WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXIII

Issue 2

January 15, 2016

A Weekly Publication

Administrative Law Division
Judy Cooper, Manager

Natalie E. Tennant
Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

(304) 558-6000
www.wvsos.com

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:

Agriculture

Dangerous Wild Animal Board

Ethics Commission

Health Care Authority

Insurance Commission

Livestock Care Standards Board

Medicine, WV Bd. Of

State Police

Tax Department

CHRONOLOGICAL INDEX, VOLUME XXXIII ISSUE 2			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Agriculture (61-30)	Dangerous Wild Animal Rule – Repeal Legislative	§19-34-1	Written Comments Only February 10, 2016, 4:00 pm WV Dept. of Agriculture 1900 Kanawha Boulevard East Charleston, WV 25305
Agriculture (61-31)	Livestock Care Standards – Repeal Legislative	§19-1C-4	Written Comments Only February 10, 2016, 4:00 pm WV Dept. of Agriculture Attn: Jodee Martin 1900 Kanawha Boulevard East Charleston, WV 25305
Dangerous Wild Animal Board (74-1)	Dangerous Wild Animals Legislative	§§19-34-1, 19-34-3	Written Comments Only February 10, 2016, 4:00 pm WV Dept. of Agriculture Attn: Jodee Martin 1900 Kanawha Boulevard East Charleston, WV 25305
Livestock Care Standards Board (73-1)	Livestock Care Standards Legislative	§19-1C-4	Written Comments Only February 10, 2016, 4:00 pm WV Dept. of Agriculture Attn: Jodee Martin 1900 Kanawha Boulevard East Charleston, WV 25305

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

Office of the Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Natalie E. Tennant
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.com

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 (61-30)	Dangerous Wild Animal Rule-Repeal Legislative	1/11/2016	2/10/2016						
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 (61-31)	Livestock Care Standards-Repeal Legislative	1/11/2016	2/10/2016						
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			
Dangerous Wild Animal Board (74-1)	Dangerous Wild Animals Legislative	1/11/2016	2/10/2016						
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

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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						
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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						
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			
Livestock Care Standards Bd (73-1)	Livestock Care Standards Legislative	1/11/2016	2/10/2016						
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

WEST VIRGINIA SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

FILED

2016 JAN 11 P 3:45

OFFICE WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

RULE TYPE: Legislative CITE AUTHORITY: 19-34-1

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 30

TITLE OF RULE BEING AMENDED: Dangerous Wild Animal Rule Repeal

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON ~~August 1, 2014~~ Feb. 10, 2016 AT ~~12:00~~ 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Department of Agriculture
1900 Kanawha Boulevard, Eat
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Do Not Mark In This Box

FILED

2016 JAN 11 P 3:47

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

RULE TYPE: Legislative CITE AUTHORITY: 19-1C-4

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 31

TITLE OF RULE BEING AMENDED: Livestock Care Standards – Repeal

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON ~~July 30, 2015~~ Feb. 10, 2016 AT ~~12:00~~ 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Jodee Martin
WV Department of Agriculture
1900 Kanawha Boulevard, East
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

FILED

2016 JAN 11 P 3:46

OFFICE WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Dangerous Wild Animal Board TITLE NUMBER: 74

RULE TYPE: Legislative CITE AUTHORITY: 19-34-1, 19-34-3

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: ___

TITLE OF RULE BEING AMENDED: ___

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: Dangerous Wild Animals

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON February 10, 2016 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Department of Agriculture
Attention: Jodee Martin
1900 Kanawha Boulevard, E
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Jewell Plumley, DVM
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

FILED

2016 JAN 11 P 3:48

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Livestock Care Standards Board TITLE NUMBER: 13

RULE TYPE: Legislative CITE AUTHORITY: 19-1C-4

AMENDMENT TO AN EXISTING RULE: YES X NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Livestock Care Standards

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON February 10, 2016 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Department of Agriculture
Attention: Jodee Martin
1900 Kanawha Boulevard, East
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

James Michael Tootle
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Orders Report

Docket Number	Agency	Respondent	Date Rendered
15-1-10667-X	Health Care Authority	Community Health Systems Inc	1/5/2016
15-4-10668-X	Health Care Authority	Community Health Systems Inc	1/5/2016
15-6-10680-X	Health Care Authority	Monongahela Valley Association of Health Centers Inc	1/4/2016
HFY16-15-30-RE	Health Care Authority	Williamson Memorial Hospital	1/6/2016
HFY16-15-38-B	Health Care Authority	Ohio Valley Medical Center	12/23/2015
HFY16-15-41-B	Health Care Authority	Davis Medical Center	12/23/2015
HFY16-15-36-B	Health Care Authority	Greenbrier Valley Medical Center	12/23/2015
HFY16-15-27-SR	Health Care Authority	Charleston Area Medical Center	12/23/2015
16-AP-CO-02000	Insurance Commission	Nationwide Insurance Company	1/5/2016

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2016-01	A City asks whether an engineering firm employee may also serve as its City Engineer under the provisions of 7CSR1-12.4(g)
2016-02	A former employee of the West Virginia Legislature asks whether he must wait one year subsequent to the termination of his employment to register as a lobbyist.

FILED

2016 JAN 12 P 2:45

OFFICE WEST VIRGINIA SECRETARY OF STATE

OTHER

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

January 11, 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 8, 2016**.

CORRECTION TO AMENDED LETTER OF INTENT RECEIVED

December 28, 2015 – 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. The correction is to change the date of receipt from December 31, 2016 to December 31, 2015.

AMENDED LETTER OF INTENT

January 8, 2016 – CHANGE, Inc., Weirton, Hancock County, CON File #15-11-10639-X/P, for the development of a satellite facility in Newell, Hancock County, for the provision of mental health, dental, pediatrics, family practice, OB and GYN services to upper Hancock County and surrounding communities; capital expenditure: $1,000,000.

The amendment is the capital expenditure from $0 to $1,000,000.

LETTERS OF INTENT FOR EXPEDITED REVIEW RECEIVED

November 12, 2015 – Community Health Systems, Inc., Beckley, Raleigh County, CON File #15-1-10667-X/P, for the operation of a behavioral health clinic to be located at 28 Mallard Court, Beckley, Raleigh County; no capital expenditure.

November 12, 2015 – Community Health Systems, Inc., Beckley, Raleigh County, CON File #15-4-10668-X/P, for the opening of AccessHealth Northern Greenbrier Clinic to be located at Route 9 Sinking Creek Road, Williamsburg, Greenbrier County; no capital expenditure.

January 4, 2016 – Bio-Medical Applications of West Virginia, Inc. d/b/a Fresenius Medical Care Roane County, Raleigh, North Carolina, CON File #16-5-10718-R, for the establishment of a new six (6) station dialysis facility in Spencer, Roane County; capital expenditure: $700,000.

January 7, 2016 – Seneca Health Services, Inc., Ronceverte, Greenbrier County, CON File #16-4-10719-P, for the provision of primary care services on the Seneca campus in Maxwelton, Greenbrier County; capital expenditure: $30,000.

LETTER OF INTENT FOR EXEMPTION RECEIVED

January 8, 2016 – Stonerise Reliable Healthcare LLC, Charleston, Kanawha County, CON File #16-6/10-10720-X, for the acquisition of the home health agency operated by Reliable Healthcare Solutions, LLC (RHS). RHS offers home health services in Monongalia, Taylor, Marion, Preston and Wetzel counties; capital expenditure: $950,000.

Any person desiring to request a public hearing on the above referenced matter should contact the Certificate of Need office on or before January 26, 2016.

CORRECTION TO EXPEDITED APPLICATION RECEIVED

December 28, 2015 – 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 correction is to change the date of receipt from December 31, 2016 to December 31, 2015.

AMENDED 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, 2015 – 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.

PROJECTS DETERMINED REVIEWABLE

January 5, 2016 – Community Health Systems, Inc., Beckley, Raleigh County, CON File #15-1-10667-X, for the operation of a behavioral health clinic to be located at 28 Mallard Court, Beckley, Raleigh County; no capital expenditure.

January 5, 2016 – Community Health Systems, Inc., Beckley, Raleigh County, CON File #15-4-10668-X, for the opening of AccessHealth Northern Greenbrier Clinic to be located at Route 9 Sinking Creek Road, Williamsburg, Greenbrier County; no capital expenditure.

PROJECT EXEMPT FROM REVIEW

January 4, 2016 – Monongahela Valley Association of Health Centers, Inc., Morgantown, Monongalia County, CON File #15-6-10680-X, for the addition of two (2) school-based health centers providing services to students and faculty at Monongah Elementary School Wellness Center, located at 628 Walnut Street and Monongah Middle School Wellness Center, located at 550 Camden Avenue, both in Monongah, Marion County; no capital expenditure.

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

OTHER

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

AMENDED NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

January 4, 2016

NEWS ITEM

FILED
2016 JAN 13 A 10:34
OFFICE 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, 2015 – 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, 2016**, any affected person may present reasons to the Authority as to why the applicants of the projects should complete a standard application.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.7001/Fax • 1.888.558.7002/Toll Free
www.hca.wv.gov

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.

1-8-16
Date

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

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvbom.wv.gov

AHMED DAVER FAHEEM, MD
PRESIDENT

RAHUL GUPTA, MD, MPH
SECRETARY

R. CURTIS ARNOLD, DPM
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

FILED
2016 JAN 13 P 12: 25
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

January 12, 2016

The Honorable Earl Ray Tomblin
Governor, State of West Virginia
State Capitol Building
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Tomblin:

Pursuant to W. Va. Code §30-1-12(b) the West Virginia Board of Medicine is pleased to provide you with our annual report for the biennium of July 1, 2013 – June 30, 2015.

This report, as well as supportive material and relevant licensee information, is accessible on the Board's website, www.wvbom.wv.gov.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

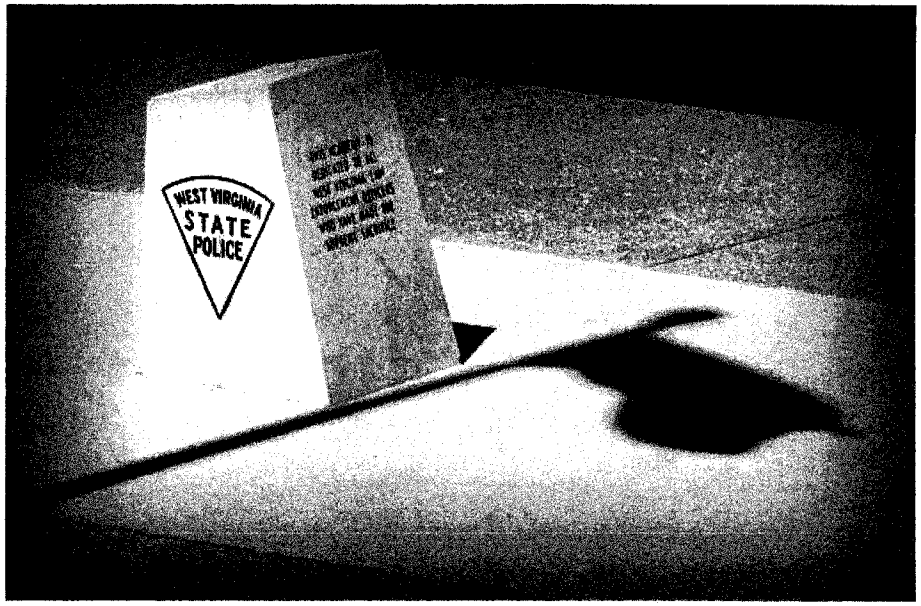
Robert C. Knittle
Executive Director

RCK/jcf
Enclosure (1 CD)

cc: The Honorable William P. Cole, President of the Senate (with enclosure)
Tim Armstead, Speaker of the House of Delegates (with enclosure)
The Honorable Clark Barnes, Clerk of the Senate (with enclosure)
Steve Harrison, Clerk of the House of Delegates (with enclosure)
The Honorable Natalie Tennant, Secretary of State (with enclosure)

FILED
2016 JAN 13 P 2: 34
OFFICE WEST VIRGINIA
SECRETARY OF STATE

2015
WEST VIRGINIA STATE POLICE
ANNUAL REPORT



STATE OF WEST VIRGINIA

Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Mark W. Matkovich
State Tax Commissioner

OTHER

ADMINISTRATIVE NOTICE 2015-26 AMENDED

This Amended Notice corrects an issue with the summary table on the last page in which the Gasoline Gallon Equivalent measure for Compressed Natural Gas was truncated.

Notice of Determination of Average Wholesale Price of Motor Fuel for the Period of January 1, 2016 to December 31, 2016 for the Purposes of the West Virginia Motor Fuel Excise Tax.

FILED
2015 JAN -8 P 2:
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

This Administrative Notice sets forth the determination of the average wholesale price of conventional motor fuels and "alternative" motor fuels for the 2016 calendar year. The motor fuel tax is composed of a flat rate equal to $0.205 per invoiced gallon or, for alternative fuel, per each gasoline gallon equivalent, plus a variable component of 5 percent of the average wholesale price of each fuel. Alternative fuel includes butane, compressed natural gas (CNG), liquefied natural gas (LNG), liquefied petroleum gas (LPG or propane), and other specified fuels.

Notice is hereby issued, in accordance with Section 11-14C-5 of the West Virginia Code and based upon available information for the preceding review period, the average wholesale prices of motor fuels for purposes of the West Virginia Motor Fuel Excise Tax for the period beginning January 1, 2016 and ending December 31, 2016, inclusive are as follows:

Average Wholesale Price

Motor Fuel	Average Wholesale Price
Conventional Motor Fuels (Gasoline, Diesel, Kerosene, etc. unless otherwise outlined below)	$2.537 per gallon
Compressed Natural Gas (CNG)	$4.695 per 1,000 cubic feet of natural gas
Liquefied Natural Gas (LNG)	$0.383 per gallon of LNG
Liquefied Petroleum Gas (LPG – Propane)	$1.094 per gallon of LPG
Field Gas	$1.321 per 1,000 cubic feet of natural gas

All references to cubic feet are based on measurement at standard pressure and temperature of 14.73 pounds of pressure per square inch at 60° Fahrenheit.

WEST VIRGINIA STATE TAX DEPARTMENT
COMMISSIONER'S OFFICE
PO BOX 11771
CHARLESTON, WV 25339-0751
TELEPHONE (304) 558-0751
FAX (304) 558-8999

The calculation of the average wholesale prices shown above includes information from Oil Price Information Service (OPIS) for conventional motor fuels and liquefied petroleum gas (LPG – Propane), U. S. Energy Information Administration for natural gas, and Natural Gas Intelligence (NGI) for field gas.

Motor Fuel Excise Tax Rates – January 1, 2016 – December 31, 2016

Conventional Motor Fuels:

For gasoline, diesel, kerosene, and related products, the **average wholesale price** per gallon is $2.537 for the period beginning January 1, 2016 and ending December 31, 2016, inclusive. The **variable component** computed thereon shall be $0.127 per gallon ($2.537 x 5% = $0.127). The **flat rate component** of the Motor Fuel Tax on conventional motor fuels is $0.205 per gallon resulting in a **combined tax rate of $0.332 per gallon**. This average wholesale price per gallon ($2.537), the variable component tax computed thereon ($0.127 per gallon), and the flat rate component ($0.205 per gallon) shall apply to all gallons of gasoline, diesel, kerosene, and related products sold, purchased, or used in this State during the period beginning January 1, 2016 and ending December 31, 2016, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $2.537 per gallon.

Compressed Natural Gas (CNG):

For compressed natural gas the **average wholesale price** on a per 1,000 cubic feet basis shall be $4.695 per 1,000 cubic feet for the period beginning January 1, 2016 and ending December 31, 2016, inclusive. The **variable component** computed thereon shall be $0.235 per 1,000 cubic feet ($4.695 x 5% = $0.235). The **flat rate component** of the Motor Fuel Tax on compressed natural gas is $1.618 per 1,000 cubic feet of compressed natural gas:

$0.205 per Gal. of conventional fuel / 126.67 cubic feet of CNG GGE	=	$0.001618378 GGE per CF	x	1,000 cubic feet	=	$1.618 per 1,000 cubic feet CNG flat rate component

The **combined tax rate is $1.853 per 1,000 cubic feet**: ($0.235 variable component + $1.618 flat rate component = $1.853 per 1,000 cubic feet). This average wholesale price per 1,000 cubic feet ($4.695), the variable component tax computed thereon ($0.235 per 1,000 cubic feet), and the flat rate component ($1.618 per 1,000 cubic feet) shall apply to all units of compressed natural gas sold, purchased, or used in this State during the period beginning January 1, 2016 and ending December 31, 2016, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $4.695 per 1,000 cubic feet. The tax rates for compressed natural gas specified in terms of the gasoline gallon equivalent (126.67 cubic feet or 5.66 pounds) are shown in the table on the last page of this notice.

Liquefied Natural Gas (LNG):

For liquefied natural gas the **average wholesale price** on a per 1,000 cubic feet basis shall be $4.695 per 1,000 cubic feet for the period beginning January 1, 2016 and ending December 31, 2016, inclusive. The average wholesale price of liquefied natural gas

in terms of GGE LNG gallons is $0.383 per gallon ($4.695 per 1,000 cubic feet ÷ 1,000 cubic feet x 126.67 cubic feet per 1.554 gallons). The **variable component** computed thereon shall be $0.019 per gallon of LNG ($0.383 X 5% = $0.019). The **flat rate component** of the Motor Fuel Tax on liquefied natural gas is $0.132 per gallon of liquefied natural gas ($0.205 / gallon of conventional fuel ÷ 1.554 gallons of LNG GGE = $0.132 per gallon of LNG) resulting in a **combined tax rate of $0.151 per gallon**. This average wholesale price per gallon ($0.383), the variable component tax computed thereon ($0.019 per gallon), and the flat rate component ($0.132 per gallon) shall apply to all gallons of liquefied natural gas sold, purchased, or used in this State during the period beginning January 1, 2016 and ending December 31, 2016, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.383 per gallon.

Liquefied Petroleum Gas (LPG – Propane):

For liquefied petroleum gas (propane) the **average wholesale price** per gallon is $1.094 for the period beginning January 1, 2016 and ending December 31, 2016, inclusive. The **variable component** computed thereon shall be $0.055 per gallon equivalent ($1.094 X 5% = $0.055). The **flat rate component** of the Motor Fuel Tax on liquefied petroleum gas is $0.150 per gallon of liquefied petroleum gas ($0.205/gallon of convention fuel ÷ 1.367 gallons of LPG GGE = $.150 per gallon LPG), resulting in a **combined tax rate of $0.205 per gallon** of LPG. This average wholesale price per gallon ($1.094), the variable component tax computed thereon ($0.055 per gallon), and the flat rate component ($0.150 per gallon), shall apply to all gallons of liquefied petroleum gas sold, purchased, or used in this State during the period beginning January 1, 2016 and ending December 31, 2016, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $1.094 per gallon of liquefied petroleum gas.

Field Gas:

For field gas the **average wholesale price** on a per 1,000 cubic feet basis shall be $1.321 per 1,000 cubic feet for the period beginning January 1, 2016 and ending December 31, 2016, inclusive. The **variable component** computed thereon shall be $0.066 per 1,000 cubic feet ($1.321 X 5% = $0.066). The **flat rate component** of the Motor Fuel Tax on field gas is $1.618 per 1,000 cubic feet of field gas.

$0.205 per Gal. of conventional fuel / 126.67 cubic feet of natural gas GGE	=	$0.001618378 GGE per CF	x	1,000 cubic feet	=	$1.618 per 1,000 cubic feet CNG flat rate component

The **combined tax rate is $1.684 per 1,000 cubic feet:** ($0.066 variable component + $1.618 flat rate component = $1.684). This average wholesale price per 1,000 cubic feet ($1.321), the variable component tax computed thereon ($0.066 per 1,000 cubic feet), and the flat rate component ($1.618 per 1,000 cubic feet), shall apply to all gallons of field gas sold, purchased, or used in this State during the period beginning January 1, 2016 and ending December 31, 2016, inclusive, regardless of whether the actual purchase price of such field gas used as a motor fuel is more or less than $1.321 per 1,000 cubic feet.

For purposes of this notice:

OTHER

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

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

"GGE" means gasoline gallon equivalent.

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

Motor Fuel Tax Rates – January 1, 2016 to December 31, 2016

Motor Fuel	Flat Rate Tax	Variable Rate Tax	Combined Rate
Conventional Motor Fuels (Gasoline, Diesel, Kerosene, etc. unless otherwise outlined below)	$0.205 per gallon	$0.127 per gallon	**$0.332 per gallon**
Compressed Natural Gas (CNG))	$1.618 per 1,000 cubic feet	$0.235 per 1,000 cubic feet	**$1.853 per 1,000 cubic feet**
Compressed Natural Gas (CNG)) – GGE Measure	$0.205 per 126.67 cubic feet	$0.030 per 126.67 cubic feet	**$0.235 per 126.67 cubic feet**
Liquefied Natural Gas (LNG)	$0.132 per gallon	$0.019 per gallon	**$0.151 per gallon**
Liquefied Petroleum Gas (LPG – Propane)	$0.150 per gallon	$0.055 per gallon	**$0.205 per gallon**
Field Gas	$1.618 per 1,000 cubic feet	$0.066 per 1,000 cubic feet	**$1.684 per 1,000 cubic feet**

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

Issued: January 7, 2015

Mark W. Matkovich
Tax Commissioner