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

Attorney General's Office

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Health and Human Resources

Health Care Authority

Insurance Commission

Lottery

Medicine, WV Bd. Of

Registered Professional Nurses, WV Bd. Of Exam. for

Senior Services

Veterinary Medicine

CHRONOLOGICAL INDEX, VOLUME XXXIII ISSUE 9			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Senior Services (76-3)	West Virginia State Plan on Aging – Title V Interpretive	§16-5P-1 et seq.	Written Comments Only March 31, 2016, 4:00 pm WV Bureau of Senior Services 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**

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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
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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
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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
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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	SB 148 HB 4081 BUNDLED SB 159		
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	SB149 HB 4046 BUNDLED HB 4046		
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	SB 150 HB 4082 BUNDLED		
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	SB 151 HB 4083 BUNDLED SB 159		
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	SB 152 HB 4084 BUNDLED SB 159		
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	SB 153 HB 4085 BUNDLED SB 159		
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	SB 154 HB 4086 BUNDLED SB 159		
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	SB 172 HB 4049 BUNDLED HB 4053		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 173 HB 4050 BUNDLED HB 4053		
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	SB 174 HB 4051 BUNDLED HB 4053		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015	SB 175 HB 4052 BUNDLED HB 4053		
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	SB 176 HB 4053 BUNDLED HB 4053		
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	SB 177 HB 4054 BUNDLED HB 4053		
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	SB 178 HB 4055 BUNDLED HB 4053		
Alcohol Beverage Control Comm. (175-2)	Private Club Licensing Legislative	6/10/2015	7/11/2015		7/31/2015	Approved 10/22/2015	SB 155 HB 4047 BUNDLED SB 157		
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	SB 156 HB 4087 BUNDLED SB 157		
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	SB 157 HB 4088 BUNDLED SB 157		
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	SB 158 HB 4089 BUNDLED SB 159		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 163 HB 4091 BUNDLED HB 4046		
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	SB 164 HB 4092 BUNDLED HB 4046		
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	SB 165 HB 4093 BUNDLED HB 4046		
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	SB 166 HB 4094 BUNDLED HB 4046		
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	SB 167 HB 4048 BUNDLED HB 4046		
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	SB 168 HB 4095 BUNDLED HB 4046		
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	SB 169 HB 4090 BUNDLED HB 4046		
Counseling (27-1)	Licensing Rule Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 10/20/2015	SB 129 HB 4096 BUNDLED SB 159		
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	SB 160 HB 4098 BUNDLED SB 159		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 161 HB 4099 BUNDLED SB 159		
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	SB 162 HB 4097 BUNDLED SB 159		
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	SB 214 HB 4019 BUNDLED SB 159		
Dangerous Wild Animal Board (74-1)	Dangerous Wild Animals Legislative	1/11/2016	2/10/2016		2/11/2016				
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	SB170 HB 4100 BUNDLED SB 159		
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	SB171 HB 4101 BUNDLED SB 159		
Education (126-42)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	2/12/2016	3/14/2016						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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					2/12/2016	7/1/2016
Education (126-149)	Professional Development for WV Educators (5500) Legislative Exempt	12/18/2015	1/19/2016					2/12/2016	7/1/2016
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	SB 207 HB 4140 BUNDLED SB 159		
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	SB 208 HB 4105 BUNDLED SB 159		
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	SB 210 HB 4143 BUNDLED HB 4046		
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	SB 211 HB 4060 BUNDLED HB 4060		
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	SB 212 HB 4107 BUNDLED HB 4060		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 213 HB 4108 BUNDLED HB 4060		
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	SB 186 HB 4112 BUNDLED SB 195		
Health (64-51)	Fees for Service Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 10/22/2015	SB 187 HB 4061 BUNDLED SB 195		
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	SB 188 HB 4113 BUNDLED SB 195		
Health (64-64)	Aids-Related Medical Testing and Confidentiality Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 9/16/2015	SB 189 HB 4062 BUNDLED SB 195		
Health (64-76)	Tuberculosis Testing, Control, Treatment and Commitment Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 9/16/2015	SB 190 HB 4063 BUNDLED SB 195		
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	SB 191 HB 4110 BUNDLED SB 195		
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	SB 192 HB 4111 BUNDLED SB 195		
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	SB 193 HB 4115 BUNDLED SB 195		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 194 HB 4116 BUNDLED SB 195		
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	SB 195 HB 4114 BUNDLED SB 195		
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	HB 4617		
Higher Education Policy Comm. (133-58)	Nursing Scholarship Program Legislative	6/4/2015	7/4/2015			Approved 10/28/2015	HB 4617		
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	SB 215 HB 4121		
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	SB 216 HB 4140		
Human Services (78-1)	Child Care Center Licensing Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Approved 10/22/2015	SB 196 HB 4064 BUNDLED SB 195		
Human Services (78-18)	Family Child Care Facility Licensing Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Approved 10/22/2015	SB 197 HB 4065 BUNDLED SB 195		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 198 HB 4117 BUNDLED SB 195		
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	SB 199 HB 4118 BUNDLED SB 195		
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	SB 200 HB 4119 BUNDLED SB 195		
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	SB 201 HB 4120 BUNDLED SB 195		
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	SB 217 HB 4126 BUNDLED SB 202		
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	SB 218 HB 4124		
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	SB 219 HB 4122 BUNDLED SB 202		
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	SB 220 HB 4066 BUNDLED SB 202		
Livestock Care Standards Bd (73-1)	Livestock Care Standards Legislative	1/11/2016	2/10/2016		2/11/2016				
Lottery (179-5)	Limited Video Lottery Legislative (Called up by the 2016 Legislature)						SB 157		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 221 HB 4067 BUNDLED SB 159		
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	SB 223 HB 4125 BUNDLED SB 159		
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	SB 224 HB 4068 BUNDLED SB 202		
Mining and Reclamation (38-2)	WV Surface Mining Reclamation Legislative	6/23/2015	7/24/2015		7/27/2015	Approved 11/19/2015	SB 182 HB 4056 BUNDLED HB 4053		
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	SB 202 HB 4126 BUNDLED SB 202		
Natural Resources (58-49)	General Hunting Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015	SB 203 HB 4069 BUNDLED SB 202		
Natural Resources (58-50)	Deer Hunting Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015	SB 204 HB 4070 BUNDLED SB 202		
Natural Resources (58-52)	Wild Boar Hunting Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015	SB 205 HB 4071 BUNDLED SB 202		
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	SB 206 HB 4127 BUNDLED SB 202		
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	SB 225 HB 4028 BUNDLED SB 159		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Oil and Gas (35-8)	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	SB 179 HB 4102 BUNDLED HB 4053		
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	SB 226 HB 4072 BUNDLED HB 4046		
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	SB 227 HB 4129 BUNDLED SB 159		
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	SB 228 HB 4130 BUNDLED SB 159		
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	SB 229 HB 4131 BUNDLED SB 159		
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	SB 230 HB 4132 BUNDLED SB 159		
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	SB 206 HB 4106 BUNDLED SB 159		
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	SB 231 HB 4133 BUNDLED SB 159		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 243 HB 4138 BUNDLED SB 150		
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/11/2015	7/13/2015		7/22/2015	Approved 11/19/2015	SB 232 HB 4073 BUNDLED SB 157		
Racing Commission (178-5)	Pari-Mutuel Wagering Legislative	6/11/2015	7/13/2015		7/22/2015	Approved 11/19/2015	SB 233 HB 4074 BUNDLED SB 157		
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	SB 235 HB 4076 BUNDLED SB 159		
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	SB 236 HB 4077 BUNDLED SB 159		
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	SB 237 HB 4075 BUNDLED SB 159		
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	SB 238 HB 4134 BUNDLED SB 159		
Senior Services (76-3)	WV State Plan for Aging – Title V Interpretive	10/17/2014	11/17/2014					11/19/2014	12/20/2014
Senior Services (76-3)	WV State Plan on Aging-Title V Interpretive	3/1/2016	3/31/2016						
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	SB 234 HB 4135 BUNDLED SB 159		

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	SB 239 HB 4136 BUNDLED SB 159		
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	SB 240 HB 4142 BUNDLED SB 159		
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	SB 241 HB 4137 BUNDLED SB 157		
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	SB 242 HB 4078 BUNDLED SB 157		
Tourism (144-1)	Direct Advertising Grants Program (Called up by the 2016 Legislature) Legislative						BUNDLED SB 202		
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	SB 244 HB 4079 BUNDLED SB 4080		
Veterans' Assistance (86-4)	VA Headstones or Markers Legislative	5/28/2014	6/28/2014		8/1/2014	Approved 9/16/2015	SB 245 HB 4080 BUNDLED SB 4080		
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	SB 180 HB 4103 BUNDLED HB 4053		

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. (47-30B)	Administrative Proceedings and Civil Penalty Assessment Legislative	6/23/2015	7/24/2015		7/27/2015	Approved 11/19/2015	SB 183 HB 4057 BUNDLED HB 4053		
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	SB 181 HB 4104 BUNDLED HB 4053		
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	SB 184 HB 4058 BUNDLED HB 4053		
Water Resources, Div. of Water & Waste Mgmt. (47-65)	Aboveground Storage Tank Fee Assessments Legislative	6/25/2015	7/30/2015		7/31/2015	Approved 1/26/2016	SB 185 HB 4059 BUNDLED HB 4053		
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	SB 222 HB 4140 BUNDLED SB 202		

West Virginia Secretary of State Natalie Tennant Administrative Law Division	Do Not Mark In This Box

FILED
2016 MAR -2 P 1:20
OFFICE WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

Changes to Social Services Manuals

Agency: West Virginia Department of Health and Human Resources

Bureau: Children and Families, Division of Children and Adult Services

Rule: 78-5

Change Number: _____

Revision existing manual: Yes X No _____

Please delete the entire Health Care Surrogate Policy dated March 1, 2015 of the Social Services Manual and replace it with this version dated March 01, 2016. The new Health Care Surrogate Policy had formatting and layout changes throughout the entire policy. There were changes within the policy to change a note at the bottom of page 41 and top of page 42 that had been inadvertently changed previously.

I am enclosing two copies; please file one and send the Bureau back a stamped copy.

Please send to:
Rebecca Nicholas
Health and Human Resource Specialist, Senior
350 Capitol Street, Room 691
Charleston, WV 25301-3704

WEST VIRGINIA LOTTERY

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

February 29, 2016

FILED
2016 MAR -1 P 1:33
OFFICE WEST VIRGINIA SECRETARY OF STATE

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

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "OMG! Puppies" manufactured by WMS Gaming, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John A. Myers
Acting Director

JAM/pb

Enclosures: OMG! Puppies

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

LEGISLATIVE

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

February 29, 2016

FILED
2016 MAR -1 P 1:34
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Dante's Diamonds" manufactured by Bally Technologies for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John A. Myers
Acting Director

JAM/pb

Enclosures: Dante's Diamonds

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

February 29, 2016

FILED
2016 MAR -1 P 1:35
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Fortunes of Atlantis," "Frost Queen," and "The Walking Dead" manufactured by Aristocrat, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John A. Myers
Acting Director

JAM/pb

Enclosures: Fortunes of Atlantis
Frost Queen
The Walking Dead

www.wvlottery.com

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

LEGISLATIVE

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

February 29, 2016

FILED
2016 MAR -1 P 1:39
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Hot Pink 7s Free Game$," "Wheel of Fortune Wild Gems," "MEGAHITS Megablast," "Red Hot 7s ReSpin Super Times Pay," "Spitfire Triple Red Hot 7s Free Games," "Wild Red Sevens," "Double Diamond Free Game$," "Triple Red Hot 7s," "Lucky Lines," and Gong Xi Fa Cai" manufactured by IGT for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John A. Myers
Acting Director

JAM/pb

Enclosure:

Hot Pink 7s Free Game$
Wheel of Fortune Wild Gems
MEGAHITS Megablast
Red Hot 7s ReSpin Super Times Pay
Spitfire Triple Red Hot 7s Free Games
Triple Red Hot 7s
Lucky Lines
Gong Xi Fa Cai
Wild Red Sevens
Double Diamond Free Game$

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

February 29, 2016

FILED
2016 MAR -1 P 1:40
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Adorned Peacock," "African Beauty," "Bull Mystery," "Celestial Celebration," "Celestial Temple," "Dragon Celebration," "Flamenco Fever," "Glamorous Peacock," "Glistening Jade," "Lady Peony," "Masked Invitation" and "Opulent Phoenix" games manufactured by Konami Gaming, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John A. Myers
Acting Director

JAM/pb

Enclosures:

Adorned Peacock
African Beauty
Bull Mystery
Celestial Celebration
Celestial Temple
Glistening Jade
Lady Peony
Masked Invitation
Opulent Phoenix
Dragon Celebration
Flamenco Fever
Glamorous Peacock

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

February 29, 2016

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

FILED
2016 MAR -1 P 1:36
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Ming Warrior," "Rich n Wild," "Grand Bazaar," "Indian Gold," "Dollar Chief," "Rumble Rumble," "Jumbo Wilds," "Buffalo Rumble 2," "Order of the Dragon Fortune," "Rhino Rumble," "Flying Horse;" "King Cat," "Motza Magic" and "Pure Platinum" manufactured by Ainsworth Game Technology for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John A. Myers
Acting Director

JAM/pb

Enclosures:

Ming Warrior – GDINNA2F
Rich n Wild – GDINCL2F
Grand Bazaar – GDINNZ2D
Indian Gold – GDINNN2C
Dollar Chief – GDINOL2B
Rumble Rumble – GDINUL2F
Jumbo Wilds – GDINJW2D
Buffalo Rumble 2 – GDINL21F
Rhino Rumble – GDINIB1H
Flying Horse – GDINFH1G
King Cat – GDINKA1H
Motza Magic – GDINZM2G
Pure Platinum – GDINUM2I
Order of the Dragon Fortune – GDINUF2F

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

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FILED
2016 MAR -1 A 10:22
OFFICE WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Bureau of Senior Services TITLE NUMBER: 76

RULE TYPE: Interpretive CITE AUTHORITY: WV Code 16-P-1

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: West Virginia State Plan on Aging - Title V

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 March 31, 2016 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Bureau of Senior Services
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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
16-5-10743-X	Health Care Authority	Amedisys West Virginia LLC	2/24/2016
16-6/9-10737-X	Health Care Authority	Berkeley Springs Center LLC	2/25/2016
13-5-9948-H	Health Care Authority	Camden-Clark Memorial Hospital Corporation	2/25/2016
14-2-10360-BH	Health Care Authority	Dignity Hospice of Southern West Virginia Inc	2/24/2016
15-9-10692-X	Health Care Authority	East Mountain Health Physicians Inc	2/24/2016
12-3-9755-P	Health Care Authority	HealthSmart Primary Care Clinics LP	2/22/2016
15-6-10632-P	Health Care Authority	Monongalia County General Hospital Company	2/22/2016
15-6-10700-A	Health Care Authority	Pinnacle Treatment Centers Inc	2/24/2016
16-9-10735-X	Health Care Authority	Stonebrook Inc	2/22/2016
16-6/10-10720-X	Health Care Authority	Stonerise Reliable Healthcare LLC	2/24/2016
16-AP-PRLC-02008	Insurance Commission	Craig Howard	2/25/2016
15-AP-PRLC-02028	Insurance Commission	Gary Vaughan	2/25/2016
16-AP-FINCON-02000	Insurance Commission	Lincoln General Insurance Company	2/26/2016
N/A	Medicine, West Virginia Board Of	Harold Anthony Cofer Jr. MD	2/23/2016
14-105-W	Medicine, West Virginia Board Of	Sanjit Kaur Dhaliwal, MD	1/11/2016
13-138-W	Medicine, West Virginia Board Of	Shivkumar Lakshminarayan Iyer, MD	1/11/2016
13-134-W	Medicine, West Virginia Board Of	Iraj Derakhshan, MD	1/15/2016
N/A	Registered Professional Nurses, West Virginia Board Of Examiners For	Rebecca Carol Fotos	2/25/2016
0415A	Veterinary Medicine	John Fabish	2/19/2016

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 1-16

By the Governor

EXECUTIVE ORDER

WHEREAS, the West Virginia Legislature passed during the 2016 Regular Session Senate Bill 419, effective from passage, on February 26, 2016, and I signed such bill into law February 29, 2016; and

WHEREAS, pursuant to the terms of Senate Bill 419, I am authorized to redirect certain revenues currently dedicated to payment of the unfunded liability of the Workers' Compensation Debt Reduction Fund to the General Revenue Fund by Executive Order for any period commencing after February 29, 2016 and ending before July 1, 2016, if the budget shortfall for fiscal year 2016 as of December 1, 2015 is greater than $100 million, as determined by the State Budget Office; and

WHEREAS, the State Budget Office has submitted to me a letter, dated February 29, 2016, certifying that the State of West Virginia General Revenue budget shortfall was $114.484 million as of December 1, 2015, which is greater than the $100 million shortfall required by Senate Bill 419 to redirect certain revenues as described above; and

WHEREAS, current economic and fiscal trends will result in projected year-end revenue deficits, including potential significant shortfalls in Severance Tax, Personal Income Tax, Consumer Sales and Use Tax, and Corporation Net Income Tax; and

WHEREAS, projected year-end revenue surpluses in various other General Revenue sources will only offset a small portion of these deficits; and

WHEREAS, the total projected year-end revenue deficit for the General Revenue Fund under a best case scenario is estimated at more than $354.13 million; and

WHEREAS, the Constitution of the State of West Virginia requires that the State's estimated revenues and expenditures for each fiscal year as provided in the approved budget do not result in the creation of a deficit; and

WHEREAS, it is estimated that $59.4 in additional revenue will be provided to the General Revenue Fund for fiscal year 2016 by my exercise of authority to redirect certain revenues pursuant to Senate Bill 419; and

WHEREAS, by this Executive Order, I am exercising the authority granted to me pursuant to Senate Bill 419 to redirect certain revenues into the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

WHEREAS, pursuant to the terms of Senate Bill 419, I retain the authority to change the duration of such revenue redirections during fiscal year 2016, and may alter these periods by subsequent Executive Order.

NOW, THEREFORE, I, EARL RAY TOMBLIN, by virtue of the authority vested in me as the Governor of West Virginia, do hereby **DECLARE** and **ORDER** that:

1. The deposits of revenues described in West Virginia Code § 11-13V-4 are redirected to the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

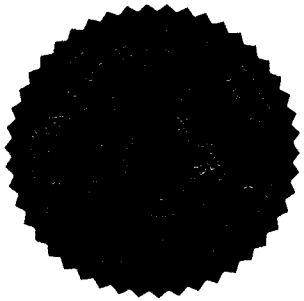
2. The deposits of revenues described in West Virginia Code § 23-2C-3 are redirected to the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

3. The deposits of revenues described in West Virginia Code § 29-22A-10d are redirected to the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

4. The deposits of revenues described in West Virginia Code § 29-22A-10e are redirected to the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

5. The Secretary of the Department of Revenue will supply instructions on the implementation of this revenue redirection.

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



DONE at the Capitol, in the City of Charleston, State of West Virginia, this twenty-ninth day of February, in the year of our Lord, Two Thousand Sixteen, and in the One Hundred Fifty-third year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

EXECUTIVE ORDER

FILED

2016 MAR -3 A 11: 52

OFFICE WEST VIRGINIA
SECRETARY OF STATE

AG OPINION

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

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

February 26, 2016

The Honorable Jeffrey R. Roth
Prosecuting Attorney
Office of the Grant County Prosecuting Attorney
5 Highland Avenue
Petersburg, WV 26847

Dear Prosecutor Roth:

You have asked for an Opinion of the Attorney General regarding a contract the Grant County Commission executed in 2004 for the purchase of real property for siting a telecommunications tower for the County's 911 system. This Opinion is being issued pursuant to West Virginia Code § 5–3–2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." To the extent this Opinion relies on facts, it is based solely upon the factual assertions set forth in your correspondence with the Office of the Attorney General.

Your letter raises a number of legal issues, which are addressed in turn below:

(1) May certain restrictive covenants, or parts of those restrictive covenants, from a contract that the Grant County Commission executed in 2004 be voided? (2) Assuming the restrictive covenant is enforceable, what is the scope of the restriction? (3) Would a development board member who facilitated various contracts on behalf of the development board and a private internet company have had a conflict of interest?

Question 1: May Certain Restrictive Covenants, or Parts of Those Restrictive Covenants, From a Contract That the Grant County Commission Executed in 2004 Be Voided?

According to your letter and accompanying documentation, the Grant County Commission in 2004 agreed to purchase a 0.294 acre plot of land on Charles Knob Mountain ("Charles Knob parcel") from Beacon Net LLC ("Beacon Net") for $30,000 for the purpose of acquiring a site on which the County could erect a hub cell tower to support the County's planned 911 system. As an apparent result of this agreement, the real estate was conveyed and the telecommunications tower was constructed ("Charles Knob tower"). But in 2015, the Commission realized that the 2004 contract, which was incorporated by reference into the deed, restricts the County from placing any antennae on the Charles Knob tower other than those needed to operate the 911 system. Specifically, the restrictive covenant provides:

> The [Commission] agrees that the 0.294 acre parcel to be purchased from [Beacon Net] will be used for the limited purpose of transmitting and receiving radio signals necessary for the operation of the County's Emergency 911 system. . . . Any use beyond what is necessary to operate the 911 system, including the providing or leasing of space, with or without consideration, on any tower or towers owned by the [Commission], that is not directly related to the 911 system is not permitted.

We understand that the Commission now believes that the restrictive covenant "unfairly penalizes the public" by preventing the public from "receiving proper cell phone coverage in [the] county." The Commission asks whether the covenant can now be voided without affecting the underlying conveyance, so that the Commission can provide increased cell service and wireless internet access to the citizens of Grant County. As such, our response is limited only to whether the Commission may void the restrictive covenant.

Under the facts you provided, the restrictive covenant is probably enforceable on its plain terms. "The fundamental rule in construing covenants and restrictive agreements is that the intention of the parties governs. That intention is gathered from the entire instrument by which the restriction is created, the surrounding circumstances and the objects which the covenant is designed to accomplish." Syl. Pt. 2, *Allemong v. Frendzel*, 178 W. Va. 601, 602, 363 S.E.2d 487, 488 (1987) (citing *Wallace v. St. Clair*, 147 W.Va. 377, 390, 127 S.E.2d 742, 751 (1962)); Syl. Pt. 3, *Jubb v. Letterle*, 185 W. Va. 239, 240, 406 S.E.2d 461, 466 (1991) (citations omitted).

The plain language in the contract and deed demonstrates without ambiguity that the Commission intended to purchase the Charles Knob parcel solely for the purpose of facilitating the County's 911 emergency facilities. The contract begins with a statement that the "Purchaser"—the "County Commission of Grant County"—"desires to buy said lot for the purpose [sic] constructing and operating a radio tower for use as apart [sic] of the County's Emergency 911 system." The contract then includes several express restrictions on the use of land the Commission purchased. The Commission's use of the Charles Knob parcel is "limited [to the] purpose of transmitting and receiving radio signals necessary for the operation of the County's Emergency 911 system," and "[a]ny use beyond what is necessary to operate the 911

system . . . is not permitted." The contract expressly prohibits "outside agencies" from "attach[ing] antennae to the [Commission's] tower." The deed conveying the real estate states that "the terms, provisions, and conditions identified and set forth in the aforesaid contract of July 27, 2004, shall survive this deed and be binding upon the parties hereto, including their successors and assigns."

Although the Supreme Court of Appeals has identified exceptions to the enforcement of unambiguous restrictive covenants, the exceptions probably do not apply under the facts you provided. "While the courts have manifested some disfavor of covenants restricting the use of property, they have generally sustained them where reasonable, not contrary to public policy, not in restraint of trade, and not for the purpose of creating a monopoly." *Wallace*, 147 W. Va. at 387, 127 S.E.2d at 750 (internal quotations omitted); *see also Allemong v. Frendzel*, 178 W. Va. 601, 603, 363 S.E.2d 487, 489 (1987) (upholding covenant that "prohibit[ed] selling alcoholic beverages on the parcel of land"); *McIntyre v. Zara*, 183 W. Va. 202, 206, 394 S.E.2d 897, 901 (1990) (suggesting that "prohibitions against subdividing and using a contractor other than Skyline Contracting" would be permissible if "reasonably designed" to "establish a residential area" and "no broader than necessary to accomplish that purpose").

We have not found any cases in West Virginia applying these exceptions to void an unambiguous covenant like the one presented here, and cases from other jurisdictions appear to uphold covenants that have the effect of limiting access to telecommunications services. In *Morgenbesser v. Aquarion Water Co. of Conn.*, 888 A.2d 1078 (Conn. 2006), the Connecticut Supreme Court considered a covenant that "limit[ed] the use of [a] property to 'water supply purposes or purposes incidental or accessory thereto." *Id.* at 826. Rejecting the argument of those who sought to erect a telecommunications tower, the court held that "the fact that the use of the property to operate a wireless communications facility might advance the public policy favoring universal access to telecommunications services does not permit this court to ignore the clear and unambiguous language of the restrictive covenant prohibiting such a use." *Id.* at 1082-83. Similarly, New York's highest court rejected an attempt to invalidate a covenant because there were other sites available on which to install the desired telecommunications tower. *See Chambers v. Old Stone Hill Rd. Assoc.*, 806 N.E.2d 979, 982 (N.Y. 2004) (restrictive covenant did not violate public policy because it "in no way denie[d] wireless telecommunications services in the [t]own"); *see also SiteTech Grp. Ltd. v. Bd. of Zoning Appeals*, 140 F. Supp. 2d 255, 264–265 (E.D.N.Y. 2001) (upholding a zoning board's denial of a special permit on the ground that there were alternative sites even though the alternative sites would not have completely closed the gaps in service and would have required additional antennas). Based on the facts you provided, there is no indication that the Charles Knob parcel is the only site on which the Commission could erect a tower that would provide telecommunications services to the citizens of Grant County.

Question 2: Assuming the Restrictive Covenant Is Enforceable, What Is the Scope of the Restriction?

Your letter and included documentation also seek guidance regarding the scope of the restrictive covenant. Specifically, you ask about the fact that the covenant prohibits "[a]ny use

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beyond what is necessary to operate the 911 system . . . on any tower or towers owned by the [Commission]." You relate that the Commission has expressed concerns that the use of the plural "towers" in the restrictive covenant could be read to limit *all* of the County's present and future towers anywhere in the county, not just the tower (or any future towers) on the Charles Knob parcel.

In our view, the plain language of the restrictive covenant applies only to the tower or any future towers on the Charles Knob parcel and not to towers located on any other real estate. As noted, the plain language of the provision controls as the best indication of the intentions of the parties. *See* Syl. Pt. 4, *Zimmerer v. Romano*, 223 W. Va. 769, 772, 679 S.E.2d 601, 604 (2009). The contract at issue, which contains the restrictive covenant, concerned *only* the purchase of the Charles Knob parcel. Fairly read, no language in the restrictive covenant or the agreement and subsequent deed suggests an intention to restrict the Commission's towers on any other real estate. *See Fraternal Order of Police, Lodge No. 69 v. City of Fairmont*, 196 W. Va. 97, 101, 468 S.E.2d 712, 716 (1996) ("If language in a contract is found to be plain and unambiguous, such language should be applied according to such meaning."). But even if the covenant were somehow ambiguous, a court would strictly construe any ambiguity against the grantor—here, Beacon Net. *See Allemong*, 178 W. Va. at 605, 363 S.E.2d at 491.

Question 3: Would a Development Board Member Who Facilitated Various Contracts on Behalf of the Development Board and a Private Company Have Had an Unlawful Conflict of Interest?

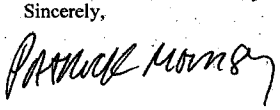
You also request an advisory opinion as to whether Mr. James M. Cookman had an unlawful conflict of interest regarding the facilitation and execution of the contract resulting in the conveyance of the Charles Knob parcel. The contract at issue involves the Commission's purchase of the Charles Knob pacel from Beacon Net LLC in 2004, as already discussed. You indicate that Cookman—one of four owners of Beacon Net—signed the purchase contract and deed on behalf of Beacon Net. But according to your letter, Cookman was also a member of the Grant County Development Authority at the time he executed the contract. The documents you sent indicate that Cookman's positions would have given him "inside" knowledge of the Commission's desire to purchase land for a 911 cell tower prior to the agreement to purchase the Charles Knob parcel.*

We believe this question is best answered in the first instance by the West Virginia Ethics Commission, which has statutory authority over ethical questions and is empowered to "initiate or receive complaints and make investigations . . . of an alleged violation of [the West Virginia Governmental Ethics Act] by a public official or public employee." *Id.* § 6B–2–2(b). Among other things, the Ethics Act defines and establishes minimum ethical standards for elected and appointed public officials and public employees. *See* W. Va. Code § 6B–1–1, *et seq.*; *see also State ex rel. Discover Fin. Servs., Inc. v. Nibert*, 231 W. Va. 227, 233–34, 744 S.E.2d 625, 631–

* The members of a county development authority are appointed by the county commission, and at least one commissioner must be a member of the county development authority. *See* W. Va. Code § 7–12–3.

32 (2013). It establishes administrative civil and criminal penalties for public officials and employees who "exercise the powers of their office or employment for personal gain beyond the lawful emoluments of their position," W. Va. Code § 6B–1–2; *Discover*, 744 S.E.2d at 631–32 (citing W. Va. Code § 6B–1–2(a)), and applies "to all elected and appointed public officials and public employees, whether full or part time, in state, county, municipal governments and their respective boards, agencies, departments and commissions and in any other regional or local governmental agency, including county school boards," *id.* § 6B–2–5(a).

Sincerely,



Patrick Morrisey
Attorney General

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AG OPINION

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

FILED
2016 FEB 29 P 3:09
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

February 29, 2016

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **February 26, 2016**.

EXPEDITED APPLICATION RECEIVED

February 24, 2016 – South Charleston Center LLC and Vine Properties LLC, Charleston, Kanawha County, CON File #16-3-10738-NH, for the construction of a 90 bed post-acute care facility on the campus of Thomas Memorial Hospital located in South Charleston, Kanawha County, that will be a replacement facility for current licensed skilled and intermediate nursing facility beds transferred from Eastbrook Center LLC and Saint Francis Hospital, both located in Kanawha County; capital expenditure: $16,500,000.

PROJECTS DETERMINED NOT REVIEWABLE

February 22, 2016 – Stonebrook, Inc., Martinsburg, Berkeley County, CON File #16-9-10735-X, to expand the occupancy of its residential group home located at 4338 Williamsport Pike, Martinsburg, Berkeley County from three (3) persons to four (4) persons and to transition the unlicensed group home to a licensed group home; capital expenditure: $19,966.

February 24, 2016 – Amedisys West Virginia, LLC d/b/a Amedisys Hospice of Parkersburg, Wood County, CON File #16-5-10743-X, for the change in d/b/a name from Amedisys Hospice of Parkersburg to Amedisys Hospice of Vienna; no capital expenditure.

February 25, 2016 – Berkeley Springs Center LLC, Berkeley Springs, Morgan County, CON File #16-6/9-10737-X, for the relocation of fifteen (15) nursing home beds from Sundale Nursing Home in Monongalia County to Berkeley Springs Center in Morgan County; capital expenditure: $150,000.

PROJECT EXEMPT FROM REVIEW

February 24, 2016 – East Mountain Health Physicians, Inc., Berkeley Springs, Morgan County, CON File #15-9-10692-X, for the provision of primary care, family medicine and other health services at an office located at 1008 Tavern Road, Suite 202, Martinsburg, Berkeley County; capital expenditure: $10,000.

The Authority determines that East Mountain Health Physicians, Inc., as currently structured, is exempt from CON review as the private office practice of one or more health professionals as set forth in W.Va. Code § 16-2D-4(a)(1).

EXEMPTION FROM CERTIFICATE OF NEED REVIEW ISSUED

February 24, 2016 – Stonerise Reliable Healthcare LLC, South Charleston, Kanawha County, CON File #16-6/10-10720-X, for the acquisition of the home health agency operated by Reliable Healthcare Solutions LLC. Reliable Healthcare Solutions LLC offers home health services in Monongalia, Taylor, Marion, Preston and Wetzel counties; capital expenditure: $950,000.

CERTIFICATE OF NEED APPROVALS ISSUED

February 22, 2016 – Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #15-6-10632-P, for the establishment of an ambulatory care center through the employment of two physicians who currently provide family practice services at a clinic located at 1840 Locust Avenue in Fairmont, Marion County; capital expenditure: $25,000.

February 24, 2016 – Dignity Hospice of Southern West Virginia, Chapmanville, Logan County, CON File #14-2-10360-BH, for the development of an 8 bed inpatient hospice facility on the grounds of its administrative offices located at 557 Main Street, Chapmanville, Logan County; capital expenditure: $2,851,270.

February 24, 2016 – Pinnacle Treatment Centers, Inc., Pittsburgh, Pennsylvania, CON File #15-6-10700-A, for a stock acquisition which will result in a change of control for Valley Alliance Treatment Services, Inc. (VATS). VATS operates a licensed opioid treatment program in Morgantown, Monongalia County which provides medical-assisted substance abuse treatment services; capital expenditure: $3,470,000.

RENEWALS GRANTED

February 22, 2016 – HealthSmart Primary Care Clinics, LP, Irving, Texas, CON File #12-3-9755-P, for the development of an on-site primary health care clinic to be offered to employees of HealthSmart Benefits Solutions, and their spouses and dependents who are on the health plan; capital expenditure: $131,277.

Renewal granted through January 26, 2017.

February 25, 2016 – Camden-Clark Memorial Hospital Corporation, Parkersburg, Wood County, CON File #13-5-9948-H, for the consolidation of all services of CCMC, a single hospital system in Parkersburg with two campuses, onto one campus; capital expenditure: $47,273,000.

Renewal granted through March 31, 2017.

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

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2016 MAR -3 P 12:00
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

March 1, 2016

NEWS ITEM

FILED
2016 MAR -3 P 12:00
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:

February 24, 2016 – Bio-Medical Applications of West Virginia d/b/a Fresenius Medical Care Roane County, Raleigh, North Carolina, CON File #16-5-10718-R, for the establishment of a new 6-station dialysis facility in Roane County; capital expenditure: $800,000.

February 24, 2016 – West Virginia Home Health LLC, Strasburg, Virginia, CON File #15-9-10685-Z, for the establishment of a home health agency in Martinsburg, Berkeley County, to serve the residents of Berkeley and Jefferson counties; capital expenditure: $47,745.

February 29, 2016 – South Charleston Center LLC and Vine Properties LLC, Charleston, Kanawha County, CON File #16-3-10738-NH, for the construction of a 90 bed post-acute care facility on the campus of Thomas Memorial Hospital located in South Charleston, Kanawha County, that will be a replacement facility for current licensed skilled and intermediate nursing facility beds transferred from Eastbrook Center LLC and Saint Francis Hospital, both located in Kanawha County; capital expenditure: $16,500,000.

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 **March 22, 2016**, 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.

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Also, by **April 11, 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 **April 12, 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 **May 16, 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.

3/1/16
Date

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