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Administration Law Division
Judy Cooper, Manager

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

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Treasurer

CHRONOLOGICAL INDEX, VOLUME XXXVI ISSUE 16			
NO NEW RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

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Secretary of State
State of West Virginia

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

$ Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency

$ If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	31	DIETITIANS
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
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TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-23)	Exemptions from Management Services Provided by the Fleet Management Division Legislative			4/5/2019 ERD by 5/17/2019					
Agriculture (61-01)	Animal Disease Control Legislative	6/26/2018	7/26/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/10/2018	SB199		
Agriculture (61-29)	Industrial Hemp Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/11/2018	SB199		
Agriculture (61-33)	Rural Rehabilitation Loan Program Legislative	6/26/2018	7/26/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 12/4/2018	SB199		
Agriculture (61-34)	Captive Cervid Farming Legislative	6/27/2018	7/26/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/4/2018	SB199		
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	12/18/2017	1/18/2018	12/18/2017 Effective 1/29/2018	1/19/2018	Approved 11/12/2018	SB199		
Agriculture (61-37)	Agritourism Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/26/2018	SB199		
Agriculture (61-38)	Farmers Markets Legislative	6/27/2018	7/27/2018	7/30/2018 Effective 9/10/2018	7/27/2018	Modified & Approved 11/12/2018 Filed 11/26/2018	SB199		
Agriculture (61-39)	Seed Certification Program Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/11/2018	SB199		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-36)	(Repeal of) Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 USC or the Federal Transit Laws, to Applicable Air Quality Implementation Plans (Transportation Conformity) Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-38)	(Repeal of) Provisions for Determination of Compliance with Air Quality Management Rules Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-43)	Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Athletic Commission (177-01)	Administrative Rules of the WV State Athletic Commission Legislative	6/19/2018	7/19/2018		7/24/2018	Modified & Approved 11/27/2018 Filed 12/4/2018	SB199	4/2/2019	6/1/2019
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	6/22/2018	7/24/2018		7/24/2018	Modified & Approved 9/20/2018 Filed 9/20/2018	SB199		
Education (126-012)	WV System of Support and Accountability (2322) Legislative Exempt	1/11/2019	2/11/2019					3/14/2019	7/1/2019
Education (126-44H)	WV Driver Education Standards (2520.8) Legislative Exempt	8/10/2018	9/10/2018					10/11/2018	7/1/2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-044M)	WV College-and Career-Readiness Programs of Study/Standards for Career Technical Education (2520.13) Legislative Exempt	11/15/2018	12/17/2018					1/11/2019	7/1/2019
Education (126-044N)	WV College-and Career-Readiness Standards for Technology and Computer Science (2520.14)	11/15/2018	12/17/2018					1/11/2019	7/1/2019
Education (126-44O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Education (126-057)	Adult Education Programs (Policy 2420) Legislative Exempt	4/11/2019	5/13/2019						
Education (126-099)	Expected Behaviors in Safe and Supportive Schools (4373) Legislative Exempt	1/11/2019	2/11/2019					3/14/2019	7/1/2019
Fire Commission (87-04)	State Building Code Legislative	6/22/2018	7/23/2018		7/25/2018	Approved 11/12/2018	SB177	2/22/2019	4/30/2019
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/6/2018	SB175		
Health (64-14)	Assisted Living Residences Legislative	6/21/2018	7/20/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018	SB175		
Health (64-17)	Food Establishments Legislative	6/21/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/30/2018	SB175	4/4/2019	7/1/2019
Health (64-43)	Food Manufacturing Facilities Legislative	6/21/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/30/2018	SB175	4/4/2019	7/1/2019
Health (64-109)	General Rules-Medical Cannabis Program Legislative			4/3/2018 Effective 4/3/2018					

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-110)	Grower/Processors-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-111)	Laboratories-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-112)	Dispensaries-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-113)	Safe Harbor Letter-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health and Human Resources (69-08)	Chronic Pain Management Clinic Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Approved 11/12/2018	SB175		
Health an Human Resources (69-12)	Medication-Assisted Treatment – Office-Based Medication-Assisted Treatment Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018	SB175		
Higher Education Policy Commission (133-05)	Guidelines for Governing Boards in Employing and Evaluating Presidents Legislative	6/26/2018	7/26/2018		8/28/2018	Approved 12/14/2018	SB636	3/29/2019	4/29/2019
Higher Education Policy Commission (133-07)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 6/26/2018	8/7/2018	Amended by LOCEA & Approved 12/14/2018	SB636	4/1/2019	5/1/2019
Highways (157-12)	Employment Procedures Legislative	7/18/2018	8/20/2018	7/19/2018 Effective 8/30/2018	8/30/2018	Approved 11/12/2018	SB190		
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019				
Labor (42-05)	Wage Payment and Collection Legislative	6/15/2018	7/16/2018		7/25/2018	Approved 9/20/2018	SB223	4/12/2019	7/1/2019
Labor (42-09)	Child Labor Legislative	6/18/2018	7/19/2018		7/25/2018	Modified & Approved 9/20/2018 Filed 9/26/2018	SB223	4/12/2019	7/1/2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/15/2018	7/16/2018	6/15/2018 Effective 7/27/2018	7/25/2018	Approved 9/20/2018	SB223	4/12/2019	7/1/2019
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians; Podiatric Physicians and Surgeons Legislative	6/22/2018	7/23/2018		7/25/2018	Approved 9/20/2018	SB199	4/12/2019	5/1/2019
Medicine (11-12)	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative	6/22/2018	7/23/2018	6/22/2018 Effective 8/3/2018 Amendment 7/25/2018 Withdrawn 8/7/2018 Amendment 8/7/2018 Effective 9/18/2018	7/25/2018	Approved 9/20/2018	SB199	4/12/2019	5/1/2019
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	6/19/2018	7/19/2018	6/19/2018 Effective 7/31/2018	7/25/2018	Approved 11/27/2018	SB223	3/29/2019	5/1/2019
Miners Health Safety and Training (56-08)	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia Legislative	5/30/2018	6/29/2018	5/30/2018 Effective 7/11/2018	7/25/2018	Approved 11/27/2018	SB223	3/29/2019	5/1/2019
Miners Health Safety and Training (56-23)	Rules for Operating Diesel Equipment in Underground Mines in West Virginia Legislative	5/30/2018	6/29/2018	5/29/2018 Effective 7/10/2018	7/25/2018	Approved 11/27/2018	SB223	3/29/2019	5/1/2019
Natural Resources (58-60)	Fishing Regulations Legislative Exempt	4/9/2019	5/9/2019						
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	5/24/2018	6/25/2018		7/26/2018	Approved 9/20/2018	SB199		
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/21/2018	7/22/2018		7/27/2018	Approved 9/20/2018	SB199		
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/12/2018	7/16/2018		7/27/2018	Approved 9/20/2018	SB199		
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/21/2018	7/22/2018		7/27/2018	Approved 9/20/2018	SB199		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/19/2018	7/20/2018		7/27/2018	Approved 9/20/2018	SB199		
Pharmacy (15-17)	Board of Pharmacy Rules for the Substitution of Biological Pharmaceuticals Legislative	6/19/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/16/2018	SB199		
Public Service Commission (150-33)	Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt	9/6/2018 03/13/2019	11/8/2018 04/30/2019						
Racing Commission (178-01)	Throughbred Racing Legislative	6/13/2018	7/13/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/28/2018	SB187		
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	6/26/2018	7/26/2018		2/19/2019	Approved 2/19/2019	SB672		
School Building Authority (164-03)	School Planning and Design Criteria Legislative	6/26/2018	7/26/2018		2/19/2019	Approved 2/19/2019	SB672		
School Building Authority (164-04)	Project Administration and Review Legislative	6/26/2018	7/26/2018		2/19/2019	Approved 2/19/2019	SB672		
School Building Authority (164-05)	School Building Authority Contracts and Agreements Legislative	6/26/2018	7/26/2018		2/21/2019	Approved 2/19/2019	SB672		
School Building Authority (164-06)	School Building Authority Reporting Procedures (Repeal) Legislative	6/26/2018	7/26/2018		2/21/2019	Approved 2/19/2019	SB672		
School Building Authority (164-07)	School Access Safety Act Guidelines and Procedures Legislative	6/26/2018	7/26/2018		2/19/2019	Approved 2/19/2019	SB672		
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Elections Systems, Software, Services and Upgrades Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018	Approved 11/27/2018	SB199		
Secretary of State (153-13)	Early Voting In-Person Satellite Precincts Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018	Approved 11/27/2018	SB199		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-46)	Notaries Public (Repeal) Legislative	6/28/2018	7/28/2018		7/30/2018	Approved 11/27/2018	SB199		
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/15/2018	7/16/2018		7/25/2018	Modified & Approved 11/12/2018 Filed 11/16/2018	SB199	4/17/2019	7/1/2019
Social Work Examiners (25-07)	Code of Ethics Legislative	6/15/2018	7/16/2018		7/23/2018	Approved 11/12/2018	SB199	4/17/2019	5/1/2019
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/6/2018	SB187	4/9/2019	5/9/2019
Tax (110-21B)	Citizen Tax Credit for Property Taxes Paid Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 11/12/2018	SB187	4/9/2019	5/9/2019
Tax (110-49)	Administration of Tax on Purchases of Wine and Liquor Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 11/12/2018	SB187	4/9/2019	5/9/2019
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 9/20/2018	SB187	4/9/2019	5/9/2019
Treasurer (112-16)	Reporting and Claiming Unknown and Unlocatable Interest Owners Reserved Interests Legislative	6/27/2018	7/27/2018	6/27/2018 Effective 8/8/2018	7/27/2018	Modified & Approved 11/27/2018 Filed 12/13/2018	SB199	4/17/2019	5/1/2019
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/25/2018	7/10/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/10/2018	SB163		
Water Resources, Div. of Water & Waste Magmt. (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	3/21/2019	5/6/2019						

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/12/2019 9:24:37 AM
Office of West Virginia
Secretary Of State

Legislative

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Labor TITLE-SERIES: 42-05

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

RULE NAME: Wage Payment and Collection

CITE STATUTORY AUTHORITY: W. Va. Code §21-5-9 and §21-5-13

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 223

Section W. Va. Code §64-10-1(a) Passed On 3/6/2019 12:00:00 AM

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

July 1, 2019

This rule shall terminate and have no further force or effect from the following date:

July 01, 2029

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

Yes

Mitchell E Woodrum -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/12/2019 9:22:51 AM
Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Labor TITLE-SERIES: 42-09

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

RULE NAME: Child Labor

CITE STATUTORY AUTHORITY: W. Va. Code §21-6-11

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 223

Section §64-10-1(b) Passed On 3/6/2019 12:00:00 AM

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

July 1, 2019

This rule shall terminate and have no further force or effect from the following date:

July 01, 2029

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

Yes

Mitchell E Woodrum -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/12/2019 9:26:36 AM
Office of West Virginia
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Legislative

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Labor TITLE-SERIES: 42-34

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

RULE NAME: Regulation of Heating, Ventilating, and Cooling Work

CITE STATUTORY AUTHORITY: W. Va. Code §21-16-5

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 223

Section W. Va. Code §64-10-1(c) Passed On 3/6/2019 12:00:00 AM

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

July 1, 2019

This rule shall terminate and have no further force or effect from the following date:

July 01, 2029

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

Yes

Mitchell E Woodrum -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/12/2019 1:07:18 PM
Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Medicine TITLE-SERIES: 11-01A

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

RULE NAME: Licensing and Disciplinary Procedures: Physicians; Podiatric Physicians and Surgeons

CITE STATUTORY AUTHORITY: §30-3-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) Senate Bill 199

Section §64-9-4 Passed On 3/6/2019 12:00:00 AM

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

May 1, 2019

This rule shall terminate and have no further force or effect from the following date:

May 01, 2024

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

Yes

Mark A Spangler -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/12/2019 1:04:31 PM

Office of West Virginia
Secretary Of State

Legislative

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Medicine TITLE-SERIES: 11-12

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

RULE NAME: Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows

CITE STATUTORY AUTHORITY: §30-3-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) Senate Bill 199

Section §64-9-4 Passed On 3/8/2019 12:00:00 AM

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

May 1, 2019

This rule shall terminate and have no further force or effect from the following date:

May 01, 2024

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

Yes

Mark A Spangler -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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4/17/2019 2:49:51 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Social Work Examiners TITLE-SERIES: 25-01

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

RULE NAME: Qualifications for the Profession of Social Work

CITE STATUTORY AUTHORITY: §30-30-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 199

Section §64-9-10 Passed On 3/8/2019 12:00:00 AM

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

July 1, 2019

This rule shall terminate and have no further force or effect from the following date:

July 01, 2029

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

Yes

Vickie L James -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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4/17/2019 2:48:29 PM

Office of West Virginia
Secretary Of State

Legislative

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Social Work Examiners TITLE-SERIES: 25-07

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

RULE NAME: Code of Ethics

CITE STATUTORY AUTHORITY: §30-30-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 199

Section §64-9-10 Passed On 3/8/2019 12:00:00 AM

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

May 1, 2019

This rule shall terminate and have no further force or effect from the following date:

May 01, 2029

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

Yes

Vickie L James -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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4/17/2019 1:51:32 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Treasurer TITLE-SERIES: 112-16

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

RULE NAME: Reporting and Claiming Unknown and Unlocatable Interest Owners Reserved Interests

CITE STATUTORY AUTHORITY: W. Va. Code §37B-2-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 199

Section §64-9-11 Passed On 3/8/2019 12:00:00 AM

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

May 1, 2019

This rule shall terminate and have no further force or effect from the following date:

May 01, 2024

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

Yes

Diana Stout -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Orders Report

Docket Number	Agency	Respondent	Date Rendered
18-8/9-11510-Z, 18-8-11511-Z, 18-9-11512-Z	**Health Care Authority**	Stonerise Reliable Healthcare	4/8/2019
18-3-11463-P	**Health Care Authority**	Charleston Area Medical Center, Inc.	4/17/2019
18-10-11518-H	**Health Care Authority**	Reynolds Memorial Hospital	4/17/2019
16-THP-02023/16-AP-THP-02023	**Insurance Commissioner**	Amerisure Mutual Insurance Company	4/1/2019
18-MC-THP-02001	**Insurance Commissioner**	Gateway Insurance Company	3/20/2019
19-PIAP-02000	**Insurance Commissioner**	Permanent General Assurance Corporation	3/20/2019
01-FY-2019	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Paul Crigger	1/10/2019
05-FY-2019	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Paula Williams	1/17/2019

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

FILED
2019 APR 15 A 11: 52
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

April 15, 2019

Other

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **April 12, 2019**.

LETTERS OF INTENT RECEIVED

April 9, 2019 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #19-6-11611-H, for the addition of an operating room and related renovations; capital expenditure: $2,620,000.

April 9, 2019 – Mountain Hospice, Inc., Belington, Barbour County, CON File #19-7-11612-Z, for the provision of home health services in Randolph and Upshur counties; capital expenditure: $1,500.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

April 8, 2019 - Trinity West, Steubenville, Ohio, CON File #19-11-11603-A, for the acquisition of Dr. Joseph Schreiber's family practice in Hancock County; capital expenditure: $21,000.

April 8, 2019 - Mulberry Street Management Services, Inc. Employee Stock Ownership Plan Trust, Sharon A. Hayes, Trustee, and Mulberry's Independent Home Services, Inc., Morgantown, Monongalia County, CON File #19-WV-11604-A, for the acquisition of Mulberry Street Management Services, Inc.; capital expenditure: $12,000,000.

April 8, 2019 - University Healthcare at Home, Martinsburg, Berkeley County, CON File #19-8/9-11605-Z, for the provision of home health services in Mineral and Morgan counties; capital expenditure: $35,000.

HEARING NOTICES

The Administrative Hearing and Prehearing Conference have been CANCELED in the following matters:

April 8, 2019 - Stonerise Reliable Healthcare LLC, Morgantown, Monongalia County, CON File #18-8/9-11510-Z, for the provision of home health services in Hardy and Morgan counties; capital expenditure: $10,000.

April 8, 2019 - Stonerise Reliable Healthcare LLC, Morgantown, Monongalia County, CON File #18-8-11511-Z, for the provision of home health services in Hampshire and Mineral counties; capital expenditure: $10,000.

April 8, 2019 - Stonerise Reliable Healthcare LLC, Morgantown, Monongalia County, CON File #18-9-11512-Z, for the provision of home health services in Berkeley and Jefferson counties; capital expenditure: $60,000.

PROJECTS DETERMINED NOT REVIEWABLE

April 10, 2019 – Wheeling – Ohio County Health Department, Wheeling, Ohio County, CON File #19-10-11587-X, for the purchase of a mobile medical vehicle to be used by the health department for the Project Hope Program which provides limited health care services to the homeless population, public health response or outbreak response services and general public health education; capital expenditure: $160,000.

April 10, 2019 – War Memorial Hospital, Inc., Winchester, Virginia, CON File #19-9-11593-X, for the conversion of Valley Health War Memorial Hospital Internal Medicine, formerly known as Berkeley Springs Internal Medicine, to a certified rural health clinic; no capital expenditure.

EXEMPTION APPLICATIONS APPROVED

April 10, 2019 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #19-6-11598-X, for the temporary conversion of eight (8) of its 30 obstetrical beds to intensive care unit beds.

April 10, 2019 - Doreen K. Schaffner, Martinsburg, Berkeley County, CON File #19-9-11602-X, for the acquisition of the majority interest in Stepping Stones Cottages, LLC.

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

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED

2019 APR 18 A 10: 11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

In Re: **APPALACHIAN REGIONAL HEALTHCARE, INC. d/b/a BECKLEY ARH HOSPITAL**
CON File # 19-1-11527-P

Other

AMENDED HEARING ORDER

The Parties have contacted the Authority and requested an additional day of hearing in the above-styled action. Accordingly, the Hearing Order issued on March 1, 2019, is hereby amended as follows:

1. This matter is set for hearing on May 15, 2019, at 9:00 a.m. Should an additional day be necessary, the hearing will continue on May 16, 2019, at 9:00 a.m.

2. All remaining dates enumerated in the original Hearing Order remain unchanged.

Entered this 15th day of April, 2019.

B. Allen Campbell
Senior Assistant Attorney General

Jim Justice
Governor

WEST VIRGINIA HEALTHCARE AUTHORITY

Bill J. Crouch, Cabinet Secretary
West Virginia Department of
Health and Human Resources

FILED

2019 APR 18 A 10: 11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

In Re:

APPALACHIAN REGIONAL HEALTHCARE, INC. d/b/a BECKLEY ARH HOSPITAL
CON File No. 19-1-11527-P

AMENDED NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held, **May 8, 2019, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **May 15, 2019, at 9:00 a.m. and May 16, 2019, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need for development of primary (emergency) percutaneous coronary intervention (Primary PCI) services.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 8:30 a.m. to 5:00 p.m.., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Interim Executive Director, at (304) 558-7000.

Date: April 15, 2019

Barbara Skeen
Barbara Skeen, Interim Executive Director

Other

FILED

2019 APR 17 A 9:30

OFFICE WEST VIRGINIA SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

April 16, 2019

NEWS ITEM

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

April 9, 2019 - University Healthcare at Home, Martinsburg, Berkeley County, CON File #19-8/9-11605-Z, for the provision of home health services in Mineral and Morgan counties; capital expenditure: $35,000.

April 10, 2019 - Trinity West, Steubenville, Ohio, CON File #19-11-11603-A, for the acquisition of Dr. Joseph Schreiber's family practice in Hancock County; capital expenditure: $21,000.

April 12, 2019 - LTACH Morgantown, LLC, Charlotte, North Carolina, CON File #19-6-11601-H, for the development of a twenty-five bed Long Term Acute Care Hospital within Monongalia County General Hospital Company in Morgantown, Monongalia County; capital expenditure: $1,950,000.

April 15, 2019 - Mulberry Street Management Services, Inc. Employee Stock Ownership Plan Trust, Sharon A. Hayes, Trustee, and Mulberry's Independent Home Services, Inc., Morgantown, Monongalia County, CON File #19-WV-11604-A, for the acquisition of Mulberry Street Management Services, Inc.; capital expenditure: $12,000,000.

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.

The review cycle begins on **April 15, 2019**.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.4776/Fax • www.hca.wv.gov

Other

On or before **May 15, 2019**, 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 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 **May 20, 2019**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision 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 application, 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 **June 14, 2019**.

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 Barbara Skeen, 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.

4/16/19
Date

Barbara Skeen
Barbara Skeen, Director, Certificate of Need
Health Care Authority

FILED

2019 APR 18 A 10: 12

OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

In Re: **Reynolds Memorial Hospital**
CON File # 18-10-11518-H

NOTICE OF CANCELLATION OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that Reynolds Memorial Hospital, Inc. has withdrawn its application in the above-captioned matter.

As such, the prehearing conference scheduled for **April 24, 2019 at 1:30 p.m.** and the administrative hearing scheduled for **May 1, 2019 at 9:00 a.m.** in this matter has been **CANCELLED.**

This application concerns the provision of primary (emergency) percutaneous coronary intervention services.

If you have questions concerning this matter, please contact Barbara Skeen, Director of Certificate of Need, at (304) 558-7000.

Date: April 17, 2019

Barbara Skeen
Barbara Skeen, Interim Executive Director

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

FILED
2019 APR 18 A 10:
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

Other

In Re: **Charleston Area Medical Center, Inc.**
CON File # 18-3-11463-P

NOTICE OF CANCELLATION OF ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that Charleston Area Medical Center, Inc. has withdrawn its application in the above-captioned matter.

As such, the hearing scheduled for **April 22, 2019 at 9:00 a.m.** in this matter has been **CANCELLED.**

This application concerns the development of an ambulatory health care facility at 3257 Teays Valley Road, Hurricane, Putnam County

If you have questions concerning this matter, please contact Barbara Skeen, Director of Certificate of Need, at (304) 558-7000.

Date: April 17, 2019

Barbara Skeen

Barbara Skeen, Interim Executive Director