleston, Kanawha County, CON File #15-6-10694-NH, for the construction of a replacement facility for Bridgeport Health Care Center, LLC, a 51 bed nursing home located in Harrison County; capital expenditure: $11,000,000.

The amendment is the capital expenditure from $12,000,000 reduced to $11,000,000.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

December 30, 2015 – Team Agape Inc., Charleston, Kanawha County, CON File #15-1/2/3/4/5-10713-BH, for the addition of behavioral health and substance abuse services to Boone, Cabell, Clay, Fayette, Jackson, Kanawha, Lincoln, Putnam and Raleigh counties; capital expenditure: $500,000.

EXPEDITED APPLICATION RECEIVED

December 28, 2016 – Buckthorn Holdings, LLC, Charleston, Kanawha County, CON File #15-6-10694-NH, for the construction of a replacement facility for Bridgeport Health Care Center, LLC, a 51 bed nursing home located in Harrison County; capital expenditure: $11,000,000.

December 29, 2015 – Pinnacle Treatment Centers, Inc., Pittsburgh, Pennsylvania, CON File #15-6-10700-A, for the acquisition of Valley-Alliance Treatment Services, Inc.; capital expenditure: $3,470,000.

December 30, 2015 – Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #15-6-10632-P, for the establishment of an ambulatory care center and employment of physicians located at 1840 Locust Avenue, Fairmont, Marion County; capital expenditure: $25,000.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

An application declared complete is one in which there is sufficient information for

the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

December 30, 2016 – Buckthorn Holdings, LLC, Charleston, Kanawha County, CON File #15-6-10694-NH, for the construction of a replacement facility for Bridgeport Health Care Center, LLC, a 51 bed nursing home located in Harrison County; capital expenditure: $11,000,000.

December 30, 2015 – Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #15-6-10632-P, for the establishment of an ambulatory care center and employment of physicians located at 1840 Locust Avenue, Fairmont, Marion County; capital expenditure: $25,000.

December 31, 2015 – Pinnacle Treatment Centers, Inc., Pittsburgh, Pennsylvania, CON File #15-6-10700-A, for the acquisition of Valley-Alliance Treatment Services, Inc.; capital expenditure: $3,470,000.

December 31, 2015 – Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #15-5-10629-X/P, for the development of primary care practitioner support services at Westbrook Health Services, Inc.; capital expenditure: $10,000.

EXPEDITED APPLICATIONS

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

January 9, 2016 – Review cycle begins;

January 19, 2016 – Last date for an affected person to present reasons why the applicant should complete a standard application to the Authority;

February 8, 2016 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of time and place will be given in the Saturday editions of the Charleston Gazette and the Charleston Daily Mail, as well as the State Register;

February 9, 2016 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority and no further contact with the Authority regarding the substance of the application will be permitted;

March 14, 2016 – Decision on the project will be issued by the Authority.

REQUESTS FOR EXEMPTIONS DECLARED COMPLETE

December 29, 2015 – Stonerise Home Health Services, LLC, Charleston, Kanawha County, CON File #15-6/10-10682-X, for the acquisition of the home health services offered by Reliable Healthcare Solutions, LLC in Monongalia, Taylor, Marion, Preston and Wetzel counties; capital expenditure: $950,000.

December 30, 2015 – WO Holdings, LLC, Charles Town, Jefferson County, CON File #15-9-10677-X, for the acquisition of 100% of the outstanding membership interests in

OTHER

Blue Ridge Nursing, LLC, the licensed operator of Willow Tree Manor, a nursing home facility situated entirely on property owned by PV Realty - Willow Tree LLC: capital expenditure: less than $2,000,000

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

Earl Ray Tomblin
Governor

Karen L. Bowling, Cabinet Secretary
West Virginia Department of
Health and Human Resources

James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

OTHER

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

January 4, 2016

NEWS ITEM

FILED
2016 JAN -5 A 11:27
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

The Health Care Authority (Authority), James L. Pitrolo, Jr., Chairman, pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

December 30, 2016 – Buckthorn Holdings, LLC, Charleston, Kanawha County, CON File #15-6-10694-NH, for the construction of a replacement facility for Bridgeport Health Care Center, LLC, a 51 bed nursing home located in Harrison County; capital expenditure: $11,000,000.

December 30, 2015 – Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #15-6-10632-P, for the establishment of an ambulatory care center and employment of physicians located at 1840 Locust Avenue, Fairmont, Marion County; capital expenditure: $25,000.

December 31, 2015 – Pinnacle Treatment Centers, Inc., Pittsburgh, Pennsylvania, CON File #15-6-10700-A, for the acquisition of Valley-Alliance Treatment Services, Inc.; capital expenditure; $3,470,000.

December 31, 2015 – Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #15-5-10629-X/P, for the development of primary care practitioner support services at Westbrook Health Services, Inc.; capital expenditure: $10,000.

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

On or before **January 19, 2015**, any affected person may present reasons to the Authority as to why the applicants of the projects should complete a standard application.

If the Authority concludes that the standard application should be used on any project, the review will be stopped and a new one begun using the standard application.

Also, by **February 8, 2016,** any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a "Notice of Public Hearing", specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **February 9, 2016**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications, and no further contact with the Authority regarding the substance of the applications will be permitted.

The decisions on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the applications, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the decisions will be issued on or before **March 14, 2016**.

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

1-4-16
Date

James L. Pitrolo, Jr., Chairman
Health Care Authority

WVHIN
WEST VIRGINIA HEALTH INFORMATION NETWORK

Earl Ray Tomblin
Governor

Sonia Chambers
Interim Chief Operations Officer

Joe Letnaunchyn
Chair

January 4, 2016

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Re: State Register
Entry of Notice

Dear Secretary Tennant,

Pursuant to Legislative Rule 65 C.S.R. §28 5.6.a, the West Virginia Health Information Network is to publish its written patient notice and a list of all then current participating organizations during the first week of January, April, July, and October of each year in the State Register.

The current participating organizations as of January 1, 2016:

ABC Pediatrics
Advanced Cardiovascular Services
Andres L. Rago, MD
Appalachian Regional Healthcare
Associated Specialists, Inc.
Barbour County Health Dept.
Bassam N. Shamma, MD
Beckley Raleigh County Health Dept.
Bee Healthy Pediatrics
Berkeley County Health Dept.
Blue Ridge Internal Medicine
Bluestone Health Association
Brandon Cestaric Family Practice
Braxton Primary Health Care
Brooke County Health Dept.
Cabell Huntington Hospital
CAMC Physicians Group
Camden Clark Physicians Corp.
Carehaven of Pleasants
Charles D. Bess
Charleston Area Medical Center
Charleston Endocrinology
Charleston Gastroenterology Assoc.
Charleston Nephrology Hypertension and Transplant
Charleston Obstetrics & Gynecology
City Pediatrics
Clay-Battelle Health Services Association
Community Care of WV
Comprehensive Surgical Associates
Convenience Clinics of America
Country Club Rehabilitation Campus
Davis Medical Center
Aledade, Inc.
Advantage Healthcare for Women
Appalachian Highway Med Surgical Clinic
Arturo Y. Lim, MD
Asthma & Allergy Center
Barnesville Healthcare & Rehabilitation Center
Beckley Physicians Group
Beckley Vascular Associates
Belington Community Medical Services
Big Creek Medical Center
Bluefield Hematology-Oncology Associates
Boone Memorial Hospital
Braxton County Memorial Hospital
Bridgeport Express Care
Cabell Huntington Health Dept.
Cabin Creek Health Systems
Camden Clark Medical Center
Cardinal Pediatrics
Change, Inc.
Charles F. Whitaker, MD
Charleston Digestive Disease
Charleston Family Practice Group
Charleston Internal Medicine
Charleston Neurology Associates, Inc.
Charleston Pain Management Consult.
Clarksburg Surgical Specialists
Coalfield Health Center
Community Health Network of West Virginia
Comprehensive Womens Care
Cornerstone Health Care
Crystal H. Bastin, MD
Davis Medical Center Provider Group

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2016 JAN -4 P 2:50
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

Derm One
Digestive Disease Center of Ohio Valley
Dr. David S. Ratliff, Inc.
Dr. Raghada Sahloul
Dunbar Medical Associates
E.A. Hawse Health Center
Eastern Panhandle CARE Clinic
Erin V. Stoehr, DO
F.G. Powderly, MD
Fairmont Regional Medical Center
Family Care Clinic
Family Health Associates of the Kanawha Valley
Family Medicine of Berkeley Springs
Foot & Ankle Clinic
Glenwood Park Retirement Village
Grant County Health Dept.
Greenbrier County Health Dept.
Greenbrier Physicians
Hampshire County Health Dept.
Hasan Medical, Inc.
Healthsouth Rehabilitation Hospital of Huntington
Healthy Habits Wellness Center
HHP Internal Medicine Associates
Holbrook Nursing Home
Hospice of Huntington
Hospice of Southern WV
Huntington Internal Medicine Group
Interim Health Care of SE Ohio, Inc.
Jackson General Hospital
Jefferson Med Peds, Inc.
John M. Clark, MD & Associates
Kanawha Charleston Health Dept.
Kanawha Medical Center
Kendall L. Wilson, Jr., DO
Lewis County Health Dept.
Lisa Hill, MD
Logan Regional Medical Center
Love Family Practice Group
Mapleshire Nursing & Rehabilitation Center
Mark J. Cinalli, OD
Martinsburg Internal Medicine Associates
Matthew A. Cupp, MD
Mely Lim, MD
Michael M. Boustany, MD
Midland Behavioral Health
Mid-Ohio Valley Medicine & Pediatrics
Modern Care OB/Gyn
Monongalia General Hospital
Montgomery General Hospital
Mountain Hospice
Mountain State Medical Specialties
Mountaineer Community Health Center
Neurological Associates
Northern WV Home Health, LLC
Oar Medical Services
Ohio Valley Physicians
Park Health
Partners in Women's Health Care
Pediatric & Family Physicians of Morgan County
Pediatric Partners
Digestive Care Center
DLM Internal Medicine
Dr. Leonard A. Fichter
Dr. Rick L. Houdersheldt
Dr. Saima Khan
E. Brad McCoy, DO
Eastbrook
Edward A. Filcheck, PLLC
Express Med Pharmaceuticals, Inc.
Fairmont ENT Associates, Inc.
Fairmont Physicians, Inc.
Family Care Health Center
Family Healthcare Associates
Fayette County Health Dept.
Genesis Health Care
Grafton City Hospital
Grant Memorial Hospital
Greenbrier Manor
Gregory Scott Harrah, MD
Hampshire Memorial Hospital
Healthsouth Mountainview Regional Rehab Hospital
Healthsouth Western Hills
Heartland of Martinsburg
Highland Hospital Association
Hospice Care Corp.
Hospice of Potomac Valley Hospital
Hospice of the Panhandle
Interim Healthcare
Jackson County Health Dept.
Jana Peters, DO
Jefferson Pharmacy
John Manchin, Sr. Healthcare
Kanawha Hospice Care
Kelly M. Pitsenbarger, MD
Lakin Hospital
Lincoln County Health Dept.
Living Well Medical Center
Lori Tucker, DO
Madison Medical
Marilyn Horacek, MD
Marshall U. SOM/Marshall Health
Martinsburg Pediatrics
Meadowbrook Acres Nursing Center
Mercer Medical Group
Mid-Ohio Valley Health Dept.
Minnie Hamilton Health System
Monongalia County Health Dept.
Monroe Health Center
Morgantown Obstetrics & Gynecology
Mountain Medical Associates
Mountain State Medicine & Rheumatology
Nephrology Associates, Inc.
Nephrology & Hypertension Associates
Nitro Primary Care
Northwood Health Systems
Ohio Valley Health Services & Education
Orthopedic Healthcare Associates
Parkersburg Surgical Associates
Patel & Patel
Pediatric Associates

100 Dee Drive Charleston, West Virginia 25311 – 1600 304.558.4503 Fax: 304.558.2734 www.wvhin.org

Peter L. Ang, MD
Pleasant Valley Hospital
Potomac Valley Hospital
Prestera Center for Mental Health Services, Inc.
Preston-Taylor Community Health Centers
Princeton Community Hospital Association
Process Strategies
Putnam Family Practice Associates
Raleigh General Hospital
Randall J. Hill, MD
Randolph Elkins Health Dept.
Renal Consultants
Ritchie Regional Health Center
Riverview Pediatrics
Robert C. Byrd Clinic
Robert E. Jones, MD
Rural Emergency Trauma Institute
Samuel K. Roberts, MD
Schwarzenberg & Schwarzenberg
Shadyside Care Center
Sistersville General Hospital
South Charleston Dermatology
Spring Hill Primary Care Physicians
Southern Highlands CMHC, Inc.
St. George Medical Clinic
St. Mary's Medical Center
Stanaford Medical Clinic
State of WV-DHHR Jackie Withrow Hospital
Summersville Pediatrics
Summit Health Care, Inc.
Susan C. Capelle, MD
Teays Pediatrics
The Myers Clinic
Thomas Memorial Hospital
THS Physician Partners
Travel MD
United Hospital Center, Inc.
Valley Health System
War Memorial Hospital
Wayne County Health Dept.
Weirton Medical Center
Westbrook Health Services
Wheeling Health Right
William C. Mercer, MD
Wirt County Health Services Association
Women's Health Center of WV
Worthington Nursing & Rehab Center
WV Health Right
WVU Health Research Center
Yeager & Smith Family Medicine
Ziad Kahwash, MD
Pendleton Community Care
Pineview Gynecology
Pocahontas Memorial Hospital
Premier Medical Group
Preston Memorial Hospital
Prime Care 12
Princeton Health Care Center
Pulmonary Associates of Charleston
Pyramid Counseling, LLC
Raleigh Street Podiatry
Randolph County Eye Care Center
Ravenswood Chiropractic Center
Reynolds Memorial Hospital
River Valley Medicine & Pediatrics
Roane General Hospital
Robert C. Yee, MD
Ronald D. Pearse, EdD
Salem Family Medicine
Sanjay Bharti, MD
Scott C. Lostetter, DO
Shirey & Shirey
South Branch Surgical Associates
South Charleston Pediatrics
St. Francis Hospital
St. Joseph's Hospital of Buckhannon
St. Mary's Medical Management
Stanton Cardiology Center
Stonewall Jackson Memorial Hospital
Summersville Regional Medical Center
Suncrest Ob/Gyn
Teays Internal Medicine
The Maples Health Care
The Rheumatology Group
Thoracic and Cardiovascular Associates
Tug River Health Association
Valeo Medical
Valley Health Systems
Ward Paine, MD
Wee Care Pediatrics
Welch Community Hospital
Wetzel County Hospital
Wheeling Hospital
Willow Ridge
Women's Health Care of Morgantown
Wood County Senior Citizens Association
WV Center for End of Life Care
WVMI
WVU Healthcare
Youth Health Service, Inc.

Please publish this notice **in its entirety** in the State Register in accordance with the Administrative Procedures Act. Also, we request that you return one copy to us with your stamp acknowledging receipt.
Thank you for your assistance in this matter.

Sincerely, Pam Carte

Pam Carte, Secretary
Enclosures

100 Dee Drive Charleston, West Virginia 25311 – 1600 304.558.4503 Fax: 304.558.2734 www.wvhin.org

OTHER

PATIENT NOTICE

Your health care provider has agreed to participate in the West Virginia Health Information Network ("WVHIN"), a Health Information Exchange (HIE). The WVHIN's HIE provides the fast and secure exchange of test results and reports among hospitals, labs, x-ray facilities, doctors and insurance companies.

WHO WILL HAVE ACCESS TO MY HEALTH RECORD?

Doctors, hospitals, pharmacies, other health care providers and insurance companies that are participants of the WVHIN's HIE will be able to see your health records. Your health record would only be viewed when they are treating you or when paying for your health care.

WHAT INFORMATION IS IN MY ELECTRONIC MEDICAL RECORD?

Your health care provider uses an electronic medical record to keep track of the treatment provided to you. This electronic record may include your…

- medical history
- lab and imaging results
- medications
- allergies
- known drug reactions
- doctor's and nurse's notes

WVHIN's HIE **is not** a complete record of your health history. It is simply a way for your health care providers to access the health information they need to provide you with the best possible care.

WHAT ABOUT MY SENSITIVE HEALTH RECORDS?

Federal and State laws protect the privacy of certain kinds of medical records. These include…

- drug or alcohol abuse treatment records
- psychotherapy notes
- mental health records
- goods and services that you have paid for out-of-pocket and request to keep private

When required by law, your consent will be obtained before the WVHIN's HIE will allow the sharing of your sensitive health records.

WHAT ARE THE BENEFITS TO ME?

WVHIN's HIE allows doctors and hospitals to view all of your available health records to provide you with better care. WVHIN's HIE may prevent you from having to fill out the same forms and carry your lab, x-ray results and medications to different doctors. Sharing your health record through the WVHIN's HIE may prevent you from having to have tests repeated. Most importantly, sharing your health record through the WVHIN's HIE may allow your doctors to have access to life saving information in the event of a medical emergency.

ARE THERE PRIVACY RISKS AND HOW IS MY PRIVACY PROTECTED?

Doctors, hospitals and anyone else who is treating you are already responsible for keeping your health records private. The only added risk is that your health record will now be seen through the computer rather than by mail or fax.

The WVHIN uses modern technology to keep your health records private and safe. The WVHIN protects your privacy by…

- encoding your health record so only the people who need to see it can
- making sure passwords are used
- by tracking who looks at your health record through the WVHIN's HIE

DO I HAVE TO PARTICPATE IN THE WVHIN?

To allow your health record to be shared through the WVHIN's HIE you do not need to take action.

If you do not want to participate you must complete a Request to Opt-Out. This form is available from your Health Care Provider. Opting-out means that doctors and other health care providers **will not** be able to access your health record through the WVHIN's HIE.

EVEN IF YOU CHOOSE NOT TO PARTICIPATE (OPT-OUT):

The WVHIN will keep your personal information (name, address, birth date, etc.) on file in its Master Patient Index to permanently record your decision to opt-out.

Your doctor or health care provider will still be able to use the WVHIN's HIE to report…

- communicable diseases
- immunization data
- quality reports
- other required public health information to state and federal agencies.

It is important to understand that choosing to opt-out of the WVHIN's HIE **does not** mean your health information cannot be shared electronically. Health care providers may use other electronic methods such as secure email or electronic lab results delivery to share patient information. Read your health care provider's notice of privacy practices for more information.

IF I HAVE CHOSEN TO OPT-OUT CAN I CHANGE MY MIND?

If you have previously completed a Request to Opt-Out, you can change your mind. Talk to your health care provider about reversing your Request to Opt-Out.

Please talk to your health care provider if you have questions about the WVHIN, or visit our website at www.wvhin.org .

Ver1.1- 09MAR12

OTHER

STATE BOARD OF LANDSCAPE ARCHITECTS
522 Ashebrooke Square, Morgantown, West Virginia 26508
http://www.wvlaboard.org
(855) 226-1273, (304) 594-1482 FAX

December 28, 2015

FILED
2016 JAN -4 P 3:0
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Natalie E. Tennant, Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd, East
Charleston, WV 25305

The West Virginia State Board of Landscape Architects is pleased to present you with our Annual Report for FY2015, submitted in compliance with statutory requirements of W.Va. Code §30-1-12(b).

The West Virginia State Board of Landscape Architects was created on July 1, 1971 by the West Virginia Legislature for the purpose of protecting the health, safety interest and welfare of its citizens by regulating those who hold themselves out to be and who engage in the practice of landscape architecture. Landscape Architecture as defined by the American Society of Landscape Architects is "The art and science of analysis, planning, design, management, preservation, and rehabilitation of the land." The scope of the profession includes but is not limited to site planning, garden design, environmental restoration, town or urban planning, park and recreation master planning, regional planning, and historic preservation.

Should you have any questions regarding the content of this report, please contact me.

Sincerely,

Michael R. Biafore, PLA, ASLA
Board Chairman

cc: William P. Cole, President of the Senate
Tim Armstead, Speaker of the House of Delegates
Clark Barnes, Clerk of the Senate
Steve Harrison, Clerk of the House of Delegates
Natalie E. Tennant, Secretary of State
DeAnnia Spelock, Resources Manager of Legislative Library
Joseph N. Gieger, Interim Director of Archives and History