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

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NO NEW RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	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 9/27/2019	Modified & Approved 10/24/2019 Filed 11/8/2019	BUNDLED HB4252		
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	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Acupuncture (32-14)	Auricular Detoxification Therapy Certificate Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019 Filed 10/17/2019	BUNDLED HB4252		
Acupuncture (32-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Acupuncture (32-16)	Consideration of Prior Criminal Convictions In Initial Licensure Determinations Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Administration (148-12)	Rules for the General Administration of Records Management and Preservation Legislative	6/24/2019	7/24/2019		7/26/2019	Approved 10/24/2019	BUNDLED SB323		
Administration (148-13)	Rules for Retention and Disposal Scheduling Legislative	6/24/2019	7/24/2019		7/26/2019	Approved 10/24/2019	BUNDLED SB323		
Administration (148-14)	Rules for the Management of Records Maintained by the Records Center Legislative	6/24/2019	7/24/2019		7/26/2019	Appoved 10/24/2019	BUNDLED SB323		
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	Approved 10/24/2019	BUNDLED SB323		
Administration (148-24)	Financial Services Reporting Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 10/24/2019 Filed 10/29/2019	BUNDLED SB323		
Agriculture (61-01)	Animal Disease Control Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-10)	Fresh Food Act Legislative	6/26/2019	7/26/2019	7/31/2019 Approved 8/2/2019	7/26/2019	Approved 12/18/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-11B)	Auctioneers Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
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	Approved 9/26/2019	BUNDLED HB4252		
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	12/5/2019	1/6/2020	12/6/2019 Approved 12/20/2019	1/7/2020	Approved 1/7/2020	BUNDLED HB4252		
Agriculture (61-19)	WV Manufacture-Grade Milk Legislative	12/5/2019	1/6/2020		1/6/2020	Approved 1/7/2020	BUNDLED HB4252		
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019		7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019		7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
Agriculture (61-34)	Captive Cervid Farming Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 9/26/2019	BUNDLED HB4252		
Agriculture (61-38)	Farmers Markets Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative	12/5/2019	1/6/2020		1/6/2020	Approved 1/7/2020	BUNDLED HB4252		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	SB329 HB4217		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	SB330 HB4218		
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	Modified & Approved 9/26/2019 Filed 10/2/2019	SB331 HB4270		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	SB332 HB4219		
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	SB333 HB4220		
Architects (2-01)	Registration of Architects Legislative	6/5/2019 8/22/2019	7/9/2019 9/22/2019		7/16/2019 9/24/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
Architects (2-03)	Fees for Registration of Architects Legislative	6/5/2019	7/9/2019		7/16/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
Auditor (155-06)	Local Government Purchasing Card Program Legislative	5/21/2019	6/20/2019		7/8/2019	Approved 10/24/2019	BUNDLED HB4252		
Chiropractic Examiners (4-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED HB4252		
Chiropractic Examiners (4-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/5/2019	9/9/2019		9/10/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
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						

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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					1/7/2020	4/6/2020
Coal Mine Health and Safety (36-06)	Longwall Mining Legislative Exempt	9/5/2019	10/21/2019					1/7/2020	4/6/2020
Coal Mine Health and Safety (36-07)	Rules and Regulation Governing Shortwall Mining Within The State of West Virginia Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-08)	Rules and Regulations Governing The Right of A Miner to Refuse To Operate Alleged Unsafe Equipment Legislative Exempt	10/11/2019	11/25/2019					1/7/2020	4/6/2020
Coal Mine Health and Safety (36-11)	Rules and Regulations Governing When Underground Mine Foreman-Boss Required; Assistants;Certifications; The Reopening of Abandoned Mines and the Deenergization of Self-Propelled Electric Coal Feeders; Performance Requirements Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-12)	Rules and Regulations Governing Electrical Provisions for Underground Mining Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-13)	Rules and Regulations Governing The Authority, Accountability, and Responsibility of Underground Mine Foreman; Responsibility of Operator In Relation To Mine Foreman; And Regulatory Review Procedures Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-15)	Rules and Regulations Governing Ventilation By Use Of Mechanically Operated Fans and Intentional Changes In The Ventilation System Legislative Exempt	10/11/2019	11/25/2019					12/13/2019	3/12/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health and Safety (36-16)	Rules and Regulations GoverningThe Blocking Of Equipment Prior To Performing Working On Such Equipment Legislative Exempt	10/11/2019	11/25/2019					12/13/2019	3/12/2020
Coal Mine Health and Safety (36-17)	Rules and Regulations Governing Unused and Abandoned Parts of Mine Legislative Exempt	10/11/2019	11/25/2019					12/13/2019	3/12/2020
Coal Mine Health and Safety (36-18)	The Responsibility For Care and Maintenance of Equipment Legislative Exempt	10/24/2019	12/9/2019						
Coal Mine Health and Safety (36-57)	Rules Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/24/2019	12/9/2019						
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	Approved 10/4/2019	HB4480		
Community and Technical College Education (135-11)	Degree Designation, General Education Requirements, New Program Approval, and Discontinuance of Existing Programs Procedural	12/9/2019	1/13/2020					1/15/2020	2/15/2020
Conservation Agency (63-03)	State Conservation Committee Grant Program Legislative	5/30/2019	6/29/2019		7/10/2019	Approved 10/24/2019	BUNDLED HB4252		
Counseling (27-13)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/9/2019	BUNDLED HB4252		
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 9/20/2019	Approved 11/17/2019	BUNDLED HB4252		
Dentistry, WV Board of (5-08)	Dental Advertising Legislative	5/31/2019	7/1/2019		7/19/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
Development Office, Commerce (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	Modified & Approved 11/17/2019 Filed 12/5/2019	BUNDLED SB449		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	7/29/2019	8/29/2019		8/30/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
Dietitians (31-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/24/2019	7/25/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		
Education (126-012)	West Virginia System of Support and Accountability (2322) Legislative Exempt	12/12/2019	1/24/2020						
Education (126-042)	Assuring the Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/12/2019	1/24/2020						
Education (126-079)	Public Charter Schools (3300) Legislative Exempt	11/15/2019	1/14/2020						
Education (126-092)	West Virginia School Bus Transportation Regulations, Procedures, and Specifications for the Design and Equipment of School Buses (Policy 4336) Legislative Exempt	10/10/2019	11/12/2019					1/10/2020	2/10/2020
Education (126-118)	Athletic and Limited Football Trainers in the Public Schools of West Virginia (5112) Legislative Exempt	11/15/2019	12/16/2019					1/9/2020	2/10/2020
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification (Policy 5202) Legislative Exempt	1/9/2020	2/10/2020						
Education (126-161)	Regulations for Alternative Certification Programs for the Education of Teachers (5901) Legislative Exempt	11/15/2019	12/16/2019					1/9/2020	2/10/2020
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	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
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	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	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	Approved 11/17/2019	SB337 HB4223		
Fire Commission (87-01)	State Fire Code Legislative	6/13/2019	7/16/2019		7/25/2019	Modified & Approved 12/18/2019 Filed 1/6/2020	BUNDLED HB4275		
Fire Commission (87-04)	State Building Code Legislative	6/13/2019	7/16/2019		7/25/2019	Modified & Approved 12/18/2019 Filed 1/6/2020	BUNDLED HB4275		
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	Approved 11/17/2019	BUNDLED SB449		
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	Approved 11/17/2019	BUNDLED SB449		
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	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Funeral Service Examiners (6-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Health (64-03)	Public Water Systems Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-30)	Fees for Permits Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 12/18/2019 Filed 12/19/2019	BUNDLED SB339		
Health (64-32)	Vital Statistics Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-48)	Emergency Medical Services Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-70)	Primary Care Support Program Legislative	6/21/2019	7/22/2019		7/25/2019	Modified & Approved 12/19/2019 Filed 12/19/2019	BUNDLED SB339		
Health (64-71)	Primary Care Seed Money Grants Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/19/2019	BUNDLED SB339		
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	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
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	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
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	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
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	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
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	Modifed & Approved 12/18/2019 Filed 12/19/2019	BUNDLED SB339		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Amendment 11/21/2019 Effedtive 1/2/2020	7/22/2019	Modified & Approved 11/17/2019 Filed 11/21/2019	BUNDLED SB339		
Health Care Authority (65-09)	Critical Access Hospitals Legislative	6/13/2019	7/15/2019		7/16/2019	Modified & Approved 11/17/2019 Filed 11/22/2019	BUNDLED SB339		
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	Modified & Approved 9/26/2019 Filed 10/21/2019	BUNDLED HB4252		
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Higher Education Policy Commission (133-03)	Higher Education Report Card Legislative	6/17/2019	7/17/2019		9/30/2019				
Higher Education Policy Commission (133-11)	Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs Procedural	12/9/2019	1/9/2020					1/13/2020	2/13/2020
Higher Education Policy Commission (133-26)	Underwood-Smith Teacher Scholarship Legislative	9/30/2019	10/30/2019		11/5/2019				
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019	Approved 10/4/2019			
Highways (157-06)	Use of State Road Rights of Way and Adjacent Areas Legislative	6/27/2019	7/29/2019		7/29/2019	Modified & Approved 12/18/2019 Filed 1/8/2020	BUNDLED SB364		
Highways (157-07)	Transportation of Hazardous Wastes Upon the Roads and Highways Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/18/2019	BUNDLED SB364		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-13)	Small Wireless Facilities on Division of Highways Rights-of-Way Legislative	6/27/2019	7/29/2019		7/29/2019	Modified & Approved 12/18/2019 Filed 1/8/2020	BUNDLED SB364		
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 Effective 9/27/2019	7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED SB339		
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	Modified & Approved 11/17/2019 Filed 11/25/2019	BUNDLED SB339		
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative				9/4/2019 Sunset Extension	Approved 11/17/2019	BUNDLED SB339		
Insurance Commission (114-24)	Medicare Supplement Insurance Legislative	6/10/2019	7/10/2019		7/26/2019	Approved 10/24/2019	BUNDLED SB357		
Insurance Commission (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019	Modified & Approved 10/24/2019 Filed 10/29/2019	BUNDLED SB357		
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	9/18/2019	10/17/2019		12/6/2019	Approved 12/18/2019	BUNDLED SB357		
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019	BUNDLED SB449		
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019	BUNDLED SB449		
Landscape Architects (9-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 11/21/2019	BUNDLED HB4252		
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	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Massage Therapy Licensure Board (194-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
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 9/27/2019	Modified & Approved 10/24/2019 Filed 10/31/2019	BUNDLED HB4252		
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	Modified & Approved 9/26/2019 Filed 10/8/2019	BUNDLED HB4252		
Medicine (11-13)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/19/2019	7/19/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/8/2019	BUNDLED HB4252		
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	Approved 11/17/2019	BUNDLED SB449		
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	Approved 11/17/2019	BUNDLED SB449		
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Rule Legislative	6/5/2019	7/8/2019		7/25/2019	Authorized with Certain Amendments 12/18/2019	SB334 HB4348		
Mining and Reclamation (38-02F)	Groundwater Protection Rules Coal Mining Operations Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 12/18/2019	SB335 HB4221		
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	Modified & Approved 10/25/2019 Filed 11/6/2019	BUNDLED SB364		
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	Approved 10/24/2019	BUNDLED SB364		
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-16)	Transporting and Selling Wildlife Pelts and Parts Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-25)	Boating Rule Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-26)	Special Boating Rules Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-28)	Special Requirements Concerning Boating Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
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	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
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	Modifiied & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-46)	Defining of Terms Used In All Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 10/24/2019	BUNDLED SB449		
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 10/24/2019	BUNDLED SB449		
Natural Resources (58-61)	Special Fishing Rule Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-62)	Catching and Selling Bait Fish Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-65)	Falconry Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 12/18/2019	BUNDLED SB449		
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	10/24/2019	11/25/2019		11/26/2019	Modified & Approved 12/18/2019 Filed 12/27/2019	BUNDLED HB4252		
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019		7/3/2019	Approved 9/26/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Occupational Therapy (13-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019		7/3/2019	Modified & Approved 9/26/2019 Filed 9/30/2019	BUNDLED HB4252		
Occupational Therapy (13-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	10/30/2019	11/30/2019		12/2/2019	Approved 12/18/2019	BUNDLED HB4252		
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	Modififed & Approved 12/19/2019 Filed 1/3/2020	SB338 HB4311		
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 10/1/2019	Modified & Approved 11/17/2019 Filed 11/26/2019	BUNDLED HB4252		
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	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019		7/30/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Pharmacy (15-04)	Record Keeping and Automated Data Processing Systems Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/26/2019 8/15/2019	7/26/2019 9/16/2019		7/26/2019 10/11/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 9/26/2019	BUNDLED HB4252		
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	8/15/2019	9/16/2019		10/10/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Pharmacy (15-18)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/24/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/25/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-09)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/4/2019	7/5/2019		7/18/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
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 9/20/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
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	Modified & Approved 12/19/2019 Filed 12/19/2019	BUNDLED HB4252		
Psychologists (17-07)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/30/2019	9/30/2019		10/11/2019	Modified & Approved 12/192019 Filed 1/8/2020	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 12/18/2019 Filed 1/2/2020	BUNDLED SB323		
Public Service Commission (150-30)	Rules Governing Siting Certificates for Exempt Wholesale Generators Legislative Exempt	1/27/2020	2/26/2020						
Racing Commission (178-01)	Throughbred Racing Legislative	6/10/2019	7/10/2019		7/18/2019	Modified & Approved 12/18/2019 Filed 12/20/2019	BUNDLED SB357		
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	Modified & Approved 11/17/2019 Filed 12/6/2019	BUNDLED HB4252		
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	Modified & Approved 9/26/2019 Filed 10/7/2019	BUNDLED HB4252		
Real Estate Commission (174-07)	Conisderation of Prior Criminal Convictions In Initial License Eligibility Determination Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 12/3/2019	BUNDLED HB4252		
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Constituting Professional Misconduct Legislative	8/29/2019	9/30/2019		10/11/2019	Approved 11/17/2019	BUNDLED HB4252		
Registered Professional Nurses (19-15)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019		8/22/2019	Modified & Approved 9/26/2019 Filed 10/7/2019	BUNDLED HB4252		
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		
Respiratory Care (30-10)	Conideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	11/7/2019	12/9/2019		12/10/2019	Approved 12/19/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 11/1/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
School Building Authority of WV (164-05)	School Building Authority Contracts and Agreements; Post-Project Evaluation; Suspension of Right to Bid Legislative	11/4/2019	12/4/2019		12/16/2019		SB652		
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/1/2019	BUNDLED HB4252		
Social Work Examiners (25-03)	Fee Schedule Legislative	6/5/2019	7/5/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019		6/28/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED HB4252		
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	Modified & Approved 10/24/2019 Filed 11/5/2019	BUNDLED HB4252		
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/13/2019	7/13/2019		7/15/2019	Approved 10/24/2019	BUNDLED SB357		
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	Modified & Approved 10/24/2019 Filed 11/5/2019	BUNDLED SB357		
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	9/26/2019	10/26/2019						
Tax (110-43)	Special Valuation Method for Certain Wireless Technology Property Interpertive	7/3/2019 1/28/2020	8/2/2019 2/27/2020						
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/13/2019	7/13/2019		7/15/2019	Modified & Approved 10/24/2019 Filed 11/5/2019	BUNDLED SB357		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-01)	Organization and Operation and Licenisng of Veterinarians Legislative	8/7/2019	9/8/2019		9/9/2019	Modified & Approved 12/19/2019 Filed 1/2/2020	BUNDLED HB4252		
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	Modified & Approved 12/19/2019 Filed 1/2/2020	BUNDLED HB4252		
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	Authorized as Modified with Certain Amendments 12/19/2019 Filed 1/2/2020	BUNDLED HB4252		
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 10/25/2019	SB336 HB4222		

WEST VIRGINIA
SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION
INCOME MAINTENANCE MANUAL CHANGE FORM

Please Stamp Filing Date

FILED

2020 FEB -5 A 9: 32

OFFICE WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

NOTICE OF FILING CHANGES TO PUBLIC ASSISTANCE MANUAL WITH THE SECRETARY OF STATE

AGENCY:	**West Virginia Department of Health and Human Resources**	**BUREAU:**	**Children & Families**
TITLE OF MANUAL TO WHICH POLICY IS BEING FILED:	**Income Maintenance Manual**		
STATE RULE:	**FEDERAL RULE:**	**EFFECTIVE DATE:**	**2/1/2020**
CHANGE NUMBER:	**Updated New Income Maintenance Manual**		
CHAPTERS/SECTIONS EFFECTED:	**3 and 4/Emergency Rule**		

SEE DW-17 FORM FOR SPECIFIC CHANGES / MODIFICATIONS

REASON FOR MANUAL CHANGE:	Changes were made to countable income and deductions for the Modified Adjusted Income Methodology (MAGI).

THIS IS PART OF AN EXISTING LEGISLATIVE RULE

The above policy is hereby filed as an incorporated portion of an existing legislative rule.

Monica Hamilton

Authorized Signature

CONTACT:
Office of the Secretary
West Virginia Department of Health and Human Resources
State Capitol Complex, Building 3, Room 206
Charleston, West Virginia 25305
304.558.7899 Telephone

Orders Report

Docket Number	Agency	Respondent	Date Rendered
15-10-10549-H	**Health Care Authority**	Acuity Specialty Hospital - Ohio Valley, L.P.	1/30/2020
19-3-11701-P	**Health Care Authority**	Charleston Area Medical Center, Inc.	1/28/2020
08-9-8255-H	**Health Care Authority**	West Virginia University Hospitals-East	1/30/2020
19-AC-PHC-02011	**Insurance Commissioner**	Rucker, Billups & Fowler, Inc.	1/31/2020
[illegible]	**Insurance Commissioner**	HIDI Global Insurance Company	1/31/2020
19-[illegible]-PHC-[illegible]	**Insurance Commissioner**	Michael David Dean	1/31/2020

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

FILED
2020 FEB -5 A 11: 11
OFFICE WEST VIRGINIA
SECRETARY OF STATE

ATTORNEY GENERAL

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

February 4, 2020

The Honorable John L. Bord
Taylor County Prosecuting Attorney
214 West Main Street
Grafton, WV 26354

Dear Prosecutor Bord:

You have asked for an Opinion of the Attorney General about whether a county sheriff is required to appoint a deputy as a humane officer. This Opinion is being issued pursuant to West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." To the extent this Opinion relies on facts, it is based solely on the factual assertions in your correspondence with the Office of the Attorney General.

In your letter, you explain that the Taylor County Commission has asked for an interpretation of West Virginia Code § 7-10-1, which requires a sheriff of a county to appoint a county humane officer every year. As you represent in your letter, the Taylor County sheriff has not appointed a deputy to this role on the basis that the role of humane officer falls "under the umbrella of his official duties," and thus a sheriff can perform the role personally instead of designating a deputy.

Your letter raises the following legal question:

Does West Virginia Code § 7-10-1 require sheriffs to appoint one of their deputies to be a humane officer, or does it permit sheriffs to act directly as humane officers?

We conclude that the plain language of the statute instructs that a sheriff must appoint a deputy as the county humane officer. The statute's mandatory language does not allow room for

a sheriff to fulfill this role personally except in limited circumstances involving small counties, and with the county commission's approval.

Discussion

West Virginia Code § 7-10-1 contains the Legislature's direction about the role of county humane officer, and limits a county sheriff's discretion to fill that role personally. The statute commands that

> The sheriff of each county of this state *shall* annually designate, by a record made in the office of the clerk of the county commission, one of his or her deputies to act as humane officer of the county; or, if the county commission and sheriff agree, the county dog warden may be designated to act as the humane officer or as an additional humane officer.
>
> (emphasis added).

The primary object of statutory interpretation is "to ascertain and give effect to the intent of the Legislature." *State ex rel. Judicial Investigation Comm'n v. Putnam Cty. Bd. of Ballot Comm'rs*, 237 W. Va. 99, 108, 785 S.E.2d 805, 814 (2016) (citation omitted). In service of that goal, where the "text, given its plain meaning, answers the interpretive question, the language must prevail." *Id.* (citation omitted). Here, Section 7-10-1 states that the Sheriff "shall" designate as county humane officer "one of his or her deputies" or (with county commission approval) "the county dog warden." W. Va. Code § 7-10-1. The term "shall" is construed as "mandatory" absent any "contrariwise intent on the part of the Legislature." *Terry v. Sencindiver*, 153 W. Va. 651, 657, 171 S.E.2d 480, 483 (1969). Nothing counters that general meaning here, so under the statute a sheriff must appoint a deputy or the county dog warden to be the humane officer.

The plain language of the statute thus does not give sheriffs discretion to appoint themselves as county humane officers. Nor are we aware of any other statute that might provide a basis for a sheriff to act personally in this capacity, outside of the limited exception discussed below. Indeed, the contrast between Section 7-10-1's mandatory language and other statutes describing sheriffs' authority confirms this reading. Section 7-8-2, for instance, states that the "sheriff of every county shall be the keeper of the jail thereof, but he may, with the assent of the county commission, appoint a jailer of the said county"—and this appointed jailer "may be a deputy sheriff." W. Va. Code § 7-8-2(a). This statute both expressly includes "keeper of the jail" as part of a sheriff's duties and provides a discretionary mechanism to appoint a deputy sheriff to the post instead. Both factors are missing from Section 7-10-1.

One potential exception to the requirement to designate a separate county humane officer exists for sheriffs of small counties. A sheriff in a county in "which there are four or fewer deputies . . . need not devote his full time to the services or duties of his office as sheriff or his employment as deputy sheriff"—in contrast to a sheriff "in any county in which there are more than four deputies," who must devote "his full time to the performance of the services or duties required by law of such sheriff." W. Va. Code § 6-3-1(a)(5). Therefore, assuming no

restrictions on holding dual offices apply to these roles (a question that is beyond the scope of your request), a county commission could appoint a sheriff in a small county to another part-time position such as county dog warden. *Id.* § 19-20-6(a). Under those circumstances, the sheriff and county commission could then jointly exercise the option under Section 7-10-1 to designate the dog warden—in this case, the sheriff—to be county humane officer as well.

Finally, we recognize that although the Legislature has "general authority" over the appointment of deputy sheriffs, *Hall v. Protan*, 158 W. Va. 276, 282, 210 S.E.2d 475, 479 (1974) (interpreting W. Va. Const. art. IX, §§ 1, 3, 6), the Legislature may not "curtail" or "transfer the inherent functions of a constitutional office"—like sheriff—to another office. Syl. pt. 3, *State ex. rel. McGraw v. Burton*, 212 W. Va. 23, 569 S.E.2d 99 (2002). The constitutionality of Section 7-10-1 is outside the scope of your request; nevertheless, we note that the concern about transferring inherent functions of the office of sheriff is likely not implicated here. Our Supreme Court has not addressed whether the function of humane officer is part of the core functions of a sheriff, but at least one other state supreme court has long distinguished these roles. *See Eldidge v. O'Connell*, 114 Me. 457 (Me. 1916). Further, our high court has approved applying the civil service laws to sheriff deputies even though hiring and firing decisions are closely tied to a sheriff's inherent functions. *Hall*, 158 W. Va. at 281, S.E.2d at 479 (holding that sheriffs are not "constitutionally immune from the operation of civil service laws"). In light of *Hall*'s holding, there is likely no constitutional infirmity in Section 7-10-1 either.

* * *

In sum, sheriffs generally must appoint another person—one of their deputies or the county dog warden—to be the humane officer of a county, rather than directly filling the role themselves.

Sincerely,

Patrick Morrisey
Attorney General

Lindsay See
Solicitor General

Benjamin E. Fischer
Assistant Solicitor General

ATTORNEY GENERAL

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

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February 4, 2020

The Honorable F. Cody Pancake, III
Mineral County Prosecuting Attorney
P.O. Drawer 458
Keyser, WV 26726

Dear Prosecutor Pancake:

You have asked for an Opinion of the Attorney General addressing whether West Virginia Code § 7-1-3u requires county commissions to assume the responsibility or expense of removing debris from local waterways. This Opinion is being issued pursuant to West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." To the extent this Opinion relies on facts, it is based solely on the factual assertions in your correspondence with the Office of the Attorney General.

In your letter, you explain that a local public water association has asked the Mineral County Commission to remove debris from a local waterway. According to the association, West Virginia Code § 7-1-3u requires the Commission to assume responsibility for this role.

Your letter raises the following legal question:

To what extent does West Virginia Code § 7-1-3u impose a duty on county commissions to remove debris from local waterways and pay for that removal?

We conclude that the statute gives county commissions authority to clean local waterways, but does not require them to do so at an individual's or entity's request.

Discussion

West Virginia Code § 7-1-3u, titled "Authority of counties and municipalities to treat streams to prevent floods," provides:

> To protect people and property from floods, counties and municipalities are hereby empowered to rechannel and dredge streams; remove accumulated debris, snags, sandbars, rocks and any other kinds of obstructions from streams; straighten stream channels; and carry out erosion and sedimentation control measures and programs.

The section further empowers county commissions to finance these endeavors through several means. *Id.*

The statute does not define "authority" or "empowered," which means that these terms "will, in the interpretation of the act, be given their common, ordinary and accepted meaning in the connection in which they are used." *Nicole L. v. Steven W.*, 241 W. Va. 466, 471, 825 S.E.2d 794, 799 (2019) (citation omitted). The common and ordinary meanings of both words convey freedom to act—not a duty: "Authority" is defined as "official right or permission to act." *Authority, Black's Law Dictionary* 163 (11th ed. 2019); *see also Stauffer v. IRS*, 939 F.3d 1, 8 (1st Cir. 2019) ("[O]ne who acts with 'authority' has been bestowed with the power to perform an action on another's behalf. By contrast, a duty imposes an obligation to perform a certain act."). "Empower" similarly means "a grant of authority rather than a command of its exercise." *Empower, Black's Law Dictionary* 525 (6th ed. 1990 (last edition containing definition of "empower")); *see also In re Whiteman's Will*, 52 N.Y.S.2d 723, 725 (App. Div. 1944) ("As generally construed, the word 'empower' means a grant of authority rather than a command of its exercise." (citation omitted)).

Being "empowered" or having "authority" to act, therefore, means an entity has legal ability to act. The plain meaning of Section 7-1-3u is thus that a county commission *may* remove debris from waterways, but is not under a *duty* to do so at an individual's or entity's request.

The "normal rule of statutory construction that identical words used in different parts of the same act are intended to have the same meaning" confirms this reading. *Sullivan v. Stroop*, 496 U.S. 478, 484 (1990) (quotation omitted). Section 7-1-3qq, for example, "[a]uthoriz[es]" and "empower[s]" county commissions "to organize and hold motor vehicle racing events on roads and airports in this state." W. Va. Code § 7-1-3qq(a). Yet if "empowered" in Section 7-1-3u connotes a duty to act, then the same would likely be true a few sections later, making county commissions *required* to conduct racing events. Similarly, county commissions' "[a]uthority" to "lease, rent or to permit the use of county-owned buildings, lands and other properties or any portion thereof by nonprofit organizations" would be transformed into a mandatory duty. *Id.* § 7-1-3k. We are skeptical that the Legislature intended to create mandatory duties like these.

The plain-text reading is also supported by the Legislature's treatment of improvement and maintenance of streets, sidewalks, alleys, and lay sewers not in the state road system. *See* W. Va. Code § 7-1-3a. For these improvements, the statute expressly authorizes requests from "persons, firms or corporations owning not less than sixty percent of the frontage of the lots abutting on both sides of any street or alley, between any two cross-streets, or between a cross-street and an alley in any unincorporated community." *Id.* These requests are subject to statutory requirements and the county commission's blessing. But if the commission acts on the request, such "persons, firms or corporations" bear the cost—not the commission. *Id.* In fact, these landowners are required to pay even if the county commission votes to add additional improvements to the requested project

to nearby streets, sidewalks, or sewers to satisfy problems such as drainage issues. *Id.* Viewed together with this provision, it is unlikely the Legislature would have imposed a special duty on county commissions to pay for the removal of debris from local waterways in response to an entity's unilateral request in Section 7-1-3u even though the statute is silent about cost allocation and the ability of an affected entity or individual to request the improvement in the first place.

Further, although the Supreme Court of Appeals has not spoken directly on this issue, the circuit court in *Cantley v. Lincoln County Commission* granted a motion to dismiss in a case brought by Lincoln County residents claiming failure of the Lincoln County Commission to abate future flooding of the Mud River. 221 W. Va. 468, 469, 655 S.E.2d 490, 491 (2007) (*per curiam*). The circuit court granted the Commission's motion to dismiss, in part, because it found that Section 7-1-3u did not impose an affirmative duty in this context. *Id.* at 470, 655 S.E.2d at 492. The Supreme Court of Appeals ultimately reversed that decision, but its analysis relied on a prior agreement in which the Commission consented to sponsor a U.S. Army Corps of Engineers' flood control project. *See id.* at 471, 655 S.E.2d at 493. The Court emphasized that its opinion should not be "construed to imply that [it] ruled upon the merits of any part of the complaint or issues in the case below." *Id.* at 471 n.6, 655 S.E.2d at 493 n.6. Thus, *Cantley* involved a contractual obligation that your letter does not indicate is present here, and it does not support interpreting Section 7-1-3u to include a mandatory duty to act.

Section 7-1-3u thus very likely does not require a county commission to pay for the removal of debris from local waterways at an entity's request. Neither are we aware of any other provisions that might impose a similar duty. Article 9, section 11 of the West Virginia Constitution gives county commissions the "superintendence and administration of the internal police and fiscal affairs of their counties, including the establishment and regulation of roads [and] ways." W. Va. Const. art. 9, § 11. This provision does not include, on its face, a mandatory duty to keep local waterways clean. We have also examined Section 7-1-3v, which authorizes county commissions to comply with the requirements of the National Flood Insurance Act of 1968 ("the Act"). *See also Weyer v. Wood Cty. Comm'n*, No. 14-1167, 2015 WL 6955137, at *4 (W. Va. Nov. 6, 2015) (memorandum decision). The residents in *Cantley* also proceeded under Section 7-1-3v in their complaint but, because the case was remanded on other grounds, the Court did not address the scope of this provision, either. *See* 221 W. Va. at 471, 655 S.E.2d at 493. Nevertheless, the requirements of the Act and text of the state statute make it unlikely that a court would impose an affirmative duty on county commissions on these grounds.

The goal of the Act is to make flood insurance available to individuals at reasonable prices and to encourage state and local governments to regulate and restrict land development in floodplains. 42 U.S.C. § 4001(a), (e). The Act further establishes the National Flood Insurance Program, which is administered by the Federal Emergency Management Agency. *Id.* § 4011. State and local governments may participate in this program provided that "an appropriate public body shall have adopted adequate land use and control measures (with effective enforcement provisions) which the Administrator finds are consistent with the comprehensive criteria for land management and use under Section 4102 of this title." *Id.* § 4022(a)(1). Required land use and control measures include "floodplain management regulations," such as adequate permitting and inspection systems for proposed construction in floodplains and mudslide- and erosion-prone areas. *See* 44 C.F.R. §§ 59.22, 60.3, 60.4, 60.5; *see also Carpenter v. Scherer-Mountain Ins. Agency*, 733 N.E.2d 1196,

1208 (Ohio Ct. App. 1999). Section 4022 also provides incentives "in the form of credits on premium rates for flood insurance" if a community has "adopted and enforced measure[s] that reduce the risk of flood and erosion damage" above and beyond the statutory floor. *Id.* § 4022(b)(2). Notably, participation in the federal program is voluntary, so the federal statute cannot be read to require a state or local body to take any of these measures. In any event, the program requirements pertain to building codes and zoning, not the kind of cleaning or routine improvement projects at issue here.

Unsurprisingly, when the Legislature gave counties and municipalities authority to comply with the Act's requirements, it enumerated a set of powers that relates to building requirements and zoning. W. Va. Code § 7-1-3v(c) ("To the extent and only to the extent necessary to comply with the eligibility requirements" of the Act, county commissions may adopt, issue, and enforce "building codes" and "building permits," may "conduct inspections of construction and other improvements," and "otherwise take such action and impose such requirements regarding land use and control measures."). This Code section also uses the same permissive verbs from Section 7-1-3u—"authorized" and "empowered." *Id.* This means that, at most, Section 7-1-3v(c) could be interpreted as additional support for a county commission's *authority* to clean waterways if deemed "necessary under [the Act]." *Id.* But nothing in its text requires a commission to do so at a separate entity's or individual's unilateral request. Thus, read together with the Act, this section does not impose a duty on county commissions to act as requested here.

Finally, this analysis stands even where the party requesting removal of debris is a public service district, as opposed to a private entity or landowner. Although public service districts are considered to be public corporations, *see* W. Va. Code § 16-13A-2, they are created by county commissions, *id.* §§ 16-3A-1b, 2, and at least one circuit court has found "that public service districts are under the virtual, if not micro, control of the county commissions that establish them." *Larry v. Faircloth Realty, Inc. v. Berkeley Cty. Pub. Serv. Water Dist.*, No. 09-C-826, 2010 WL 8942477 (W. Va. Cir. Ct. Berkeley Cty. Jan. 29, 2010). It would be an odd result for an entity created by and under the control of a county commission to be able to dictate its fiscal decisions. Indeed, none of the statutes discussing county commissions' duties to public service districts require commissions to fund their operations. County commissions *are* expressly authorized to devote county revenues to fund a public service district's efforts to establish or improve water and sewer systems. W. Va. Code § 7-1-3t. Again, however, authorization is not equivalent to creating a duty to fund requested cleanup projects. And public service districts have their own stream of revenue through bonds and the provision of their services to the public, and they create their own budgets to cover operating costs. *See* W. Va. Code §§ 16-13A-3, 16-13A-10, 16-13A-13; *State ex rel. Allstate Ins. Co. v. Union Pub. Serv. Dist.*, 151 W. Va. 207, 220, 151 S.E.2d 102, 109-10 (1966) (compelling a public service district and members of the Public Service Board to establish, charge, and collect rates for services rendered by district sufficient to provide for all operational and maintenance expenses). The special relationship between county commissions and public service districts thus does not change the nature of a commission's duties in this area.

* * *

In sum, neither West Virginia Code § 7-1-3u nor other provisions of state or federal law requires the Mineral County Commission to assume responsibility of or pay for the removal of debris from a local waterway at the request of a public water association. The Commission has power to do so consistent with its enumerated authority and responsibility to act in the public interest, but this power is discretionary. It is not obligated to act or pay for improvement projects at the request of an interested entity or individual.

Sincerely,

Patrick Morrisey
Attorney General

Lindsay See
Solicitor General

NOTICE OF PUBLIC COMMENT AND HEARING

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OTHER

The West Virginia Department of Environmental Protection (DEP) is offering an opportunity for public comment and a public hearing, on the proposed *Redesignation Request and Maintenance Plan for the Marshall, West Virginia 2010 1-hour Sulfur Dioxide (SO_2) Nonattainment Area Comprising the Clay, Franklin, and Washington Tax District of Marshall County (Redesignation Request and Maintenance Plan).* The proposal concerns two inter-related actions regarding the West Virginia portion of the nonattainment area. First, DEP is requesting the U.S. Environmental Protection Agency (EPA) redesignate the area to attainment pursuant to the provisions of Clean Air Act (CAA), section 107. Second, DEP is asking that EPA concurrently approve, as a revision to the State Implementation Plan (SIP), the related maintenance plan which demonstrates the area will continue to meet the SO_2 standard for at least ten more years. DEP is expressly soliciting comment on whether the proposed maintenance plan adequately meets the requirements of CAA, section 175A, as well as any relevant comments regarding the incorporation of the finalized maintenance plan into the West Virginia SIP.

The Marshall area was designated nonattainment with the 2010 1-hour SO_2 NAAQS in the August 5, 2013 Federal Register [78 FR 47191], effective October 4, 2013. On March 17, 2017, DEP submitted the *Attainment Demonstration for the 1-hour National Ambient Air Quality Standard for Sulfur Dioxide (SO_2) State Implementation Plan Revision for the Marshall, West Virginia Nonattainment Area, Comprised of the Clay, Franklin, and Washington Tax District of Marshall County*, which demonstrated that the Marshall area SO_2 nonattainment area would meet the 1-hour SO_2 national ambient air quality standard (NAAQS) by the mandatory date of October 4, 2018. In the proposed *Redesignation Request and Maintenance Plan* the DEP demonstrates that federally enforceable emission reduction measures have been implemented which have resulted in monitored and modeled air quality improvement and the air quality now meets the 2010 SO_2 NAAQS. Further, DEP shows that with expected growth and federally enforceable controls, the area will continue attainment of the NAAQS for at least ten years.

Upon completion of the public comment period, and after addressing any received written comments, the DEP will submit the final documentation to EPA as a revision to the SIP. Written and oral comments will be accepted until the close of the public hearing and will be made part of the formal record. Please identify the document to which the comments apply, the commenter's name, address and telephone number.

Copies of the proposed SIP revision and documentation may be viewed on weekdays between 8:30 a.m. and 4:30 p.m. at the DEP Northern Panhandle Regional Office located at the above Wheeling address. Copies will also be available for public review at the Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304. The relevant documents may also be accessed via the following web address: http://www.dep.wv.gov/daq/publicnoticeandcomment/Pages/default.aspx

A hearing will be held on March 9, 2020, beginning at 6:00 p.m. at the DEP Northern Panhandle Regional Office at 131A Peninsula Street, Wheeling, WV 26003, and the public comment period will be extended until the close of the hearing.

Transmit written comments to Laura M. Crowder, Director of the Division of Air Quality at the following address:

WV Department of Environmental Protection
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304

Written comments will also be accepted for inclusion in the formal record by mail, facsimile (304-926-0479), e-mail (Sandra.K.Adkins@wv.gov) or other delivery to the Division of Air Quality if received by the close of business on March 9, 2020.

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

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NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

February 3, 2020

NEWS ITEM

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

January 27, 2020 - Center for Service Coordination, LLC, Martinsburg, Berkeley County, CON File #20-8/9-11776-BH, for the provision of services to individuals with intellectual and developmental disabilities in Jefferson, Berkeley, Morgan, Hampshire and Mineral counties; no capital expenditure.

January 27, 2020 - Wetzel County Hospital, Inc., Morgantown, Monongalia County, CON File #20-10-11779-H, to become the licensed operator of Wetzel County Hospital and any related facilities and services; capital expenditure: $12,500,000.

January 28, 2020 - St. Joseph's Hospital of Buckhannon, Inc., Buckhannon, Upshur County, CON File #20-7-11792-P, for the development of an ambulatory health care facility in Tucker County through the provision of podiatric medicine and orthopedic services; capital expenditure: $10,000.

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

The review cycle begins on **January 31, 2020**.

On or before **March 2, 2020**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **March 6, 2020**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decisions will be issued on or before **March 31, 2020**.

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

2/3/2020
Date

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

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

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February 3, 2020

OTHER

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **January 31, 2020**.

LETTER OF INTENT RECEIVED

January 31, 2020 – Wetzel County Hospital, New Martinsville, Wetzel County, CON File #20-10-11798-P, for the development of an ambulatory health care facility in Wetzel County through the acquisition of a physician practice; capital expenditure: $78,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

January 27, 2020 - St. Joseph's Hospital of Buckhannon, Inc., Buckhannon, Upshur County, CON File #20-7-11792-P, for the development of an ambulatory health care facility in Tucker County through the provision of podiatric medicine and orthopedic services; capital expenditure: $10,000.

HEARING ORDER ISSUED

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

January 27, 2020 - Western Maryland Health System Corporation, Cumberland, Maryland, CON File #19-8-11703-P, for the establishment of the Hunt Club Medical Clinic facility located at 45 Hunt Club Drive, Ridgeley, Mineral County, as an ambulatory care center; capital expenditure: $35,000.

ORDER TO WITHDRAW CON APPLICATION ISSUED

January 28, 2020 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #19-3-11701-P, for the development of an ambulatory health care facility at 3257 Teays Valley Road, Hurricane, Putnam County; capital expenditure: $2,405,000.

RENEWALS GRANTED

January 30, 2020 - West Virginia University Hospitals-East, Morgantown, Monongalia County, CON File #06-9-8255-H, for the implementation of a Facility Strategic Plan; capital expenditure: $41,515,000.

Renewal granted through December 31, 2020.

January 30, 2020 - Acuity Specialty Hospital – Ohio Valley, L.P., Steubenville, Ohio, CON File #15-10-10549-H, for the addition of 16 beds to its existing 13 bed Long-Term Acute Care Hospital within Wheeling Hospital, Wheeling, Ohio County, in West Virginia; capital expenditure: $7,459,588.

Renewal granted through June 30, 2020.

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