WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVI

Issue 20

May 17, 2019

A Weekly Publication

Administration Law Division
Judy Cooper, Manager

Mac Warner
Secretary of State
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Grievances Reports

Office of Tax Appeal Decisions

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Attorney General Opinions

Other Documents or Information Filed

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

Dentistry, WV Board of

Health Care Authority

Occupational Therapy

Speech-Language Pathology and Audiology

CHRONOLOGICAL INDEX, VOLUME XXXVI ISSUE 20

NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Occupational Therapy (13-07)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	§30-28-7	Written Comments Only July 1, 2019, 11:59 pm Vonda Malnikoff 1063 Maple Dr., Suite 4B Morgantown, WV 26505 help@wvbot.org
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	§30-32-7	Written Comments Only June 17, 2019, 4:00 pm WVBESLPA 99 Edmiston Way Box 11, Suite 214 Buckhannon, WV 26201

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
TITLE	78	HUMAN SERVICES
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	5/3/2019	6/3/2019	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	4/30/2019	6/1/2019
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	4/30/2019	7/1/2019
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	4/30/2019	6/1/2019
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	4/30/2019	6/1/2019
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	4/30/2019	6/1/2019
Agriculture (61-37)	Agritourism Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/26/2018	SB199	4/30/2019	6/1/2019
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	4/30/2019	6/1/2019
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	4/30/2019	6/1/2019
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163	4/24/2019	6/1/2019

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	4/24/2019	6/1/2019
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	4/24/2019	6/1/2019
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	4/24/2019	6/1/2019
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	4/24/2019	6/1/2019
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	4/24/2019	6/1/2019
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
Community And Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	4/29/2019	5/30/2019		4/29/2019 Effective 4/29/2019				
Dentistry, WV Board of (5-09)	Application Procedures for Licensure or Certificate Procedural	5/1/2019	5/31/2019						
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 126-035)	Education Instructional Resources(Policy 2445.40) Legislative Exempt	5/9/2019	6/10/2019						
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
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	5/1/2019	7/30/2019
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	5/1/2019	7/30/2019
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					
Health (64-110)	Grower/Processors-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	5/1/2019	7/30/2019
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	5/1/2019	7/30/2019
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
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
Natural Resources (58-60)	Fishing Regulations Legislative Exempt	4/9/2019	5/9/2019						
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019						
Occupational Therapy (13-07)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019						
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						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	5/3/2019	8/1/2019
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019						
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/3/2019	6/6/2019	5/3/2019 ERD by 6/14/2019					
Secondary School Activities Commission (127-01)	Constitution (WVSSAC Series1) Legislative Exempt	5/9/2019	6/10/2019						
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility (WVSSAC Series 2) Legislative Exempt	5/9/2019	6/10/2019						
Secondary School Activities Commission (127-03)	Provisions Governing Contests (WVSSAC Series 3) Legislative Exempt	5/9/2019	6/10/2019						
Secondary School Activities Commission (127-04)	Provisions Governing Conduct (WVSSAC Series 4) Legislative Exempt	5/9/2019	6/10/2019						
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
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019						
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	4/26/2019	5/26/2019
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

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Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Occupational Therapy TITLE-SERIES: 13-07

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

RULE NAME: APPLICATION FOR WAIVER OF INITIAL LICENSING FEES FOR CERTAIN INDIVIDUALS

CITE STATUTORY AUTHORITY: 30-28-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/01/2019 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Vonda Malnikoff

ADDRESS: 1063 Maple Dr. Suite 4B

Morgantown, WV 26505

EMAIL: help@wvbot.org

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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MAC WARNER
ADMINISTRATIVE LAW DIVISION

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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: SpeechLanguage Pathology And Audiology TITLE-SERIES: 29-01

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

RULE NAME: LICENSURE OF SPEECH-PATHOLOGY AND AUDIOLOGY

CITE STATUTORY AUTHORITY: 30-32-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/17/2019 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WVBESLPA

ADDRESS: 99 EDMISTON WAY

BOX 11 - SUITE 214

EMAIL: wvbeslpa@wv.gov

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INCORPORATED BY REFERENCE: No

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

May Legislative Interim Schedule

May 20, 2019

State Capitol

Monday, May 20, 2019

9:00 AM	— 11:00 AM	Commission on Special Investigations	Senate Finance
9:00 AM	— 11:00 AM	Joint Legislative Committee on Flooding	Senate Judiciary
11:00 AM	— 12:00 PM	Joint Committee on Government and Finance	Senate Finance
2:00 PM	—	Floor Session	

FILED
2019 MAY 15 A 10: 28
WEST VIRGINIA
SECRETARY OF STATE

Prepared by Legislative Manager's Office
Approved by President and Speaker

Posted in the following offices; Senate President, House Speaker, Senate Clerk, House Clerk, Legislative Services and Secretary of State's office.
Rutherland 5/14/19

Orders Report

Docket Number	Agency	Respondent	Date Rendered
2017-DB-0037D	Dentistry, WV Board of	Jack R. Chambers II, DDS	4/16/2019
18-3-11520-P	Health Care Authority	Charleston Area Medical Center Inc	5/9/2019
19-5-11588-P	Health Care Authority	Camden-Clark Physician Corporation	5/8/2019
18-3-11463-P	Health Care Authority	Charleston Area Medical Center Inc	5/7/2019
18-8-11464-P	Health Care Authority	Charleston Area Medical Center Inc	5/9/2019
19-2-11615-X	Health Care Authority	IPG Enterprises LLC	5/7/2019
19-4-10410-BH	Health Care Authority	Jefferson Medical Center	5/7/2019
17-4-11119-H	Health Care Authority	Oak Hill Hospital Corporation	5/7/2019
18-1-11504-P	Health Care Authority	Princeton Community Hospital Association Inc	5/7/2019
18-9-11512-Z	Health Care Authority	Stonerise Reliable Healthcare LLC	5/7/2019

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
[redacted]	**Tamela Bias**	Department Of Health And Human Resources	4/1/2019
		Mildred Mitchell-Bateman Hospital	4/1/2019
[redacted]	**Leonard H. Hancock Jr**	Department of Veterans Assistance	4/1/2019
[redacted]	**Jodie Pierotti**	Wood County Board Of Education	4/1/2019
[redacted]	**Jamie Teter**	Braxton County Board Of Education	4/2/2019
[redacted]	**James Williams**	Department Of Health And Human Resources	4/3/2019
		Jackie Withrow Hospital	4/3/2019
[redacted]	**Jacqueline Kelly Daniels**	Cabell County Board Of Education	4/3/2019
[redacted]	**Kim McCullough**	Marion County Board Of Education	4/3/2019
[redacted]	**Gloria Lynne Taggart**	Department Of Health And Human Resources	4/3/2019
		Deputy Secretary for Administration	4/3/2019
[redacted]	**Dallas Brozik**	Marshall University	4/4/2019
[redacted]	**Tammie Hart-Smith**	Mineral County Board Of Education	4/4/2019
[redacted]	**Jackie L. Haught**	Division of Corrections and Rehabilitation	4/4/2019
		Bureau of Prisons and Jails	4/4/2019
		St. Mary's Correctional Center	4/4/2019
[redacted]	**Rodney Goff**	Division Of Highways	4/5/2019
[redacted]	**Samantha Ilene Crockett**	Department Of Health And Human Resources	4/5/2019
		Mildred Mitchell-Bateman Hospital	4/5/2019
		Division Of Personnel	4/5/2019
[redacted]	**Debbie Quinn**	Division Of Highways	4/5/2019
[redacted]	**Karen Lynn Spessert**	Randolph County Board Of Education	4/5/2019
[redacted]	**Crystal Clem**	Central WV Aging Service	4/8/2019
[redacted]	**Joanne Porter**	Division Of Highways	4/8/2019

5/16/2019 2:21:37 PM

[redacted]	Wetzel County Board Of Education	4/9/2019
[redacted]	Wood County Board Of Education	4/10/2019
[redacted]	Offices of the Insurance Commissioner	4/10/2019
[redacted]	Division Of Personnel	4/10/2019
[redacted]	Offices of the Insurance Commissioner	4/10/2019
[redacted]	Division Of Personnel	4/10/2019
[redacted]	Division of Corrections and Rehabilitation	4/10/2019
[redacted]	Bureau of Prisons and Jails	4/10/2019
[redacted]	Western Regional Jail	4/10/2019
[redacted]	Department Of Health And Human Resources	4/10/2019
[redacted]	Mildred Mitchell-Bateman Hospital	4/10/2019
[redacted]	Offices of the Insurance Commissioner	4/11/2019
[redacted]	Division Of Personnel	4/11/2019
[redacted]	Hardy County Board Of Education	4/12/2019
[redacted]	Department Of Health And Human Resources	4/15/2019
[redacted]	William R Sharpe Jr Hospital	4/15/2019
[redacted]	Department Of Health And Human Resources	4/15/2019
[redacted]	William R Sharpe Jr Hospital	4/15/2019
[redacted]	Division Of Personnel	4/15/2019
[redacted]	West Virginia Military Authority	4/16/2019
[redacted]	Marion County Board Of Education	4/16/2019
[redacted]	Department Of Health And Human Resources	4/17/2019
[redacted]	William R Sharpe Jr Hospital	4/17/2019
[redacted]	Mingo County Board Of Education	4/18/2019
[redacted]	Kanawha County Board Of Education	4/18/2019
[redacted]	Department of Veterans Assistance	4/19/2019
[redacted]	West Virginia University Potomac State College	4/23/2019

2018-1018-DHHR	**Peggy Lamb**	Department Of Health And Human Resources	4/24/2019
		Bureau For Children And Families	4/24/2019
		Division Of Personnel	4/24/2019
2019-0822-MU	**William J. James II**	Marshall University	4/24/2019
2019-0250-DOT	**Patrick Brennan**	Division of Highways	4/26/2019
2019-0409-DHHR	**L. Shawn R. Smith**	Department Of Health And Human Resources	4/29/2019
		Jackie Withrow Hospital	4/29/2019
2019-0350-DEP	**Derek B. Thompson**	Department of Environmental Protection	4/29/2019
2019-1224-MinED	**Michele Rahe**	Mingo County Board Of Education	4/29/2019
2019-0519-DEP	**Talal Fathallah**	Department of Environmental Protection	4/30/2019
2018-1480-CabED	**Jacqueline Kelly Daniels**	Cabell County Board Of Education	4/30/2019
2018-1240-DOT	**Robert P Jeffries**	Division of Highways	4/30/2019
2019-1200-NicED	**Jackie Knight**	Nicholas County Board Of Education	4/30/2019

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

FILED

2019 MAY 13 P 12: 26

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

May 13, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **May 10, 2019**.

CERTIFICATE OF NEED APPLICATION RECEIVED

May 10, 2019 - Kanawha Hospice Care, Inc., Charleston, Kanawha County, CON File #19-3-11620-Y, for the development of a twelve-bed inpatient hospice facility in leased space at Charleston Area Medical Center – Memorial Division, Charleston, Kanawha County; capital expenditure: $950,000.

HEARING NOTICE

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

May 9, 2019 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #18-3-11520-P, for the development of an ambulatory health care facility at 624 Chestnut Street, South Charleston, Kanawha County; capital expenditure: $277,740.

HEARING ORDER ISSUED

May 9, 2019 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #18-3-11520-P, for the development of an ambulatory health care facility at 624 Chestnut Street, South Charleston, Kanawha County; capital expenditure: $277,740.

ORDER ISSUED

May 9, 2019 - Charleston Area Medical Center, Charleston, Kanawha County, CON File #18-5-11464-P, for the development of an ambulatory health care facility at 146 Pinnell Street, Ripley, Jackson County; capital expenditure: $700,000. A new application is ORDERED if the hospital wants to proceed with the project due to a substantial change to the project.

ORDER TO WITHDRAW CON APPLICATION ISSUED

May 7, 2019 - Charleston Area Medical Center, Charleston, Kanawha County, CON File #18-3-11463-P, for the development of an ambulatory health care facility at 3257 Teays Valley Road, Hurricane, Putnam County; capital expenditure: $2,438,000.

EXEMPTION APPLICATION APPROVED

May 7, 2019 - IPG Enterprises, LLC, Huntington, Cabell County, CON File #19-2-11616-X, for the change of ownership of the assisted living facility currently known as Halls Residential Care.

CERTIFICATE OF NEED APPROVAL ISSUED

May 7, 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.

RENEWALS GRANTED

May 7, 2019 - Jefferson Medical Center, Ranson, Jefferson County, CON File #15-9-10410-BH, for the development of outpatient treatment services for substance abuse and mental illness for children and adults to include: Outpatient Treatment, Individual, Family and Group Therapy, Behavioral Health & Psychiatric Patient Assessments, Medication Management, Medication-assisted Treatment, and Drug & Alcohol Screening; capital expenditure: $85,000.

Renewal granted through April 30, 2020.

May 7, 2019 - Oak Hill Hospital Corporation d/b/a Plateau Medical Center, Oak Hill, Fayette County, CON File #17-4-11119-H, for the construction of two new operating rooms, procedure rooms and support space on land adjacent to and owned by Plateau Medical Center; capital expenditure: $10,400,000.

Renewal granted through November 30, 2019.

NOTICE OF SUBSTANTIAL COMPLIANCE

The following project has been implemented in substantial compliance with the decision issued in this matter and the case file is now closed.

May 7, 2019 - Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #18-1-11504-P, for the establishment of an ambulatory health care facility located at 114 Undercliff Terrace, Princeton, Mercer County; capital expenditure: $35,000.

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

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

FILED
2019 MAY 13 A 10:09
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

In Re: CHARLESTON AREA MEDICAL CENTER, INC
CON File No. 18-3-11520-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 the above-noted Certificate of Need application.

As such, the administrative hearing scheduled for **June 5, 2019 at 9:00 a.m.** in this matter is **CANCELLED,** the file is now **CLOSED** and no further information regarding this application will be accepted.

This application concerns provision for the development of an ambulatory health care facility at 624 Chestnut Street, South Charleston, Kanawha County.

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

Date: May 9, 2019

Barbara Skeen
Barbara Skeen, Interim Executive Director

Jim Justice
Governor

WEST VIRGINIA HEALTHCARE AUTHORITY

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

FILED
2019 MAY 15 A 9:16
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re:

United Hospital Center, Inc.
CON File No. 19-5-11592-Z

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, **July 31, 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, **August 7, 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 provision of home health services in Wirt County, West Virginia.

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

OTHER

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: May 13, 2019

Barbara Skeen
Barbara Skeen, Interim Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED
2019 JUN 15 A 9:36
STATE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: **United Hospital Center, Inc.**

CON File # 19-5-11952-Z

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **August 7, 2019, at 9:00 a.m.**

2. Prehearing conference date: **July 31, 2019, at 1:30 p.m.**

3. All replacement pages to CON application to be filed by: **June 14, 2019**
   Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

4. Motions for discovery to be filed by: **June 21, 2019**

5. Discovery completed on or before: **July 19, 2019**
   Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

6. Dispositive and preliminary motions to be filed by: **July 24, 2019**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

7. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **July 24, 2019**

OTHER

Entered this 13th day of May 2019

Barbara Skeen

Barbara Skeen, Interim Executive Director

Jim Justice
Governor

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

In Re:

Personal Touch Home Care of W. Va., Inc.
CON File No. 19-6/7-11595-Z

FILED
2019 MAY 15 A 9:36
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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, **August 5, 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, **August 12, 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 provision to develop and offer home health care service in Taylor and Barbour counties.

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.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.4775/Fax • 1.888.558.7002/Toll Free
www.hca.wv.gov

OTHER

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: May 13, 2019

Barbara Skeen
Barbara Skeen, Interim Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED
2019 MAY 15 A 9:36
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

In Re: **Personal Touch Care Home of W. Va., Inc.**

CON File # 19-6/7-11595-Z

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **August 12, 2019, at 9:00 a.m.**

2. Prehearing conference date: **August 5, 2019, at 1:30 p.m.**

3. All replacement pages to CON application to be filed by: **June 10, 2019**
   Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

4. Motions for discovery to be filed by: **June 17, 2019**

5. Discovery completed on or before: **July 16, 2019**
   Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

6. Dispositive and preliminary motions to be filed by: **July 30, 2019**
   Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

7. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **July 30, 2019**

Entered this 13th day of May 2019

OTHER

Barbara Skeen

Barbara Skeen, Interim Executive Director

Jim Justice
Governor

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

FILED
2019 MAY 15 A 9:36
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re:

Personal Touch Home Care of W. Va., Inc.
CON File No. 19-6-11596-Z

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, **August 5, 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, **August 12, 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 provision to develop and offer home health care services in Monongalia County.

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: May 13, 2019

Barbara Skeen, Interim Executive Director

OTHER

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED
2019 MAY 15 A 9:37
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: **Personal Touch Care Home of W. Va., Inc.**

CON File # 19-6-11596-Z

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **August 12, 2019, at 9:00 a.m.**

2. Prehearing conference date: **August 5, 2019, at 1:30 p.m.**

3. All replacement pages to CON application to be filed by: **June 10, 2019**
   Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

4. Motions for discovery to be filed by: **June 17, 2019**

5. Discovery completed on or before: **July 16, 2019**
   Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

6. Dispositive and preliminary motions to be filed by: **July 30, 2019**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

7. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **July 30, 2019**

OTHER

Entered this 13th day of May 2019

Barbara Skeen

Barbara Skeen, Interim Executive Director

FILED

2019 MAY 16 P 3:10

OFFICE OF WEST VIRGINIA STATE

OTHER

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

May 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:

May 14, 2019 - Kanawha Hospice Care, Inc., Charleston, Kanawha County, CON File #19-3-11620-Y, for the development of a twelve-bed inpatient hospice facility in leased space at Charleston Area Medical Center – Memorial Division, Charleston, Kanawha County; capital expenditure: $950,000.

May 14, 2019 - Raleigh General Hospital, Beckley, Raleigh County, CON File #19-1-11623-P, for the development of an ambulatory health care facility in Raleigh County through the development of a physician office practice; capital expenditure: $25,000.

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 **May 15, 2019**.

On or before **June 14, 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 **June 19, 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 **July 15, 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.

5/16/19
Date

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