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Administration Law Division
Judy Cooper, Manager

Mac Warner
Secretary of State
Bldg. 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

(304) 558-6000

sos.wv.gov

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

Mac Warner
Secretary of State
State of West Virginia

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

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
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TITLE	16	PHYSICAL THERAPY
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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
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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

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	§30-20A-1 et. seq.	Written Comments Only: August 26, 2019 3:00pm Nonnie S. Ramsey, Executive Director 2 Players Club Drive, Suite 102 Charleston, WV 25311 nonnie.s.ramsey@wv.gov
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	§30-20A-1 et. seq.	Written Comments Only: August 26, 2019 3:00 pm Nonnie S. Ramsey, Executive Director 2 Players Club Drive, Suite 102 Charleston, WV 25311 nonnie.s.ramsey@wv.gov
Tax (110-13AC)	Reduced Severance Tax Rates for Thermal or Steam Coal Interpretive	§11-10-5	Written Comments Only: August 22, 2019 10:00 am Mark S. Morton P.O. Box 1005 Charleston, WV 25324 taxlegal@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE FOR HEARING
Medicine (11-01B), Amendment	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	§§30-1-7(a), 30-3E-3(a)(1)-(12), and 30-1D-1(d)	ERD by September 5, 2019	July 19, 2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/7/2019	7/8/2019		7/23/2019				
Acupuncture (32-04)	Fees of the Board of Acupuncture Legislative	6/13/2019	7/14/2019	6/13/2019 ERD by 7/25/2019	7/22/2019				
Acupuncture (32-14)	Auricular Detoxification Therapy Certificate Legislative	6/13/2019	7/14/2019	6/13/2019 ERD by 7/25/2019	7/22/2019				
Acupuncture (32-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019				
Administration (148-12)	Rules for the General Administration of Records Management and Preservation Legislative	6/24/2019	7/24/2019		7/26/2019				
Administration (148-13)	Rules for Retention and Disposal Scheduling Legislative	6/24/2019	7/24/2019		7/26/2019				
Administration (148-14)	Rules for the Management of Records Maintained b the Records Center Legislative	6/24/2019	7/24/2019		7/26/2019				
Administration (148-23)	Exemptions from Management Services Provided by the Fleet Management Division Legislative	5/3/2019	6/3/2019	4/5/2019 Effective 5/17/2019	7/8/2019				
Administration (148-24)	Financial Services Reporting Legislative	6/24/2019	7/24/2019		7/26/2019				
Aeronautics Commission (171-01)	Commission Meetings, Organization, and Operation Procedural	6/5/2019	7/8/2019					7/15/2019	8/15/2019
Agriculture (61-01)	Animal Disease Control Legislative	6/21/2019	7/22/2019		7/22/2019				
Agriculture (61-10)	Fresh Food Act Legislative	6/26/2019	7/26/2019						
Agriculture (61-11B)	Auctioneers Legislative	6/26/2019	7/26/2019						
Agriculture (61-13A)	Poultry- Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication Legislative	6/11/2019	7/10/2019		7/11/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	6/24/2019	7/24/2019						
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019						
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019						
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019						
Agriculture (61-34)	Captive Cervid Farming Legislative	6/21/2019	7/22/2019		7/22/2019				
Agriculture (61-38)	Farmers Markets Legislative	6/24/2019	7/24/2019						
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2019	7/9/2019		7/19/2019				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2019	7/9/2019		7/19/2019				
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2019	7/9/2019		7/19/2019				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2019	7/9/2019		7/19/2019				
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2019	7/9/2019		7/19/2019				
Architects (2-01)	Registration of Architects Legislative	6/5/2019	7/9/2019		7/16/2019				
Architects (2-03)	Fees for Registration of Architects Legislative	6/5/2019	7/9/2019		7/16/2019				
Auditor (155-06)	Local Government Purchasing Card Program Legislative	5/21/2019	6/20/2019		7/8/2019				
Chiropractic Examiners (4-07)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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	6/3/2019				
Conservation Agency (63-03)	State Conservation Committee Grant Program Legislative	5/30/2019	6/29/2019		7/10/2019				
Counseling (27-13)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/26/2019				
Dangerous Wild Animal Board (74-01)	Dangerous Wild Animals Legislative	6/21/2019	7/22/2019						
Dentistry, WV Board of (5-01)	Rule for the West Virginia Board of Dentistry Legislative	5/31/2019	7/1/2019		7/19/2019				
Dentistry, WV Board of (5-08)	Dental Advertising Legislative	5/31/2019	7/1/2019		7/19/2019				
Dentistry, WV Board of (5-09)	Application Procedures for Licensure or Certificate Procedural	5/1/2019	5/31/2019					7/10/2019	8/8/2019
Development Office (145-15)	Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative	6/17/2019	7/17/2019	7/18/2019 ERD by 8/29/2019	7/18/2019				
Dietitians (31-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/24/2019	7/25/2019		7/25/2019				
Education (126-035)	Education Instructional Resources(Policy 2445.40) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	8/12/2019
Election Commision (146-01)	Corporate and Membership Organization Political Activity Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019					
Election Commission (146-03)	Regulation of Campaign Finance Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019					

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Environmental Protection Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/5/2019	7/8/2019		7/25/2019				
Fire Commission (87-01)	Fire Code Legislative	6/13/2019	7/16/2019		7/25/2019				
Fire Commission (87-04)	State Building Code Legislative	6/13/2019	7/16/2019		7/25/2019				
Forestry (22-02)	Sediment Control During Commerical Timber-Harvesting Operations-Licensing Legislative	6/26/2019	7/26/2019	6/26/2019 ERD by 8/7/2019					
Forestry (22-03)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification Legislative	6/26/2019	7/26/2019	6/26/2019 ERD by 8/7/2019					
Funeral Service Examiners (6-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019	7/18/2019		7/23/2019				
Health (64-03)	Public Water Systems Legislative	6/14/2019	7/15/2019		7/16/2019				
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 (64-13)	Nursing Home Licensure Rule Legislative	6/14/2019	7/12/2019 Extended to: 7/22/2019		7/25/2019				
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 (64-30)	Fees for Permits Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-32)	Vital Statistics Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-48)	Emergency Medical Services Legislative	6/14/2019	7/15/2019		7/16/2019				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-70)	Primary Care Center Uncompensated Care Grants Legislative	6/21/2019	7/22/2019		7/25/2019				
Health (64-71)	Primary Care Seed Money Grants Legislative	6/26/2019	7/26/2019						
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/21/2019	7/22/2019	4/3/2018 Effective 4/3/2018	7/25/2019				
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018	7/25/2019				
Health (64-111)	Medical Cannabis Program Laboratories Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018	7/25/2019				
Health (64-112)	Medical Cannabis Program Dispensiaries Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018	7/25/2019				
Health (64-113)	Medical Cannabis Program Safe Harbor Letter Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018	7/24/2019				
Health Care Authority (65-09)	Critical Access Hospitals Legislative	6/13/2019	7/15/2019		7/16/2019				
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 and 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
Heath and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/17/2019	7/17/2019	6/19/2019 ERD by 7/31/2019	7/22/2019				
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fee for Certain Individuals Legislative	6/24/2019	7/24/2019		7/25/2019				
Higher Education Policy Commission (133-03)	Higher Education Report Card Legislative	6/17/2019	7/17/2019						
Higher Education Policy Commission (133-41)	Health Sciences Service Program Procedural	6/17/2019	7/17/2019					7/18/2019	8/18/2019

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019				
Highways (157-06)	Use of State Road Rights of Way and Adjacent Areas Legislative	6/27/2019	7/29/2019						
Highways (157-07)	Transportation of Hazardous Wastes Upon the Roads and Highways Legislative	6/26/2019	7/26/2019						
Highways (157-13)	Small Wireless Facilities on Division of Highways Rigts-of-Way Legislative	6/27/2019	7/29/2019						
Human Services (78-02)	Child Placing Agencies Licensure Legislative	6/17/2019	7/17/2019						
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia Legislative	6/18/2019	7/18/2019						
Human Services (78-24)	Qualifications for a Provisional License to Practice As A Social Worker Within the Department of Health and Human Resources Legislative	6/18/2019	7/18/2019		7/24/2019				
Insurance Commission (114-24)	Medicare Supplement Insurance Legislative	6/10/2019	7/10/2019						
Insurance Commission (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019				
Labor (42-19)	West Virginia Manufactured Housing Construction and Safety Standards Board Legislative	6/11/2019	7/11/2019		7/18/2019				
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019				
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/10/2019	7/11/2019		7/17/2019				
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	6/24/2019	7/24/2019		7/25/2019				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Massage Therapy Licensure Board (194-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019				
Medical Imaging and Radiation Therapy Technology Board of Examiners (18-01)	WV Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/5/2019	7/7/2019		7/25/2019				
Medicine (11-01B)	Licensure, Disciplinary and Compliant Procedures, Continuing Education, Physician Assistants Legislative	6/19/2019	7/19/2019	6/19/2019 ERD by 7/31/2019 Amendment ERD by 9/5/2019	7/25/2019				
Medicine (11-13)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/19/2019	7/19/2019		7/25/2019				
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/19/2019	7/19/2019	6/19/2019 ERD by 7/31/2019	7/25/2019				
Miners Health Safety and Training (56-22)	Rules Governing the Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors Legislative	6/19/2019	7/19/2019	6/19/2019 ERD by 7/31/2019	7/25/2019				
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Rule Legislative	6/5/2019	7/8/2019		7/25/2019				
Mining and Reclamation (38-02F)	Groundwater Protection Rules Coal Mining Operations Legislative	6/5/2019	7/8/2019		7/25/2019				
Motor Vehicles (91-15)	Safety and Treatment Program Legislative	7/17/2019	8/16/2019	7/16/2019 ERD by 8/27/2019					
Motor Vehicles (91-24)	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative	6/27/2019	7/29/2019	6/27/2019 ERD by 8/8/2019					
Municipal Bond Commission (109-02)	Rules Covering Meetings of the WV Municipal Bond Commission Procedural	6/27/2019	7/29/2019						
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019		7/23/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-16)	Transporting and Selling Wildlife Pelts and Parts Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-25)	Boating Rule Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-26)	Special Boating Rules Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-28)	Special Requirements Concerning Boating Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-32)	Public Use of Campgrounds in West Virginia State Parks and State Forests, and Campsites in State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-34)	Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-46)	Defining of Terms Used In All Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/24/2019				
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-61)	Special Fishing Rule Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-62)	Catching and Selling Bait Fish Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-65)	Falconry Legislative	6/10/2019	7/10/2019		7/24/2019				
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019		7/3/2019				
Occupational Therapy (13-07)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019		7/3/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Oil and Gas Conservation Commission (39-01)	Rules of The Commission Legislative	6/14/2019	7/16/2019	6/14/2019 Withdrawn 7/26/2019	7/25/2019				
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/26/2019	7/26/2019						
Osteopathic Medicine (24-02)	Osteopathic Phyician Assistants Legislative	6/28/2019	7/29/2019	6/28/2019 ERD by 8/9/2019					
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019						
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019						
Pharmacy (15-04)	Record Keeping and Automated Data Processing Legislative	6/26/2019	7/26/2019						
Pharmacy (15-07)	Board of Pharmancy Rules for Registration of Pharmacy Technicians Legislative	6/26/2019	7/26/2019						
Pharmacy (15-12)	Board of Pharmacy Rules for Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019						
Pharmacy (15-14)	Board of Pharmacy Rules for Centralized Prescription Processing Legislative	6/26/2019	7/26/2019						
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019						
Pharmacy (15-18)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/26/2019	7/26/2019						
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/24/2019	8/26/2019						
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/25/2019	8/26/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-09)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/4/2019	7/5/2019		7/18/2019				
Professional Engineers (7-01)	Examination, Licensure and Practice of Professional Engineers Legislative	6/18/2019	7/19/2019		7/24/2019				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/4/2019	7/9/2019		7/15/2019				
Public Defender Services (89-01)	Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys Legislative	5/20/2019	6/21/2019	5/21/2019 effective 7/2/2019	7/22/2019				
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						
Racing Commission (178-01)	Throughbred Racing Legislative	6/10/2019	7/10/2019		7/18/2019				
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	5/3/2019	8/1/2019
Real Estate Appraiser Licensing and Certification Board (190-02)	Requirements for Licensure and Certification Legislative	6/26/2019	7/26/2019						
Real Estate Commission (174-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/31/2019	6/30/2019		7/2/2019				
Registered Professional Nurses (19-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019						
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019		6/27/2019				
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Sanitarians (20-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019	7/19/2019		7/23/2019				
School Building Authority of WV (164-01)	Policy and Procedures Handbook of the School Building Authority of WV Procedural	6/5/2019	7/5/2019						
Secondary School Activities Commission (127-01)	Constitution (WVSSAC Series1) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	9/9/2019
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility (WVSSAC Series 2) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	9/9/2019
Secondary School Activities Commission (127-03)	Provisions Governing Contests (WVSSAC Series 3) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	9/9/2019
Secondary School Activities Commission (127-04)	Provisions Governing Conduct (WVSSAC Series 4) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	9/9/2019
Social Work Examiners (25-03)	Fee Schedule Legislative	6/5/2019	7/5/2019		7/10/2019				
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019		6/28/2019				
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/13/2019	7/13/2019		7/15/2019				
Tax (110-13AC)	Reduced Serverance Tax Rates for Thermal or Steam Coal Interpretive	7/22/2019	8/22/2019						
Tax (110-15C)	Consumers Sales and Service Tax and Use Tax Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per SE Exemption; Motor Vehicles Per SE Exemption Legislative	6/13/2019	7/13/2019		7/16/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-43)	Special Valuation Method for Certain Wireless Technolgy Property Interpertive	7/3/2019	8/2/2019						
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/13/2019	7/13/2019		7/15/2019				
Veterinary Medicine (26-03)	Registration of Veterinary Technicians Legislative	5/30/2019	7/7/2019		7/11/2019				
Veterinary Medicine (26-06)	Schedule of Fees Legislative	5/30/2019	7/7/2019		7/11/2019				
Waste Management Division of Water and Waste Management (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019		7/25/2019				
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						

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Administration TITLE-SERIES: 148-12

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

RULE NAME: 148-12 General Administration of Records Management and Preservation

PRIMARY CONTACT

NAME: Misty Peal

ADDRESS: Building 1 Room E 119
1900 Kanawha Blvd East
Charleston, WV 25305

EMAIL: misty.peal@wv.gov

PHONE NUMBER: 304-558-4331

CITE STATUTORY AUTHORITY: W. Va. Code Section 5A-8-1 through 5A-8-20

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code Chapter 5A, Article 8 pertains to the Public Record Management and Preservation Act. W. Va. Code Section 5A-8-8 states the Department of Administration's "administrator shall promulgate such rules and regulations concerning the management and selection and preservation of essential state records as are necessary or proper to effectuate the purpose of this article."

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/24/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Administration TITLE-SERIES: 148-13

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

RULE NAME: 148-13 Retention and Disposal Scheduling

PRIMARY CONTACT

NAME: Misty Peal

ADDRESS: Building 1 Room E 119
1900 Kanawha Blvd East
Charleston, WV 25305

EMAIL: misty.peal@wv.gov

PHONE NUMBER: 304-558-4331

CITE STATUTORY AUTHORITY: W. Va. Code Section 5A-8-1 through 5A-8-20

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code Chapter 5A, Article 8 pertains to the Public Record Management and Preservation Act. W. Va. Code Section 5A-8-8 states the Department of Administration's "administrator shall promulgate such rules and regulations concerning the management and selection and preservation of essential state records as are necessary or proper to effectuate the purpose of this article."

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/24/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Administration TITLE-SERIES: 148-14

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

RULE NAME: 148-14 Management of Records Maintained by the Records Center

PRIMARY CONTACT

NAME: Misty Peal

ADDRESS: Building 1 Room E 119
1900 Kanawha Blvd East
Charleston, WV 25305

EMAIL: misty.peal@wv.gov

PHONE NUMBER: 304-558-4331

CITE STATUTORY AUTHORITY: W. Va. Code Section 5A-8-1 through 5A-8-20

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code Chapter 5A, Article 8 pertains to the Public Record Management and Preservation Act. W. Va. Code Section 5A-8-8 states the Department of Administration's "administrator shall promulgate such rules and regulations concerning the management and selection and preservation of essential state records as are necessary or proper to effectuate the purpose of this article."

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/24/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Administration TITLE-SERIES: 148-24

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

RULE NAME: 148-24 Financial Services Reporting

PRIMARY CONTACT

NAME: Misty Peal

ADDRESS: Building 1 Room E 119
1900 Kanawha Blvd East
Charleston, WV 25305

EMAIL: misty.peal@wv.gov

PHONE NUMBER: 304-558-4331

CITE STATUTORY AUTHORITY: W. Va. Code Section 5A-2B-2

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Language in W. Va. Code Section 5A-2B-2(e) states, "The Department of Administration is authorized to promulgate legislative rules, including emergency rules, to develop the assessment, any forms necessary for reporting costs, and any other information necessary pursuant to §29A-3-1 et seq. of this code."

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/24/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Accountancy

TITLE-SERIES: 1-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 1-01 Board Rules and Rules of Professional Conduct

PRIMARY CONTACT

NAME: WV Board of Accountancy

ADDRESS: 405 Capitol Street Suite 908

Charleston, WV 25301

EMAIL: brenda.s.turley@wv.gov

PHONE NUMBER: 304-558-3557

CITE STATUTORY AUTHORITY: W.Va. Code § 30-9

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W.Va. Code 30-9-4(8) grants the Board of Accountancy the authority to "propose rules in accordance with the provisions of article 3, chapter twenty-nine-a of this code." With the passage of Senate Bill 396, boards and licensing authorities were required to promulgate legislation to allow low-income individuals and military families to apply for a waiver of initial occupational licensing fees. These revisions were incorporated into the Rules requirements. The Board also made changes to the current rule to provide for year-round CPA Exam testing when launched by AICPA. The Rule will allow an exam candidate to file an intent-to-sit for an unpassed section of the exam as soon as the candidate receives the non-passing score notification for that section. The proposed language is less restrictive for the exam candidate and provides an opportunity to pass the exam within a quicker timeframe. Additionally, under 18.1.d, the transfer of exam credit fees for out-of-state exam candidates were decreased in keeping with the fees charged to a West Virginia exam candidate.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/7/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/8/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Acupuncture

TITLE-SERIES: 32-04

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 32-04 Fees of the Board of Acupuncture

PRIMARY CONTACT

NAME: WV Board of Acupuncture

ADDRESS: 179 Summers Street
Suite 711
Charleston, WV 25301

EMAIL: linda_lyter@frontier.com

PHONE NUMBER: 304-558-1060

CITE STATUTORY AUTHORITY: §30-36-7 & §30-36-8

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Passage of HB 2324 to allow other licensed professionals to practice auricular acudetox with the appropriate training

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/13/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Acupuncture TITLE-SERIES: 32-14

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

RULE NAME: 32-14 Auricular Detoxification Therapy Certificate

PRIMARY CONTACT

NAME: WV Board of Acupuncture

ADDRESS: 179 Summers Street
Suite 711
Charleston, WV 25301

EMAIL: linda_lyter@frontier.com

PHONE NUMBER: 304-558-1060

CITE STATUTORY AUTHORITY: §30-36-7(d) & §30-36-10

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Passage of HB 2324. To allow other licensed professionals to practice auricular acudetox with the appropriate training.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/13/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Acupuncture TITLE-SERIES: 32-15

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

RULE NAME: 32-15 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: WV Board of Acupuncture

ADDRESS: 179 Summers Street
Suite 711
Charleston, WV 25301

EMAIL: linda_lyter@frontier.com

PHONE NUMBER: 304-558-1060

CITE STATUTORY AUTHORITY: §30-1-22 & §30-36-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Passage of SB 396 that requires professional licensing boards to issue initial licenses at no fee for those applicants who may qualify.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/13/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Agriculture

TITLE-SERIES: 61-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 61-01 Animal Disease Control

PRIMARY CONTACT

NAME: Jodee Martin

ADDRESS: WV Department Of Agriculture
1900 Kanawha Boulevard E
Charleston, WV 25305

EMAIL: jodeemartin@wvda.us

PHONE NUMBER: 304-558-3200

CITE STATUTORY AUTHORITY: §19-9-2, §19-9-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

See code citation

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Agriculture

TITLE-SERIES: 61-34

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 61-34 Captive Cervid Farming

PRIMARY CONTACT

NAME: Jodee Martin

ADDRESS: WV Department Of Agriculture
1900 Kanawha Boulevard E
Charleston, WV 25305

EMAIL: jodeemartin@wvda.us

PHONE NUMBER: 304-558-3200

CITE STATUTORY AUTHORITY: §19-2H-1, §19-2H-2

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

See code citation.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Air Quality

TITLE-SERIES: 45-08

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Ambient Air Quality Standards

PRIMARY CONTACT

NAME: Laura Jennings

ADDRESS: 601 57th Street Se

Charleston, WV 25304

EMAIL: laura.m.jennings@wv.gov

PHONE NUMBER: 304-926-0499 1217

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 22-5-4(a)(4) authorizes the director to promulgate legislative rules relating to the control of air pollution. W. Va. Code § 22-1-3(c) authorizes the director to incorporate by reference the federal counterpart regulation.

This rule incorporates by reference the ambient air quality standards in West Virginia for sulfur oxides (SOx), particulate matter (PM), carbon monoxide (CO), ozone (O3), nitrogen oxides (NOx) and lead (Pb), equivalent to the national primary and secondary ambient air quality standards (NAAQS) established under § 109 of the Clean Air Act and promulgated by the United States Environmental Protection Agency (U.S. EPA) under 40 C.F.R. Part 50. The rule also incorporates by reference the ambient air monitoring reference methods and equivalent methods promulgated by the U.S. EPA under 40 C.F.R. Part 53.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Air Quality

TITLE-SERIES: 45-16

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Standards of Performance for New Stationary Sources

PRIMARY CONTACT

NAME: Laura Jennings

ADDRESS: 601 57th Street Se

Charleston, WV 25304

EMAIL: laura.m.jennings@wv.gov

PHONE NUMBER: 304-926-0499 1217

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 22-5-4(a)(4) authorizes the director to promulgate legislative rules relating to the control of air pollution. W. Va. Code § 22-1-3(c) authorizes the director to incorporate by reference the federal counterpart regulation.

This rule incorporates by reference the national standards of performance for new stationary sources (NSPS) and other regulatory requirements promulgated by the United States Environmental Protection Agency (U.S. EPA) pursuant to § 111(b) of the federal Clean Air Act, as amended (CAA).

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Air Quality TITLE-SERIES: 45-25

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

RULE NAME: Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities

PRIMARY CONTACT

NAME: Laura M Jennings

ADDRESS: 601 57th Street Se

Charleston, WV 25304

EMAIL: laura.m.jennings@wv.gov

PHONE NUMBER: 304-926-0499 1217

CITE STATUTORY AUTHORITY: W. Va. Code §§ 22-5-4 and 22-18-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 22-5-4(a)(4) authorizes the director to promulgate legislative rules relating to the control of air pollution. W. Va. Code § 22-18-6(a) authorizes the director to promulgate legislative rules consistent with the Resource Conservation and Recovery Act. W. Va. Code § 22-1-3(c) authorizes the director to incorporate by reference the federal counterpart regulation.

This rule establishes and adopts air emission standards for the treatment, storage and disposal of hazardous waste including any reference methods, performance specifications and other test methods that have been promulgated by the United States Environmental Protection Agency (U.S. EPA) pursuant to the Resource Conservation and Recovery Act, as amended (RCRA). The rule also incorporates by reference (IBR) the provisions of 33 C.S.R. 20, except as identified. 45 C.S.R. 25 establishes a program of regulation over the treatment, storage, and disposal of hazardous wastes to achieve and maintain such levels of air quality that will protect the public health and safety and the environment from the effects of improper, inadequate, or unsound treatment, storage, or disposal of hazardous wastes. This rule codifies the general procedures and criteria to implement air emission standards set forth in 40 C.F.R. Parts 260, 261, 262, 264, 265, 266, 270 and 279 promulgated by the U.S. EPA as of June 1, 2019 and listed in Table 45-25 of this rule.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2019

COMMENTS RECEIVED: Yes

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Air Quality TITLE-SERIES: 45-34

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

RULE NAME: Emission Standards for Hazardous Air Pollutants

PRIMARY CONTACT

NAME: Laura M Jennings

ADDRESS: 601 57th Street Se

Charleston, WV 25304

EMAIL: laura.m.jennings@wv.gov

PHONE NUMBER: 304-926-0499 1217

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 22-5-4(a)(4) authorizes the director to promulgate legislative rules relating to the control of air pollution. W. Va. Code § 22-1-3(c) authorizes the director to incorporate by reference the federal counterpart regulation.

This rule incorporates by reference the national emission standards for hazardous air pollutants (NESHAP) and other regulatory requirements promulgated by the United States Environmental Protection Agency (U.S. EPA) pursuant to § 112 of the federal Clean Air Act, as amended (CAA).

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Air Quality TITLE-SERIES: 45-40

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

RULE NAME: Control of Ozone Season Nitrogen Oxides Emissions

PRIMARY CONTACT

NAME: Laura M Jennings

ADDRESS: 601 57th Street Se

Charleston, WV 25304

EMAIL: laura.m.jennings@wv.gov

PHONE NUMBER: 304-926-0499 1217

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 22-5-4(a)(4) authorizes the director to promulgate legislative rules relating to the control of air pollution.

This rule establishes: (a) ozone season nitrogen oxides (NOx) emissions limitations, monitoring, recordkeeping, reporting, excess emissions, and NOx budget demonstration requirements for large industrial boilers and combustion turbines that have a maximum design heat input greater than 250 mmBTU/hr, in accordance with 40 C.F.R. § 51.121; (b) ozone season NOx reduction, compliance plan, monitoring, recordkeeping and reporting requirements for affected stationary internal combustion engines; and (c) ozone season NOx control standards, ozone season NOx compliance plan, monitoring, recordkeeping, and reporting requirements for applicable cement manufacturing kilns.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Counseling TITLE-SERIES: 27-13

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

RULE NAME: 27-13 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: WV Board of Examiners in Counseling

ADDRESS: 815 Quarrier Street
Suite 212
Charleston, WV 25301

EMAIL: counselingboard@msn.com

PHONE NUMBER: 304-558-5494

CITE STATUTORY AUTHORITY: W. Va. Code 30-1-23 & 30-31-5

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

SB 396 was passed during the 2019 legislative session waiving initial licensing fees for "low-income individuals" and "military families" and requires all Chapter 30 Boards to propose rules for legislative approval in order to implement the provisions included in SB 396. Pursuant to SB 396, the WV Board of Examiners in Counseling is proposing the new rule "Series 13" to establish procedures for waiving the initial licensing fee for low income individuals and military personnel and their spouses.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Dentistry WV Board of

TITLE-SERIES: 5-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 5-01 Rule for the West Virginia Board of Dentistry

PRIMARY CONTACT

NAME: Susan M Combs

ADDRESS: PO Box 1447

Crab Orchard, WV 25827

EMAIL: wvbde@suddenlinkmail.com

PHONE NUMBER: 304-252-8266

CITE STATUTORY AUTHORITY: 30-1D-1(d), 30-4-5 & 6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rule is mainly in response to SB400 and SB396. It cleans out the specialties from the rule that were inserted into the statute under SB400 as well as clinical board exams and national board exams, which were also inserted into that bill. It adds the waiver of initial licensing fees in response to SB396. It also adds a new section to allow licensure of internationally trained dentists who have at least two years of accredited dental education in the US or Canada.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/31/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/1/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Dentistry WV Board of

TITLE-SERIES: 5-08

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 5-08 Dental Advertising

PRIMARY CONTACT

NAME: WV Board of Dentistry

ADDRESS: PO Box 1447

Crab Orchard, WV 25827

EMAIL: wvbde@suddenlinkmail.com

PHONE NUMBER: 304-252-8266

CITE STATUTORY AUTHORITY: 30-4-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

30-4-6 is the section of the dental practice act giving the Board of Dentistry authority to propose rules necessary to implement it's statutes.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/31/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/1/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Dietitians TITLE-SERIES: 31-06

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

RULE NAME: 31-06 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: WV BOARD OF LICENSED DIETITIANS

ADDRESS: 101 Dee Drive
Suite D
CHARLESTON, WV 25311

EMAIL:

PHONE NUMBER: GRADY.M.BOWYER@WV.GOV

CITE STATUTORY AUTHORITY: §30-1-22 & §30-35-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

SB 396, PASSED DURING THE 2019 LEGISLATIVE SESSION REQUIRES THIS LEGISLATIVE RULE TO BE WRITTEN. THE RULE EXEMPTS LOW INCOME INDIVIDUALS AND MILITARY FAMILIES FROM PAYING AN INITIAL LICENSE FEE.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/24/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/25/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Environmental Protection Secretarys Office TITLE-SERIES: 60-03

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

RULE NAME: 60-03 Voluntary Remediation and Redevelopment Rule

PRIMARY CONTACT

NAME: John Meeks

ADDRESS: 601 57th Street Se

Charleston, WV 25304

EMAIL: john.m.meeks@wv.gov

PHONE NUMBER: 304-926-0499 1268

CITE STATUTORY AUTHORITY: W. Va. Code §§ 22-22-3 and 22-22-4(c)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 22-22-3 provides rule-making authority to the director to (a) establish an administrative program for both brownfield revitalization and voluntary remediation; (b) establish procedures for the licensure of remediation specialists; (c) establish procedures for community notification and involvement; (d) establish risk-based standards for remediation; (e) establish standards for the remediation of property; (f) establish a risk protocol for conducting risk assessments and establishing risk-based standards; (g) establish chemical and site specific information, where appropriate for risk assessment; (h) establish criteria to evaluate and approve methods for the measurement of contaminants using the practical quantitation level and related laboratory standards and practices to be used by certified laboratories; (i) establish standards and procedures for the for the utilization of certificates of completion, land use covenants, and other legal documents; and (j) establish any other rules necessary to carry out the requirements and the legislative intent of the Voluntary Remediation and Redevelopment Act.

W. Va. Code § 22-22-4(c) authorizes the director to promulgate a legislative rule establishing a reasonable application fee.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/8/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

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7/25/2019 10:56:50 AM

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Fire Commission

TITLE-SERIES: 87-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 87-01 State Fire Code

PRIMARY CONTACT

NAME: Ken Tyree

ADDRESS: 1207 Quarrier Street
Second Floor
Charleston, WV 25301

EMAIL: kenneth.e.tyree@wv.gov

PHONE NUMBER: 304-558-2191

CITE STATUTORY AUTHORITY: 29-3-5

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The entire rule promulgated is done so under the authority granted in W.Va. Code 29-3-5.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/13/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/16/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Fire Commission

TITLE-SERIES: 87-04

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 87-04 State Building Code

PRIMARY CONTACT

NAME: Ken Tyree

ADDRESS: 1207 Quarrier Street
Second Floor
Charleston, WV 25301

EMAIL: kenneth.e.tyree@wv.gov

PHONE NUMBER: 304-558-2191

CITE STATUTORY AUTHORITY: 29-3-5b

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The entire building code is promulgated pursuant to W.Va. Code 29-3-5b. All changes requested are done so under this provision.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/13/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/13/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Funeral Service Examiners TITLE-SERIES: 6-05

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

RULE NAME: 6-05 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: WV Board of Funeral Service Examiners

ADDRESS: 179 Summers Street
Suite 319
Charleston, WV 25301

EMAIL: wvfuneralboard@hotmail.com

PHONE NUMBER: 304-558-0302

CITE STATUTORY AUTHORITY: §30-1-22 and §30-6-1, 6, 8 ,9,10.11,12,13 and 14

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Passage of SB396

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/17/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/18/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health TITLE-SERIES: 64-13

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

RULE NAME: 64-13 Nursing Home Licensure

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §§ 16-1-4, 16-5C-5, and 16-5C-21(b)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rule establishes specific standards and procedures for the state licensure of nursing home facilities pursuant to W. Va. Code §16-5C-5.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/14/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health

TITLE-SERIES: 64-70

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 64-70 Primary Care Center Uncompensated Care Grants

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §16-2H-2(d)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rule establishes processes for the administration of the primary care support program created within the Bureau for Public Health pursuant to W. Va. Code §16-2H-2.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/25/2019 1:06:36 PM

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health

TITLE-SERIES: 64-109

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 64-109 Medical Cannabis Program - General Provisions

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §16A-3-1(b)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The provisions of this rule include general requirements related to the permitting of medical cannabis organizations pursuant to the West Virginia Medical Cannabis Act, W. Va. Code §16A-1-1 et seq.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/25/2019 10:16:50 AM
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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health TITLE-SERIES: 64-110

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

RULE NAME: 64-110 Medical Cannabis Program - Growers/Processors

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §§16A-3-1(b), §16A-7-3, and §16A-13-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The provisions of this rule include general requirements related to the permitting of medical cannabis organizations pursuant to the West Virginia Medical Cannabis Act, W. Va. Code §16A-1-1 et seq.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health TITLE-SERIES: 64-111

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

RULE NAME: 64-111 Medical Cannabis Program - Laboratories

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §16A-3-1(b) and §16A-7-3

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The provisions of this rule include general requirements related to the permitting of medical cannabis organizations pursuant to the West Virginia Medical Cannabis Act, W. Va. Code §16A-1-1 et seq.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health

TITLE-SERIES: 64-112

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

RULE NAME: 64-112 Medical Cannabis Program - Dispensaries

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §16A-3-1(b) and §16A-7-3

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The provisions of this rule include general requirements related to the permitting of medical cannabis organizations pursuant to the West Virginia Medical Cannabis Act, W. Va. Code §16A-1-1 et seq.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/24/2019 8:29:33 AM

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health

TITLE-SERIES: 64-113

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

RULE NAME: 64-113 Medical Cannabis Program - Safe Harbor Letter

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l. robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §16A-3-1(b) and §16A-3-5

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The provisions of this rule include general requirements related to the permitting of medical cannabis organizations pursuant to the West Virginia Medical Cannabis Act, W. Va. Code §16A-1-1 et seq.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health And Human Resources TITLE-SERIES: 69-14

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

RULE NAME: 69-14 Collection and Exchange of Data Related to Overdoses

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

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

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Because the substantive changes detailed above greatly alter the previous entities required to report, the data the entities must report, the methodology and timeframe of the reports, the authorizing statute and current rule are at odds with one another. In order to alleviate confusion for those affected by the rule, and to prevent substantial harm to the public interest, the promulgation of an emergency rule is necessary to comply with the statute. This will also allow for the preservation of the public peace, health, safety, and welfare. See W. Va. Code §16-5T-5.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/17/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/17/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Hearing Aid Dealers TITLE-SERIES: 8-04

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

RULE NAME: 8-04 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: Board of Hearing Aid Dealers

ADDRESS: 179 Summers St Suite 715

Charleston, WV 25301

EMAIL: boardofhearingaiddealers@frontier.com

PHONE NUMBER: 304-558-3527

CITE STATUTORY AUTHORITY: §30-1-22 and §30-26-3

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

passage of SB 396

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/24/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/24/2019 8:50:32 AM

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Human Services TITLE-SERIES: 78-24

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

RULE NAME: 78-24 Qualifications for a Provisional License to Practice as a Social Worker Within the Department of Health and Human Resources

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code § 30-30-16(c)(2)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The proposed amendments clarify who may participate in the Department of Health and Human Resources social work license training program and how the training program may be updated annually pursuant to W. Va. Code § 30-30-16(c)(2).

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/18/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/18/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Landscape Architects TITLE-SERIES: 9-01

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

RULE NAME: 9-01 Registration of Landscape Architects

PRIMARY CONTACT

NAME: Board of Landscape Architects

ADDRESS: 179 Summers St Suite 715

Charleston , WV 25301

EMAIL: wv.la.board@gmail.com

PHONE NUMBER: 304-558-3527

CITE STATUTORY AUTHORITY: W.Va. Code §30-22-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Board has the authority thru rule making to amend rules and this rule is to remove the oral plant materials portion of the state exam.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/24/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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7/22/2019 2:43:47 PM

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Massage Therapy Licensure Board TITLE-SERIES: 194-05

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

RULE NAME: 194-05 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: WV Massage Therapy Licensure Board

ADDRESS: 179 Summers Street
Suite 711
Charleston, WV 25301

EMAIL: linda_lyter@frontier.com

PHONE NUMBER: 304-558-1060

CITE STATUTORY AUTHORITY: §30-1-22 & §30-37-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Passage of SB 396 that requires professional licensing boards to issue initial licenses at no charge for those applicants who may qualify.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/13/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Medical Imaging And Radiation Therapy Technology Board Of Examiners TITLE-SERIES: 18-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule:

RULE NAME: 18-01 WV Medical Imaging and Radiation Therapy Technology Board of Examiners

PRIMARY CONTACT

NAME: Jamie Browning

ADDRESS: 1124 Smith Street
Suite B 300
Charleston, WV 25301

EMAIL: jamie.as.browning@wv.gov

PHONE NUMBER: 304-687-5292

CITE STATUTORY AUTHORITY: Chapter 30, Article 23

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rule change was mandated by SB-396. There are additional changes to incorporate online applications.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/6/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/7/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Medicine TITLE-SERIES: 11-01B

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

RULE NAME: 11-01B Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants

PRIMARY CONTACT

NAME: Mark A Spangler Executive Director

ADDRESS: 101 Dee Drive Suite 103

Charleston, WestVirginia 25311

EMAIL: mark.a.spangler@wv.gov

PHONE NUMBER: 304-558-2921 70005

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-7(a), §30-3E-3(a)(1)-(12), and W. Va. Code §30-1D-1(d).

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §30-1-7(a), §30-3E-3(a)(1)-(12), and W. Va. Code §30-1D-1(d).

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/19/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/19/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Medicine TITLE-SERIES: 11-13

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

RULE NAME: 11-13 Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants

PRIMARY CONTACT

NAME: Mark A Spangler Executive Director

ADDRESS: 101 Dee Drive Suite 103

Charleston, WestVirginia 25311

EMAIL: mark.a.spangler@wv.gov

PHONE NUMBER: 304-558-2921 70005

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-22.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §30-1-22.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/19/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/19/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

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RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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ADMINISTRATIVE LAW DIVISION

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7/25/2019 4:06:11 PM

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-19

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

RULE NAME: 56-19 Substance Abuse Screening, Standards and Procedures

PRIMARY CONTACT

NAME: Eugene White Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: eugene.e.white@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-1A-2(b) & (c), 22A-2-80

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

As mandated by the West Virginia Legislature in S.B. 635 (W. Va. Code §22A-1A-2(c)), this rule now requires that the Board of Appeals suspend the miners certification card(s) for a minimum of six months if that miner tests positive on a drug or alcohol test. The rule is also amended to include the S.B. 635 (W. Va. Code §22A-1A-1(c)) requirement that an employee involved in an accident that results in physical injuries or damage to equipment or property may be subject to a drug test by his or her employer. Additionally, to conform with the S.B. 635 (W. Va. Code §22A-1A-1) changes, the rule removes the types of drug and alcohol test failures that an employer reports to the director and now simply requires the employer to report all positive drug and alcohol tests to the director. The rule is also amended to address issues that have arisen since the rule was previously filed. The following changes were made in accordance with the Directors general rule-making authority (W. Va. Code § 22A-1-6 and 22A-1A-2(b)) after consulting with the Board of Coal Mine Health and Safety. Specifically, the rule now includes:
(1) A definition for the term Alcohol Testing Form;
(2) The definition of the term Breath Test or Breath Test for Alcohol was clarified;
(3) The rule is amended to eliminate the requirement that an employer submit to the director by January 1 each year a list of all employees occupying safety sensitive positions;
(4) The rule is amended to require the employer to submit to the director the results of the drug test as determined by the Medical Review Officer, the chain of custody form and/or the alcohol testing form. Additionally, supporting paperwork is often needed to process the reporting forms, and the director can now require the employer to provide it;
(5) The rule is amended to increase the suspension period from nine months to eighteen months for those miners who refuse a drug test or possess or submit an adulterated or substituted urine sample; and
(6) The rule is amended to include general cleanup changes.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/19/2019

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-22

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

RULE NAME: 56-22 Rules Governing the Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors

PRIMARY CONTACT

NAME: Eugene White Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: eugene.e.white@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code §22A-10-3(g)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The Director, in consultation with the Board of Coal Mine Health and Safety, has general rule-making authority over this rule (W. Va. Code § 22A-10-3(g)). After consulting with the Board of Coal Mine Health and Safety, it was determined that the following amendments are necessary.

The amendments to this rule close loopholes that have allowed EMT-Ms to miss the required annual training modules and still maintain their certification. The amendments to this rule now require that an individual desiring to become an EMT-M-Instructor must now possess a current certification that is equal to or greater than an EMT-M in order to become an Instructor. The amendments to this rule grandfather the current EMT-M-Instructors and allow them to continue to teach even though they may not possess a certification equal to or greater than an EMT-M. The amendments add definitions for the terms CPR-Instructor and Recertified or Recertification. The amendments also require EMT-M-Instructors to submit proof to OMHST that their CPR and first aid certifications are current. The rule is also amended to include general cleanup changes.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/19/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/19/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Mining And Reclamation

TITLE-SERIES: 38-02

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

RULE NAME: 38-02 West Virginia Surface Mining Reclamation Rule

PRIMARY CONTACT

NAME: Charles Sturey

ADDRESS: Division Of Mining And Reclamation
601 57th Street
Charleston, WestVirginia 25304

EMAIL: charles.s.sturey@wv.gov

PHONE NUMBER: 304-926-0499 1526

CITE STATUTORY AUTHORITY: W.Va. Code §22-3-4, 22-3-12, 22-3-13(g), 22-3-23(i), and 22-3-35.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

SB 635amended §22-3-14 by adding subsection (e) which states The secretary shall promulgate for review and consideration by the West Virginia Legislature during the regular session of the Legislature, 2020, revisions to legislative rules (38 CSR 2) pertaining to surface owner protection from material damage due to subsidence under this article. The secretary shall specifically consider adoption of the federal standards codified at 30 C.F.R. § 817.121.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/16/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Mining And Reclamation

TITLE-SERIES: 38-02F

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: 38-02F Groundwater Protection Rules for Coal Mining Operation

PRIMARY CONTACT

NAME: charles sturey

ADDRESS: Division Of Mining And Reclamation
601 57th Street
charleston, WestVirginia 25304

EMAIL: charles.s.sturey@wv.gov

PHONE NUMBER: 304-926-0499 1526

CITE STATUTORY AUTHORITY: W. Va. Code §22-12-5.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

SB 635amended §22-30-24 by adding subsection (g) which states The secretary shall promulgate for review and consideration by the West Virginia Legislature in the regular session of the Legislature, 2020, legislative rules to incorporate the relevant provisions of this article in the Groundwater Protection Rules for Coal Mining, 38 CSR 2F, for tanks and devices located at coal mining operations.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-12

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

RULE NAME: 58-12 Commercial Whitewater Outfitters

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-2-23a

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Whitewater Commission Powers and Duties include rule-making authority

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-16

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

RULE NAME: 58-16 Transporting and Selling Wildlife Pelts and Parts

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-2-11, 20-2-12 and 20-2-49

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-2-11 provides agency authority for the sale and tranportation of wildlife; §20-2-12 provides agency authority for the transportation of wildlife out of state and associated penatlies; §20-2-49 provides agency authority for licenses for dealers in furs, pelts, etc., and provices rule making authority relating to such.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-25

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

RULE NAME: 58-25 Boating Rule

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-1-7(31), 20-7-13, 20-7-16, 20-7-22, 20-7-22a and 20-7-23

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(31) provides agency rule making authority for the provisions of Chapter 20; §§20-7-13. 20-7-16, 20-7-22, 20-7-22a and 20-7-23 relate to required motorboat lighting, equipment, liveries, and rule and regulation authority for motorboating, personal watercraft and local rules.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-26

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

RULE NAME: 58-26 Special Boating Rule

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-1-7(31), 20-1-22 and 20-1-23

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(31) provides agency rule making authority for the provisions of Chapter 20; 20-1-22 and 20-1-23 relate to general rules and regulations for motorboats, special rules and local rules.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-28

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: 58-28 Special Requirements Concerning Boating

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-1-7(31), 20-7-13 and 20-7-22

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(31) provides agency rule making authority for the provisions of Chapter 20; 20-7-13 and 20-7-22 relate to motorboat lighting and equipment requirements, rules and regulations, pilot rules, and special rules.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-32

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

RULE NAME: 58-32 Public Use of Campgrounds in West Virginia State Parks and State Forests and Campsites in State Rail Trails under the Division of Natural Resources

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-5-2 and 20-5-3

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-5-2(8) provides rule making authority to control the use of state parks, §20-5-2(12)(13) provide authority relating to campsite reservations and §20-5-3(h)(i) provide authority for rail trail protection, operation and maintainance.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-34

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

RULE NAME: 58-34 Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-5-2

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-5-2 provides agency rule making authority for the use of parks

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-46

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

RULE NAME: 58-46 Defining the Terms Used in all Hunting and Trapping

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(31)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(31) provides agency rule making authority for Chapter 20 powers and duties

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources

TITLE-SERIES: 58-47

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

RULE NAME: 58-47 Prohibitions When Hunting and Trapping

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(31)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-7-1(31) provides agency rule making authority for Chapter 20 powers and duties

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources

TITLE-SERIES: 58-61

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

RULE NAME: 58-61 Special Fishing Rule

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-1-7(31) and 20-1-17(7)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(31) provides agency rule making authority for Chapter 20 powers and duties; §20-1-17(7) provides authority for the Natural Resources Commission to fix by regulation open seasons, and the bag, creel, size, age, weight and sex limits of wildlife in this State.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/23/2019 3:16:39 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-62

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

RULE NAME: 58-62 Catching and Selling Baitfish

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(31)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(31) provides agency rule making authority for Chapter 20 powers and duties.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/24/2019 9:08:07 AM

Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Natural Resources TITLE-SERIES: 58-65

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

RULE NAME: 58-65 Falconry

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(31)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(31) provides agency rule making authority for Chapter 20 powers and duties.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/25/2019 2:24:04 PM
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Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Oil And Gas Conservation Commission TITLE-SERIES: 39-01

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

RULE NAME: 39-01 Rules of the Commission

PRIMARY CONTACT

NAME: Oil and Gas Conservation Commission

ADDRESS: 601 57th Street Se

Charleston, WV 25304

EMAIL: susan.w.rose@wv.gov

PHONE NUMBER: 304-926-0499

CITE STATUTORY AUTHORITY: 22-C-9-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code § 22C-9-4(e) provides, in part:

The [Oil and Gas] commission is hereby empowered and it is the commissions duty to execute and carry out, administer and enforce the provisions of this article in the manner provided herein. Subject to the provisions of § 22C-9-3 of this code, the commission has jurisdiction and authority over all persons and property necessary therefor. . . .

W. Va. Code § 22C-9-4(f) provides, in part:

Without limiting the commissions general authority, the [Oil and Gas] commission shall have specific authority to:

(1) Regulate the spacing of deep wells; [and]

(2) Make and enforce reasonable rules and orders reasonably necessary to prevent waste, protect correlative rights, govern the practice and procedure before the commission and otherwise administer the provisions of this article[.]

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/14/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/16/2019

COMMENTS RECEIVED: Yes

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/24/2019 3:24:58 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Physical Therapy TITLE-SERIES: 16-05

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

RULE NAME: General Provisions for Athletic Trainers

CITE STATUTORY AUTHORITY: W. Va. Code §30-20A-1 et. seq.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/26/2019 3:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Nonnie S. Ramsey, Executive Directro

ADDRESS: 2 Players Club Drive, Suite 102

Charleston, WV 25311

EMAIL: nonnie.s.ramsey@wv.gov

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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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7/25/2019 11:20:35 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Physical Therapy TITLE-SERIES: 16-06

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

RULE NAME: Fees for Athletic Trainers

CITE STATUTORY AUTHORITY: W. Va. Code §30-20A-1 et. seq.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/26/2019 3:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Nonnie S. Ramsey, Executive Director

ADDRESS: 2 Players Club Drive, Suite 102

Charleston, WV 25311

EMAIL: nonnie.s.ramsey@wv.gov

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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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7/24/2019 4:15:48 PM
Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Professional Engineers TITLE-SERIES: 7-01

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

RULE NAME: 7-01 Examination, Licensure and Practice of Professional Engineers

PRIMARY CONTACT

NAME: Lesley L Rosier-Tabor PE Executive Director

ADDRESS: 300 Capitol Street Suite 910

Charleston, WV 25301

EMAIL: lesley@wvpebd.org

PHONE NUMBER: 304-558-3554

CITE STATUTORY AUTHORITY: W.Va. Code 30-13-9, 13, 14, 15, 16, 17, 18, 19

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The purpose of the changes to this series are either needed to incorporate necessary updates due to 2019 Legislative action, specifically SB396 for low income and military family fee waivers, and to keep current with our national PE examination changes and reduce the regulatory burden by allowing flexibility of when an applicant can sit for the PE exam. W.Va. Code 30-13-9 grants the WV Board of Registration for Professional Engineers the authority to promulgate and adopt rules of professional responsibility for professional engineers.

In addition, the Board is recommending removal of the PE Re-application fee based on the new PE exam procedural changes and a fee decrease for larger engineering firms renewing or reinstating their firm COA licenses. W.Va. Code 30-13-14(c) granted the Board the ability to set fees for registration and certification by promulgating legislative rules under the provisions of Article 3, Chapter 29-a of the WV Code.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/18/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/19/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/22/2019 3:54:42 PM
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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Public Defender Services TITLE-SERIES: 89-01

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

RULE NAME: 89-01 Payment of Fees and Reimbursement of Expenses of Court Appointed Attorneys

PRIMARY CONTACT

NAME: Brenda Thompson

ADDRESS: Public Defender Services
One Players Club Drive Suite 301
Charleston, WV 25311

EMAIL: brenda.k.thompson@wv.gov

PHONE NUMBER: 304-558-3905

CITE STATUTORY AUTHORITY: W. Va. Code §29-21-5; §29-21-13a; §29-21-18; §30-18-1; Frasher v. Ferguson, 355 S.E.2d 39, 177 W.Va. 546 (1987)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rule is filed pursuant to SB 103 enacted during the 2019 legislative session, which amended and reenacted W. Va. Code §29-21-6 and §29-21-13a. The bill authorized the filing of emergency and legislative rules.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/20/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/21/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/23/2019 10:21:28 AM
Office of West Virginia Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Sanitarians TITLE-SERIES: 20-05

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

RULE NAME: 20-05 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: Lloyd R White

ADDRESS: 300 Second Street
Fairmont, WV 26554

EMAIL: lloyd.r.white@wv.gov

PHONE NUMBER: 304-366-3360

CITE STATUTORY AUTHORITY: §30.17.6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Code cited gives Chapter 30 Boards the ability to develop rules.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/18/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/18/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/25/2019 10:52:58 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Waste Management Division Of Water And Waste Management

TITLE-SERIES: 33-20

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 33-20 Hazardous Waste Management System

PRIMARY CONTACT

NAME: Julie A Wandling

ADDRESS: 601 57th Street Se

Charleston, WV 25304

EMAIL: julie.a.wandling@wv.gov

PHONE NUMBER: 304-926-0499 1074

CITE STATUTORY AUTHORITY: W.Va. Code §22-18-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§22-18-6. Promulgation of rules by director.
(a) The director has overall responsibility for the promulgation of rules under this article. The director shall promulgate the following rules, in consultation with the department of health and human resources, the office of emergency services, the public service commission, the state fire marshal, the department of public safety, the division of highways, the department of agriculture, and the environmental quality board. In promulgating and revising such rules, the director shall comply with the provisions of chapter twenty-nine-a of this code, shall avoid duplication to the maximum extent practicable with the appropriate provisions of the acts and laws set out in subsection (b), section five of this article and shall be consistent with but no more expansive in coverage nor more stringent in effect than the rules and regulations promulgated by the federal environmental protection agency pursuant to the Resource Conservation and Recovery Act.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/8/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/22/2019 11:55:46 AM

Office of West Virginia Secretary Of State

INTERPRETIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Tax

TITLE-SERIES: 110-13AC

RULE TYPE: Interpretive

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: REDUCED SEVERANCE TAX RATES FOR THERMAL OR STEAM COAL

CITE STATUTORY AUTHORITY: W. Va. Code §11-10-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/22/2019 10:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: MARK S. MORTON

ADDRESS: P.O. Box 1005

Charleston, WV 25324

EMAIL: taxlegal@wv.gov

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

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

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2019 JUL 24 P 3:40

EMERGENCY

west virginia department of environmental protection

Oil and Gas Conservation Commission
601 57th Street SE, Charleston, WV 25304
304-926-0499 Ext 1274

Barry K. Lay, Chairman
dep.wv.gov

NOTICE OF EMERGENCY RULE WITHDRAWAL

The Oil and Gas Conservation Commission hereby withdraws the Emergency Rule Title-Series 39-01 Rules of the Commission filed on June 14, 2019.

OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF WEST VIRGINIA

By: Barry K Lay
Barry K. Lay, Chairman

Dated this 24th day of July, 2019 at Charleston, West Virginia.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/25/2019 1:40:33 PM
Office of West Virginia Secretary Of State

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Medicine

TITLE-SERIES: 11-01B

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

RULE NAME: Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code §30-1-7(a), §30-3E-3(a)(1)-(12), and W. Va. Code §30-1D-1(d).

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 06/19/2019

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

N/A

PRIMARY CONTACT:

NAME: Mark A Spangler Executive Director
ADDRESS: 101 Dee Drive Suite 103
Charleston, WV 25311
EMAIL: mark.a.spangler@wv.gov
PHONE NUMBER: 304-558-2921 70005

Orders Report

Docket Number	Agency	Respondent	Date Rendered
18-174-W, 19-71-W	Medicine, West Virginia Board Of	Randy Lee Swackhammer, MD	7/3/2019
19-41-W	Medicine, West Virginia Board Of	Madhu Aggarwal, MD	7/1/2019

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2018-0962-MrnED	Kathy Cyphers	Marion County Board Of Education	6/10/2019
2019-0107-CabED	Jacqueline Kelly Daniels	Cabell County Board Of Education	6/17/2019
		Daniel M. Gleason	6/17/2019
2019-0324-KanED	Debra J. Dempsey	Kanawha County Board Of Education	6/17/2019
2018-1333-MrnED	Kathy Cyphers	Marion County Board Of Education	6/19/2019
2019-0220-DOR	Andrew Brook Jensen	Offices of the Insurance Commissioner	6/19/2019
2018-1434-LinED	Mary Lou Decker	Lincoln County Board Of Education	6/19/2019
2019-0447-DOT	Heather Helman	Division Of Highways	6/19/2019
2019-0883-PutED	Jeremy Hicks	Putnam County Board Of Education	6/19/2019
2019-1486-MAPS	Larissa Ann Mackall	Division of Corrections and Rehabilitation	6/19/2019
		Bureau of Juvenile Services	6/19/2019
		Donald R Kuhn Juvenile Center	6/19/2019
2018-1343-WVSU	Walter Ellis Stroupe	West Virginia State University	6/19/2019
2019-0810-CONS	Kelly Sutphin	Roane County Board Of Education	6/19/2019
2019-0073-LogED	Elizabeth Thompson	Logan County Board Of Education	6/19/2019
2019-1319-DOA	Michael Urban	General Services Division	6/19/2019
2019-0314-NicED	Lemon Groves	Nicholas County Board Of Education	6/21/2019
2019-1539-WooED	Leslie J. Lipscomb, Jr.	Wood County Board Of Education	6/25/2019
2019-1743-HarED	Cynthia Pulice	Harrison Board Of Education	6/25/2019
2018-2078-LewED	Robert Smith	Lewis County Board Of Education	6/25/2019
2017-2285-DOT	Heather Cox	Division Of Highways	6/26/2019
2019-0792-DHHR	Love Sabatini	Department of Health and Human Resources	6/26/2019
		Bureau for Public Health	6/26/2019
2019-0670-DOC	Thomas Spence	Division Of Natural Resources	6/26/2019

7/26/2019 9:57:27 AM

2019-1719-WetED	Angela Beardmore	Wetzel County Board Of Education	6/26/2019
2018-0972-LewED	Randall Myers	Lewis County Board Of Education	7/2/2019
2019-1614-WooED	Damon R. Sampson	Wood County Board Of Education	7/2/2019
2019-0703-CONS	Lewis Roberts	Wayne County Board Of Education	7/9/2019
	Teresa Evans	Wayne County Board Of Education	7/9/2019
2019-0662-RalED	Shannon Taylor	Raleigh County Board Of Education	7/9/2019
2019-1180-MAPS	Terry Dale Luther	Division of Corrections and Rehabilitation	7/10/2019
		Bureau of Prisons and Jails	7/10/2019
		Western Regional Jail and Correctional Facility	7/10/2019
2019-0862-RoaED	Michael Burch	Roane County Board Of Education	7/12/2019
2018-1179-PutED	Jana J. McGinnis	Putnam County Board Of Education	7/18/2019

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

FILED
2019 JUL 22 P 2:59
OTHER

July 22, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **July 19, 2019**.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

July 18, 2019 – Pace Enterprises of West Virginia, Inc., Morgantown, Monongalia County, CON File #19-6-11652-BH, to provide Title XIX IDD Waiver Services in Kanawha County; no capital expenditure.

July 18, 2019 – Pace Enterprises of West Virginia, Inc., Morgantown, Monongalia County, CON File #19-6-11653-BH, to provide Title XIX IDD Waiver Services in Taylor County; no capital expenditure.

APPLICATIONS FOR EXEMPTION RECEIVED

July 15, 2019 – Cabin Creek Health Systems, Charleston, Kanawha County, CON File #19-3-11664-X, for the addition of Sunnyside Health Center, located at 108 Lee St. E, Room #129, Charleston, Kanawha County, to its scope of facilities as an FQHC.

July 16, 2019 – Pocahontas Memorial Hospital, Buckeye, Pocahontas County, CON File #19-4-11665-X, for the establishment of adult intensive/structured outpatient mental health services based at the hospital.

July 19, 2019 – Mountain Care Network, LLC, Cross Lanes, Kanawha County, CON File #19-3-11668-X, for the development of a licensed behavioral health center located in Cross Lanes, Kanawha County.

APPLICATION DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATION

July 10, 2019 - Bio-Medical Applications of West Virginia, Inc., Waltham, Massachusetts, CON File #19-3-11644-R, for the addition of four dialysis stations to the FMC Hurricane dialysis facility in Hurricane, Putnam County; capital expenditure: $1,565,600.

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

July 15, 2019 – Review cycle begins;

August 14, 2019 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

August 19, 2019 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

September 13, 2019 – Decision on the project will be issued by the Authority.

NOTICE OF PUBLIC HEARINGS

In accordance with Senate Bill 537, the West Virginia Health Care Authority has scheduled the following public hearings to seek comments regarding the provision of hospice services in West Virginia:

July 9, 2019 - 1:00 p.m. to 2:30 p.m.
Morgantown Public Library
373 Spruce Street
Morgantown WV 26505
Meeting Room A

July 16, 2019 - 1:00 p.m. to 2:30 p.m.
West Virginia University Institute of Technology (Beckley)
410 Neville Street
Beckley, WV 25801
Administration and Extension Services Building, Room AEX-B 100

July 24, 2019 - 11:00 a.m. to 12:30 p.m.
West Virginia Health Care Authority
100 Dee Drive, Suite 201
Charleston, WV 25311
Large Conference Room

Any person wishing to make comments but is unable to attend any of the three public hearings may submit written comments to Barbara Skeen, Interim Executive Director, West Virginia Health Care Authority, 100 Dee Drive, Charleston, WV 25311 or via email at Barbara.I.Skeen@wv.gov. Public comments must be received by July 24, 2019 at 5:00 p.m.

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

OTHER

Jim Justice
Governor

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

In Re:

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

FILED

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, **July 29, 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

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: July 22, 2019

Barbara Skeen
Barbara Skeen, Interim Executive Director

OTHER

WEST VIRGINIA
HEALTH CARE AUTHORITY

In Re: **United Hospital Center, Inc.** **CON File # 19-5-11592-Z**

AMENDED HEARING ORDER

The Hearing Order issued on May 16, 2019, is hereby amended in the following manner:

1. The Prehearing Conference originally scheduled for July 31, 2019 at 1:30 p.m. is rescheduled for July 29, 2019 at 1:30 p.m.

2. The Hearing date remains August 7, 2019 at 9:00 a.m.

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

Entered this 22nd day of July, 2019

B. Allen Campbell
B. Allen Campbell
Senior Assistant Attorney General
Counsel for the West Virginia Health Care Authority

FILED
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OTHER

West Virginia Board of Occupational Therapy
1063 Maple Dr.
Suite 4B
Morgantown, WV 26505
304-285-3150
www.wvbot.org

July 17, 2019

The Honorable Jim Justice
Governor of West Virginia
State Capitol, 1900 Kanawha Blvd. E
Charleston, WV 25305

In accordance with West Virginia Code §30-1-12, the West Virginia Board of Occupational Therapy presents herein our agency's Annual Report for Fiscal Year's 2018 / 2018.

This report includes a statement of our receipts and disbursements for each year, a list of newly licensed occupational therapists and occupational therapy assistants, a table showing number of licensees by county / state of residence, a summary of complaints filed and investigated by the Board, and copies of agendas and minutes for that time period.

Respectfully yours,

Kathy F. Quesenberry, MSM, OTR/L

Kathy F. Quesenberry, MSM, OTR/L
WVBOT Chairperson

Martin Douglas, MS, OTR/L

Martin Douglas, MS, OTR/L
WVBOT Secretary/Treasurer