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

Health Care Authority

Health and Human Resources

Insurance Commission

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Speech Language Pathology and Audiology

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	§§33-51-10 and 33-2-10	Written Comments Only: October 17, 2019 5:00pm Victor Mullins P.O. Box 50540 Charleston, WV 25305-0540 victor.a.mullins@wv.gov

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

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TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
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TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

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

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/7/2019 8/22/2019	7/8/2019 9/22/2019		7/23/2019				
Acupuncture (32-04)	Fees of the Board of Acupuncture Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019				
Acupuncture (32-14)	Auricular Detoxification Therapy Certificate Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 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				
Acupuncture (32-16)	Consideration of Prior Criminal Convictions In Initial Licensure Determinations Legislative	8/19/2019	9/19/2019						
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				
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	7/31/2019 Approved 8/2/2019	7/26/2019				
Agriculture (61-11B)	Auctioneers Legislative	6/26/2019	7/26/2019		7/26/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	6/24/2019	7/24/2019		7/26/2019				
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019		7/26/2019				
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019		7/26/2019				
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019		7/26/2019				
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		7/26/2019				
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 8/22/2019	7/9/2019 9/22/2019		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				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Chiropractic Examiners (4-07)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019				
Chiropractic Examiners (4-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/5/2019	9/9/2019		9/10/2019				
Coal Mine Health and Safety (36-01)	Rules and Regulations Governing Approvals and Permits, Explosives and Ventilation For The Construction of Shaft And/Or Slope Operations In The State Of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-03)	Rules and Regulations Governing The Certification and Statutory Duties of Shaft And/Or Slope Superintendent Examiner Foreman and Examiner Foreman Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-04)	Rules and Regulations Governing The Movement of Mining Equipment Within Coal Mines In The State of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-06)	Longwall Mining Legislative Exempt	9/5/2019	10/21/2019						
Community and Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	4/29/2019	5/30/2019	4/29/2019 Effective 4/29/2019	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				
Dentistry, WV Board of (5-01)	Rule for the West Virginia Board of Dentistry Legislative	5/31/2019 7/26/2019	7/1/2019 8/26/2019		7/19/2019				
Dentistry, WV Board of (5-08)	Dental Advertising Legislative	5/31/2019	7/1/2019		7/19/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Approved 7/30/2019	7/18/2019				
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	7/29/2019	8/29/2019		8/30/2019				
Dietitians (31-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/24/2019	7/25/2019		7/25/2019				
Election Commision (146-01)	Corporate and Membership Organization Political Activity Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019				
Election Commission (146-03)	Regulation of Campaign Finance Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019				
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 Effective 8/7/2019	7/26/2019				
Forestry (22-03)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019				
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				
Funeral Service Examiners (6-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/22/2019	9/22/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-03)	Public Water Systems Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-13)	Nursing Home Licensure Rule Legislative	6/14/2019	7/12/2019 Extended to: 7/22/2019		7/25/2019				
Health (64-30)	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				
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		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 Amendment 9/12/2019 Effective 9/12/2019	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 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019				
Health (64-111)	Medical Cannabis Program Laboratories Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-112)	Medical Cannabis Program Dispensiaries Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	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 Amendment 9/12/2019 Effective 9/12/2019	7/24/2019				
Heath and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/17/2019	7/17/2019	6/19/2019 Effective 7/31/2019	7/22/2019				
Health Care Authority (65-09)	Critical Access Hospitals Legislative	6/13/2019	7/15/2019		7/16/2019				
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				
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019						
Higher Education Policy Commission (133-03)	Higher Education Report Card Legislative	6/17/2019	7/17/2019						
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		7/29/2019				
Highways (157-07)	Transportation of Hazardous Wastes Upon the Roads and Highways Legislative	6/26/2019	7/26/2019		7/26/2019				
Highways (157-13)	Small Wireless Facilities on Division of Highways Rigts-of-Way Legislative	6/27/2019	7/29/2019		7/29/2019				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-02)	Child Placing Agencies Licensure Legislative	6/17/2019	7/17/2019	8/16/2019 ERD by 9/27/2019	7/26/2019				
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	8/16/2019 ERD by 9/27/2019	7/26/2019				
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				
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative				9/4/2019 Sunset Extension				
Insurance Commission (114-24)	Medicare Supplement Insurance Legislative	6/10/2019	7/10/2019		7/26/2019				
Insurance Commission (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019				
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	9/18/2019	10/17/2019						
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				
Landscape Architects (9-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	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				
Massage Therapy Licensure Board (194-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/19/2019	9/19/2019						
Medical Imaging and Radiation Therapy Tech. Bd. of Exam. (18-01)	WV Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/5/2019 8/26/2019	7/7/2019 9/27/2019		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 Amendment 7/25/2019 Approved 7/30/2019	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 Effective 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 Effective 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 Approved 7/30/2019	8/19/2019				
Motor Vehicles (91-24)	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative	6/27/2019	7/29/2019	6/27/2019 Effective 8/8/2019	7/29/2019				
Municipal Bond Commission (109-02)	Rules Covering Meetings of the WV Municipal Bond Commission Procedural	6/27/2019	7/29/2019					8/21/2019	10/1/2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019		7/23/2019				
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	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Oil & 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 8/29/2019	7/26/2019 9/29/2019		7/26/2019				
Osteopathic Medicine (24-02)	Osteopathic Phyician Assistants Legislative	6/28/2019	7/29/2019	6/28/2019 Amendment 7/31/2019 Approved 8/5/2019	7/31/2019				
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019		7/30/2019				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019		7/26/2019				
Pharmacy (15-04)	Record Keeping and Automated Data Processing Legislative	6/26/2019	7/26/2019		7/26/2019				
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/26/2019 8/15/2019	7/26/2019 9/16/2019		7/26/2019				
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019		7/26/2019				
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/26/2019	7/26/2019		7/26/2019				
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019		7/26/2019				
Pharmacy (15-16)	Licensure and Practice of Pharmacist Care Legislative	8/15/2019	9/16/2019						
Pharmacy (15-18)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/26/2019	7/26/2019		7/26/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	8/30/2019	9/30/2019						
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	8/30/2019	9/30/2019						
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						
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 8/19/2019	7/19/2019 9/18/2019		7/24/2019				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/4/2019 8/12/2019	7/9/2019 9/13/2019		7/15/2019 9/17/2019				
Psychologists (17-07)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/30/2019	9/30/2019						
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				
Real Estate Appraiser Licensing & Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/26/2019 8/6/2019	7/26/2019 9/6/2019		7/26/2019 9/9/2019				
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				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Commission (174-07)	Conisderation of Prior Criminal Convictions In Initial License Eligibility Determination Legislative	8/27/2019	9/26/2019						
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Constituting Professional Misconduct Legislative	8/29/2019	9/30/2019						
Registered Professional Nurses (19-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019		8/22/2019				
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				
Sanitarians (20-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019 8/29/2019	7/19/2019 9/29/2019		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					9/5/2019	10/7/2019
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	8/27/2019	9/26/2019						
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				
Speech-Language Pathology and Audiology (29-04)	Disciplinary & Complaint Procedures for Speech-Language Pathology & Audiology Legislative	8/8/2019	9/13/2019		9/17/2019				
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					9/11/2019	10/11/2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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 (26-01)	Organization and Operation and Licenisng of Veterinarians Legislative	8/7/2019	9/8/2019		9/9/2019				
Veterinary Medicine (26-03)	Registration of Veterinary Technicians Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019				
Veterinary Medicine (26-06)	Schedule of Fees Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019				
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019		7/25/2019				
Water Resources, Div. of Water & Waste Mgmt. (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	3/21/2019	5/6/2019						
Workers Compensation (85-12)	Comprise & Settlement of Workers' Compensation Issues Legislative Exempt	8/19/2019	9/19/2019						

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/18/2019 7:52:05 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Insurance Commission

TITLE-SERIES: 114-99

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Pharmacy Auditing Entities and Pharmacy Benefit Managers

CITE STATUTORY AUTHORITY: W. Va. Code §33-51-10 and §33-2-10

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/17/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Victor Mullins

ADDRESS: P.O. Box 50540

Charleston, WV 25305-0540

EMAIL: victor.a.mullins@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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9/17/2019 9:20:04 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: Professional Surveyors

TITLE-SERIES: 23-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 23-01 Examination and Licensing of Professional Surveyors in West Virginia

PRIMARY CONTACT

NAME: West Virginia Board of Professional Surveyors

ADDRESS: 1124 Smith Street
Suite B127c
Charleston, WV 25301

EMAIL: kristi.a.justice@wv.gov

PHONE NUMBER: 304-558-0350

CITE STATUTORY AUTHORITY: Chapter 30 13A

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:

Mandated by HB 118 passed during 2019 Special Session. This rule would allow persons convicted of a crime to obtain a professional license provided the crime did not pertain to the profession for which they are applying.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/12/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/13/2019

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?

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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9/17/2019 10:30:52 AM

Office of West Virginia
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LEGISLATIVE

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

AGENCY: SpeechLanguage Pathology And Audiology TITLE-SERIES: 29-04

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

RULE NAME: 29-04 Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology

PRIMARY CONTACT

NAME: Patty Nesbitt

ADDRESS: 99 Edmiston Way
Suite 214
Buckhannon, WV 26201

EMAIL: wvbeslpa@wv.gov

PHONE NUMBER: 304-473-4289

CITE STATUTORY AUTHORITY: 30-32-7

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:

29-4 was inadvertently changed from a procedural rule to a legislative rule during the filing process in 2013. The rule was originally promulgated and final filed as a procedural rule, as required in 29A-3-3, on March 1, 2001. The modification effective July 1, 2014 was mistakenly filed as a legislative rule and was not changed to a procedural filing at that time. 29-4 rule, based on WV Code noted above, should be a procedural rule.
Rule 29-4 explains the procedure for investigation and resolution of complaints received against licensees and registered assistants.
29-4.4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Speech-Language Pathologist, Audiologist, Provisional Licensee and Assistants. - Explains reasons the Board may deny an applicant a license, suspend, revoke or place a license on probation in violation of 30-32-1 et seq or the Rules of the Board.
29-4-5. Disposition of Complaints - Specifies who may make a complaint to the Board, how the complaint is to be filed and the information the complaint should contain. The Boards' responsibilities/requirements after receiving a complaint are explicit and detailed.
29-4-6. Contested Case Hearing - The Board may refuse to renew a license or may suspend a license if the Board determines there is probable cause to believe a licensee's conduct, practices or acts constitute an immediate danger to the public.
29-4-7. The appeals process for any applicant who has had a license denied by the Board.
The above Rule is mandated in 29A-3-3. Rules of procedure required.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/8/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/13/2019

COMMENTS RECEIVED: Yes

Orders Report

Docket Number	Agency	Respondent	Date Rendered
19-1-11527-P	Health Care Authority	Appalachian Regional Healthcare, Inc.	9/9/2019
19-3-1-11644-R	Health Care Authority	Bio-Medical Applications of West Virginia, Inc.	9/12/2019
19-1-11631-X	Health Care Authority	New Beginnings Therapy Services, LLC	9/9/2019

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2019-0374-JefED	Donna Joy	Jefferson County Board of Education	8/1/2019
2018-1474-CONS	Salena Williams-Grant	Jefferson County Board Of Education	8/2/2019
2018-1387-CONS	Eugene Thompson et al	Division of Highways	8/5/2019
2019-0287-CONS	Randall Randolph	Division of Highways	8/6/2019
2019-0669-DVA	Charlotte Garrison	Department of Veterans Assistance	8/7/2019
2019-1533-CONS	Ernest Joseph Gooding	Department of Education	8/9/2019
	Kenneth Shawn Rubenstein	Department of Education	8/9/2019
2019-1560-MAPS	Sherry Lynn Dunlap	West Virginia State Police	8/12/2019
2019-1393-CONS	Casey Hedrick	Randolph County Board Of Education	8/12/2019
	Rebecca Jo George	Randolph County Board Of Education	8/12/2019
2018-0990-CONS	Catherine Skaggs, et al	Ritchie County Board Of Education	8/12/2019
2019-2370-DHHR	Diane Gay Blankenship	Department Of Health And Human Resources	8/13/2019
		Mildred Mitchell-Bateman Hosp	8/13/2019
2019-1331-DOT	Randy D. Hammond	Division of Highways	8/13/2019
2019-1851-PutED	Julie Henning	Putnam County Board Of Education	8/13/2019
2019-1201-DHHR	Wilson Iyokho	Department Of Health And Human Resources	8/13/2019
		Bureau for Public Health	8/13/2019
2019-1509-DOT	Gary Kennedy	Division of Highways	8/13/2019
2020-0009-MU	Kimberly Itaska McClelland	Marshall University	8/13/2019
2018-1302-WayED	Howard Meddings	Wayne County Board Of Education	8/13/2019
2019-1589-GilED	Steven Rollins	Gilmer County Board Of Education	8/13/2019
2019-1860-MorED	Creama Lee Shelter	Morgan County Board Of Education	8/13/2019
2018-0770-DHHR	Matthew Lee Bradley	Department of Health and Human Resources	8/14/2019
		Bureau For Children And Families	8/14/2019

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CONT. GRIEVANCES REPORT

2019-0666-MAPS	Brittany Nicole Adkins	Division of Corrections and Rehabilitation	8/14/2019
		Bureau of Prisons and Jails	8/14/2019
		Western Regional Jail and Correctional Facility	8/14/2019
2019-0639-CabED	Shawna Smith	Cabell County Board Of Education	8/14/2019
2019-0378-DOT	Steven C. Henry	Division Of Highways	8/15/2019
2018-1482-CONS	Darren P. Wise	Division Of Highways	8/15/2019

OFFICE OF TAX APPEAL DECISIONS		
NO.	**SYNOPOSIS**	DATE ISSUED
14-115-RP	In this case, petitioner was denied a refund based on the alternative fuel tax credit whereby such credits applied during a period in 2012. Typically, this required one to purchase a qualifying, and new alternative fuel vehicle. This case is simply decided in that petitioner purchased a used flex fuel vehicle from a rental company. Petitioner was told by a Tax Department employee that the vehicle qualified for the credit and tried to argue that the Tax Department should be estopped from imposing the denial. Because the agency did not do this intentionally or with any misconduct, the condition of estoppel cannot be used. As the petitioner was unaware of this rule and filed all returns timely, the removal of additions to the tax were ruled in their favor; however, the alternative fuel credit was denied based on the purchase of a used vehicle vs. a new one.	April 23, 2018
16-056 CU-C	In this case the Petitioner sought the sales tax exemption for the provision of professional services contained in West Virginia Code Section 11-15-8. The Petitioner provided the services of home inspections. The Office of Tax Appeals ruled that the Tax Commissioner had not abused the discretion afforded him in Section 8.1.1.1 of Series 15, Title 110 of the West Virginia Code of State Rules. Specifically, the Office of Tax Appeals ruled that it was not an abuse of discretion for the Tax Commissioner to determine that an activity that can be done by someone with a GED is not professional.	October 4, 2018.
15-406 RAFTC	Petitioners in this case involve the purchase of two (2) vehicles that were felt to qualify for the state alternative fuel tax credits. In both cases, a vehicle purchased in 2007 and then another in 2013, failed to meet the requirements to qualify. Specifically, the 2007 vehicle was purchased after the deadline had passed and was that of a used vehicle, further disqualifying it from the credit. In the case of the 2013 vehicle, a flex fuel vehicle, this class of alternative fuel was removed from the credit some four months prior to the purchase, again rendering it unqualified. In both instances, the Petitioner was unable to prove their burden. The State prevailed in this matter.	May 17, 2018
15-348 CU	In this case, Petitioner is like a reseller of parts that are sold to the Coal Industry. There are 3 individuals that work exclusively for Petitioner but as independent contractors they do not draw payroll and paid commissions directly with no deductions to their renumeration. The question at hand is do these persons serve as Manufactures Representatives that are not subject to the collection of sales and use tax as provided in the statute. The Petitioner is not a manufacturer but rather purchases parts from manufactures, marks them up and then resells them. As the company is not a manufacturer, then it could not logically have a manufacturers representative under its common, ordinary, and accepted meaning. For this reason, as it relates to WV Code, the Petitioner could not and did not prevail in this matter.	November 5, 2018
15-310-CU	This matter is respective of an out-of-state travel agency that arranges room hotel rentals for their clients on an as needed basis. The State Tax Department argues that in this case, the Petitioner is responsible for collecting WV Sales Taxes and remitting them to the Tax Commissioner. The Tax Commissioner erroneously compared this travel agency to one that buys up a bevy of rooms to rent out to various customers; such as an online agent like Hotels.com or Expedia. That is NOT the case and the Petitioner was able to prove their case in that they make these arrangements on a case by case basis and only when a client makes the request. Further, they have no agents or physical presence within the State. In this case the Petitioner has met their burden of proof, with this decision rendered in their favor.	May 3, 2018

OFFICE OF TAX APPEAL DECISIONS

NO.	SYNOPOSIS	DATE ISSUED
15-104 RP-C	This case involves the request for refund with respect to source income as personal income. Petitioners are residents of the State of Florida which has no personal income tax. In West Virginia, petitioners created income from the sale of a business and set up as employees of the business, deriving an income they thought could be treated as income. This was not the case and it was deemed as source income, therefore making it taxable under West Virginia tax law. The Tax Commissioner prevailed in this matter.	February 20, 2018
14-251 AFTC	This matter comes back to the issues surrounding alternative motor fuel credits with the purchase of certain new qualifying vehicles. In this case the Petitioner purchased a qualifying flex fuel vehicle exactly one day before the credit was to go into effect. Even though the vehicle was not delivered to petitioner until 3 days later, the bill of sale reflected the date in question affecting the credit. The Tax Commissioner prevailed in this matter.	June 5, 2018
14-187 AFTC	In this case, petitioners purchased a used automobile from a car rental agency. Specific to the law on these credits, all purchases had to be of a new vehicle. Petitioners felt that the dealership or car rental company only used the car for use by employees for general business and then to go home at night and back in the morning. Because the car had over 20,000 miles on it at the time of purchase, it clearly did not fit the genre of a new vehicle. The State Tax Department prevailed in this matter.	May 29, 2018
16-542 MFE, 16-543 MFE, 16-544 MFE	The petitioner in this case was an out-of-state transporter of motor fuel. Three assessments were issued against them in January, March and May of 2015 for not obtaining the proper licensing to make these deliveries to gas stations within West Virginia. The first set of assessments were sent to the wrong company and then corrected and sent to the petitioner. Under WV code 11-14C-38, the first assessment must become final at a penalty rate of $5,000 before subsequent assessments can be issued at rates of $10,000 each. Petitioner argued because the first assessment was not technically adjudicated as final as it had first been sent in error. They further argued that subsequent assessments could not exceed amounts more than $5,000. The court found this argument unpersuasive as under testimony the petitioner admitted they had received the first assessment for $5,000 assessment. This indicated it was adjudicated and final, therefor paving the way for the Tax Commissioner to issue the subsequent assessments at $10,000 each. In this case, the Tax Commissioner prevailed. The combined assessed amounts were affirmed at $25,000.	June 12, 2018
16-269 AFTC	In this matter, the Petitioner was awarded alternative fuel tax credit for the purchase of what he felt was a qualifying vehicle. The Tax Department later issued an assessment after it was discovered the car in question was a used vehicle purchased through a dealer. The code explicitly states the credit could only be given for the purchase of new vehicles or the conversion of an owned vehicle to alternative fuel standards. Clearly, this purchase did not qualify. Further, WV Code permits the Tax Department to correct such mistakes, making any case of Estoppel not valid. The Tax Department was the prevailing party in this case.	October 25, 2018
16-083 CU	In this case the West Virginia Office of Tax Appeals ruled that a member of a single member LLC cannot be held personally liable for the unpaid sales tax liability of the LLC. The Office of Tax Appeals ruled as such due to the language in West Virginia Code Section 11-15-17, which allows for third party liability when the defaulting Taxpayer is an association or corporation. The Office of Tax Appeals ruled that a single member LLC is neither an association or corporation.	November 2, 2018

OFFICE OF TAX APPEAL DECISIONS		
NO.	**SYNOPOSIS**	DATE ISSUED
16-076 W, 16-077 CU, 16-078 W	This case is an officer liability matter. The Petitioner served as an officer of 2 corporations whereby he was controlled and advised by the company President on how to spend and pay bills for the companies. He had full check writing authority and paid bills as directed and as not directed by the company President, including taxes. It his unrebutted testimony he stated that the President lived in another state and swept the corporate accounts daily. However, under WV Law, he still served as an officer of the 2 companies, even serving as their representative when they declared bankruptcy. Since the time this all occurred, the President of the company has passed away. Even though the Petitioner had a compelling argument, the Office of Tax Appeals must follow the letter of the law; in this case, Petitioner had clear officer responsibility of the companies with full check writing authority. The Petitioner did not prevail in this matter, with all assessments being affirmed.	December 6, 2018
16-073 RP	The petitioner in this case receives retirement income from the US Public Health Commissioned Corps as a retired Captain. The State of WV allows a deduction from tax off the first $20,000 of income with respect to retired personnel from the regular armed forces of the US Military. Because the Petitioner was specifically part of the Uniformed Services, the deduction is not permitted as argued by the Tax Commissioner. By review of the statute, OTA determined that there was no other way to render a decision except through the clear language of the law. The statue affected the time period under review in this case, that being 2011 through 2014. Starting in 2019, the legislature revamped the code to permit the deduction for members of the uniformed services, going forward. Because of the plain meaning of the statute and time period covered, the Tax Commissioner prevailed in this matter.	February 12, 2019
16-020 CU-M	In this matter, Petitioner was issued an officer liability assessment where he served as a vice president in a family corporation. He possessed limited authority regarding the payment of taxes, signing checks or making large decisions. His siblings served as President and Secretary and controlled all operations and decision-making authority over the petitioner and the company. Further, even though he was tasked as managing the manufacturing aspects of the plant, he was treated as an employee and subsequently terminated by the sibling officers because he would not surrender his retirement account to them to pay company taxes. Because petitioner met the test under WVSCA case Helton vs. Schmehl, he prevailed in this matter and not held liable for taxes owed by the corporation.	March 12, 2018
15-040 CU	Petitioner company is in the business of drilling for minerals. They are an out of state corporation that performs these drilling operations in several states including West Virginia. The issue here was whether the company was responsible for remitting use taxes for items not directly associated with the drilling process. In this case, the items at issue were crew quarters, porta-potties, sewage and waste removal, and generators and the like to run the crew quarters. Because it was required by OSHA and other governing guidelines to have personnel located on the premises 24/7, these varied items were ruled as necessary for the drilling process rather than a convenience for the workers. They were therefore exempt from Use Tax. The Petitioner prevailed in this matter with respect to the listed items; the assessment was modified to reflect this.	April 3, 2018

OFFICE OF TAX APPEAL DECISIONS		
NO.	**SYNOPOSIS**	DATE ISSUED
17-207 MFE-W	A county board of education was denied a motor fuel tax refund because their filing was clearly late, as written in the statute. Under WV Law, county entities purchase fuel for their school buses and are required to pay motor fuel taxes up front. However, the WV Code provides for them a means to recoup the entire tax paid by filing a formal request through the State Tax Department. The Chief ALJ ruled that the statute is unambiguous and clearly stated in its requirement of the filing deadline. Petitioner offered several arguments as to why this should be overruled, and one included a statement that the denial of the refund was unconstitutional. Since OTA is an administrative court governed by the executive branch, they simply cannot make determinations on constitutionality. For this and other clear reasons, the Tax Commissioner prevailed. This case was appealed to the Circuit Court by the Petitioner.	July 25, 2018
15-409 PD-M	In this case the Office of Tax Appeals ruled that the reducing modification contained in West Virginia Code Section 11-21-12(c)(6) was not available to retired West Virginia law enforcement officers who received retirement income from the West Virginia Public Employees Retirement System. The Office of Tax Appeals ruled as such based upon the plain language of the statute, which limits the reducing modification to a small select group of retirees, of which the Petitioner was not a member. The Office of Tax Appeals also ruled that as a part of the executive branch of government it does not have the capability to rule upon the constitutionality of a statute.	January 17, 2019
17-274 XX	In this case the Petitioner, a wholesaler and retailer of e-cigarette liquid was subjected to a newly enacted excise tax on such products. The Petitioner sought advice from the West Virginia Tax Department regarding implementation of the new tax. Specifically, the Petitioner sought information regarding the applicability of the tax to its floor stock on hand as of the implementation date of the new tax. The Petitioner was given erroneous advice, and sought to estop the Tax Commissioner from assessing it tax on its floor stock. The Office of Tax Appeals ruled that pursuant to Hudkins v. State Consol. Pub. Ret. Bd., 220 W. Va. 275, 647 S.E.2d 711, (2007), absent a showing of affirmative misconduct or wrongful conduct by the government or a government agent the Tax Commissioner could not be so estopped.	January 29, 2019

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

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2019 SEP 17 A 9:06
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

OTHER

September 16, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **September 13, 2019**.

CERTIFICATE OF NEED APPLICATION RECEIVED

September 9, 2019 - NUSkool Scholars, LLC, Beaver, Raleigh County, CON File #19-1/3/4-11693-BH, for the provision of services to individuals with intellectual and developmental disabilities in Fayette, Kanawha, McDowell, Mercer, Raleigh, Summers and Wyoming counties; no capital expenditure.

CERTIFICATE OF NEED APPROVALS ISSUED

September 9, 2019 - Beckley ARH Hospital, Lexington, Kentucky, CON File #19-1-11527-P, for the development of primary (emergency) percutaneous coronary intervention (Primary PCI) services; capital expenditure: $200,000.

September 12, 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.

ORDER GRANTING REQUEST FOR MODIFICATION OF DECISION

September 9, 2019 - New Beginnings Therapy Services, LLC, Princeton, Mercer County, CON File #19-1-11631-X, for the establishment of a behavioral health center with an emphasis on outpatient treatment and detox for substance use disorder to be located at 616 Harrison Street, Princeton, Mercer County.

The request to modify the location of the center from 220 South Walker Street, Suite A, Princeton, Mercer County, the address indicated in the exemption application, to the address stated above is granted.

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

FILED
2019 SEP 17 P 2:05
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

September 17, 2019

NEWS ITEM

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

September 12, 2019 - NUSkool Scholars, LLC, Beaver, Raleigh County, CON File #19-1/3/4-11693-BH, for the provision of services to individuals with intellectual and developmental disabilities in Fayette, Kanawha, McDowell, Mercer, Raleigh, Summers and Wyoming counties; no capital expenditure.

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

The review cycle begins on **September 16, 2019**.

On or before **October 16, 2019**, any affected person has the right to request that the Authority hold a public hearing on the project as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **October 21, 2019**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the application.

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case file of the project, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decision will be issued on or before **November 15, 2019**.

OTHER

A press release will be issued after the decision is made. Anyone wishing to be directly notified of the Decision should submit a written request to Barbara Skeen, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1600. Further information on the project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

9/17/19
Date

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

FILED
2019 AUG 19 P 3:33

STATE OF WEST VIRGINIA
OFFICES OF THE INSURANCE COMMISSIONER
P.O. Box 50540
Charleston, WV 25305-0540

NOTICE OF PUBLIC HEARING REGARDING EXPORT LIST

NOTICE IS HEREBY GIVEN that the Insurance Commissioner of the State of West Virginia will hold a public hearing, at the time and place set forth below, concerning the renewal of the export list in the surplus lines area.

October 3, 2019
2:00 p.m.
Offices of the Insurance Commissioner
WV Lottery Building
900 Pennsylvania Avenue, Room 912
Charleston, WV 25302

THE HEARING ROOM IS ACCESSIBLE TO PERSONS WITH MOBILITY IMPAIRMENTS. IF ACCOMODATIONS NEED TO BE MADE FOR OTHER DISABILITIES, SUCH AS HEARING IMPAIRMENT, PLEASE PHONE THE CONTACT PERSON LISTED IN THIS NOTICE BY SEPTEMBER 25, 2019 SO ARRANGEMENTS CAN BE MADE.

EXPORT LIST

Pursuant to W.Va. Code of State Rules Section 114-20-7, the Commissioner may maintain an export list of insurance coverages and classes that may be placed with surplus lines insurers. Insurance coverages and classes included on the export list may be placed with surplus lines insurers without completing a diligent search of admitted carriers. The Commissioner may declare eligible for placement with a nonadmitted insurer and exempt from all the requirements of West Virginia Code of State Rules Section 114-20-3, any type of insurance coverage or risk for which he or she finds, after a public hearing, that there is not a reasonable or adequate market among admitted insurers.

Pursuant to this rule, the Commissioner has previously collected information on whether or not there is a reasonable or adequate market among admitted insurers for certain risks or coverages. The Department reviewed the export lists in other states. We contacted West Virginia surplus line brokers and surveyed them as to the risks most placed by them. We received industry input from admitted carriers. We also have held annual public hearings and solicited public comment from all interested parties including surplus line brokers, admitted insurers, trade associations representing admitted insurers, agents and brokers, and consumer groups to provide us with evidence of a lack of a reasonable or adequate market amongst admitted carriers for particular risks or coverages. After this process, the Insurance Commission adopted the EXPORT LIST which can be found on the Insurance Commission's website at www.wvinsurance.gov.

RENEWAL

A public hearing shall be held annually regarding the export list. The above noticed hearing is being set to take testimony on the export list to see if any items should be added or removed.

In preparing your comments and/or testimony please be aware that items not appearing on this list will still be exportable but subject to the full documentation of the search being performed pursuant to West Virginia Code Section 33-12C-5.

HEARING AND WRITTEN TESTIMONY

As stated before, this hearing is public and interested parties may testify as time permits. The hearing will be structured with time and place priority afforded to those who have signed-up in advance to speak. If you wish to sign-up in advance to speak, submit your written request to the contact person listed below.

PLEASE BE AWARE THAT IN ORDER FOR THE COMMISSIONER TO CONSIDER ADDING A RISK OR COVERAGE TO THE EXPORT LIST, THE COMMISSIONER MUST HAVE EVIDENCE THAT THERE IS NOT AN ADEQUATE OR REASONABLE MARKET FOR THE RISK OR COVERAGE IN THE ADMITTED MARKET. SUBMISSION OF A STATEMENT SIMPLY REQUESTING A RISK OR COVERAGE TO BE ADDED TO THE LIST WITHOUT OTHER SUPPORTING EVIDENCE OF THE LACK OF AN ADEQUATE OR REASONABLE ADMITTED MARKET WILL NOT BE ENOUGH FOR THE COMMISSIONER TO ADD A RISK OR COVERAGE TO THE LIST.

All written testimony, comments, or documents must be sent to the Offices of the Insurance Commissioner in triplicate (original and two copies) and received by the Offices of the Insurance Commissioner at the address given below no later than 5:00 p.m. on October 1, 2019. All written testimony received at the hearings will be considered part of the hearing record. The Offices of the Insurance Commissioner will not accept any written testimony, comments, or documents which are transmitted to it by facsimile.

Please direct any questions regarding this Notice of Public Hearing, opportunities to testify, and written submissions for the record, to:

Jayne Wurts
WV Offices of the Insurance Commissioner
P.O. Box 50540
Charleston, WV 25305-0540
(304) 558-6279, Ext. 3092

Dated: 08/19/2019

JAMES A. DODRILL
Insurance Commissioner

OTHER

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2019 SEP 18 P 1:09

Date: September 18, 2019

NOTICE OF COMMENT PERIOD ON A PROPOSED AUTOMOBILE LIABILITY INSURANCE RATE INCREASE

Pursuant to West Virginia Code Section **§33-20-4(l)**, a comment period has been established during which any interested person may submit written comments on the following proposed automobile liability insurance rate increase,

Insurance Company: CSAA FIRE & CASUALTY INSURANCE COMPANY

Proposed Rate Increase: 17.2 % to Liability

Insureds Affected: 832

The comment period will end on October 21,2019 at 4:30 p.m.

Only written comments will be accepted, our mailing address is:

John Mooney
Rates & Forms Division
Phone 304-558-2094
West Virginia Insurance Commission
P. O. Box 50540
Charleston, WV 25305-0540