

WEST VIRGINIA REGISTER

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Volume XXXVI

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May 24, 2019

A Weekly Publication

Administration Law Division
Judy Cooper, Manager

Mac Warner
Secretary of State
Bldg. 1, Suite 157K
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sos.wv.gov

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

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Health Care Authority

Medicine, WV Board of

Natural Resources

Public Defender Services

Respiratory Care

CHRONOLOGICAL INDEX, VOLUME XXXVI ISSUE 21			
NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Auditor (155-06)	Local Government Purchasing Card Program Legislative	§6-9-2A	Written Comments Only June 20, 2019, 4:00 pm Stephen R. Connolly, General Counsel State Capitol Building, Bldg. 1, Suite W-100 Charleston, WV 25305 steve.connolly@wvsao.gov
Public Defender Services (89-01)	Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys Legislative	§§29-21-5, 29-21-13a, 29-21-18, 30-18-1	Written Comments Only June 21, 2019, 5:00 pm Public Defender Services One Players Club Drive, Ste. 301 Charleston, WV 25311 Brenda.k.thompson@wv.gov
Respiratory Care (30-09)	Student Temporary Permit Legislative	§§30-34-6 and 30-34-9	Written Comments Only June 24, 2019, 5:00 pm WV Board of Respiratory Care 106 Dee Drive, Suite 1 Charleston, WV 25311 nancy.j.massey@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Public Defender Services (89-01)	Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys	§29-21-6(i)	ERD by July 2, 2019	June 21, 2019

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

Mac Warner
Secretary of State
State of West Virginia

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Fax: (304) 558-0900
www.wvsos.gov

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	31	DIETITIANS
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-23)	Exemptions from Management Services Provided by the Fleet Management Division Legislative	5/3/2019	6/3/2019	4/5/2019 Effective 5/17/2019					
Agriculture (61-01)	Animal Disease Control Legislative	6/26/2018	7/26/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/10/2018	SB199	4/30/2019	6/1/2019
Agriculture (61-29)	Industrial Hemp Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/11/2018	SB199	4/30/2019	7/1/2019
Agriculture (61-33)	Rural Rehabilitation Loan Program Legislative	6/26/2018	7/26/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 12/4/2018	SB199	4/30/2019	6/1/2019
Agriculture (61-34)	Captive Cervid Farming Legislative	6/27/2018	7/26/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/4/2018	SB199	4/30/2019	6/1/2019
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	12/18/2017	1/18/2018	12/18/2017 Effective 1/29/2018	1/19/2018	Approved 11/12/2018	SB199	4/30/2019	6/1/2019
Agriculture (61-37)	Agritourism Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/26/2018	SB199	4/30/2019	6/1/2019
Agriculture (61-38)	Farmers Markets Legislative	6/27/2018	7/27/2018	7/30/2018 Effective 9/10/2018	7/27/2018	Modified & Approved 11/12/2018 Filed 11/26/2018	SB199	4/30/2019	6/1/2019
Agriculture (61-39)	Seed Certification Program Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/11/2018	SB199	4/30/2019	6/1/2019
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163	4/24/2019	6/1/2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163	4/24/2019	6/1/2019
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163	4/24/2019	6/1/2019
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163	4/24/2019	6/1/2019
Air Quality (45-36)	(Repeal of) Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 USC or the Federal Transit Laws, to Applicable Air Quality Implementation Plans (Transportation Conformity) Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163	4/24/2019	6/1/2019
Air Quality (45-38)	(Repeal of) Provisions for Determination of Compliance with Air Quality Management Rules Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163	4/24/2019	6/1/2019
Athletic Commission (177-01)	Administrative Rules of the WV State Athletic Commission Legislative	6/19/2018	7/19/2018		7/24/2018	Modified & Approved 11/27/2018 Filed 12/4/2018	SB199	4/2/2019	6/1/2019
Auditor (155-06)	Local Government Purchasing Card Program Legislative	5/21/2019	6/20/2019						
Community And Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	4/29/2019	5/30/2019		4/29/2019 Effective 4/29/2019				
Dentistry, WV Board of (5-09)	Application Procedures for Licensure or Certificate Procedural	5/1/2019	5/31/2019						
Education (126-012)	WV System of Support and Accountability (2322) Legislative Exempt	1/11/2019	2/11/2019					3/14/2019	7/1/2019
Education 126-035)	Education Instructional Resources(Policy 2445.40) Legislative Exempt	5/9/2019	6/10/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-44H)	WV Driver Education Standards (2520.8) Legislative Exempt	8/10/2018	9/10/2018					10/11/2018	7/1/2019
Education (126-044M)	WV College-and Career-Readiness Programs of Study/Standards for Career Technical Education (2520.13) Legislative Exempt	11/15/2018	12/17/2018					1/11/2019	7/1/2019
Education (126-044N)	WV College-and Career-Readiness Standards for Technology and Computer Science (2520.14)	11/15/2018	12/17/2018					1/11/2019	7/1/2019
Education (126-44O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Education (126-057)	Adult Education Programs (Policy 2420) Legislative Exempt	4/11/2019	5/13/2019						
Education (126-099)	Expected Behaviors in Safe and Supportive Schools (4373) Legislative Exempt	1/11/2019	2/11/2019					3/14/2019	7/1/2019
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/6/2018	SB175	5/1/2019	7/30/2019
Health (64-14)	Assisted Living Residences Legislative	6/21/2018	7/20/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018	SB175	5/1/2019	7/30/2019
Health (64-17)	Food Establishments Legislative	6/21/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/30/2018	SB175	4/4/2019	7/1/2019
Health (64-43)	Food Manufacturing Facilities Legislative	6/21/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/30/2018	SB175	4/4/2019	7/1/2019
Health (64-109)	General Rules-Medical Cannabis Program Legislative			4/3/2018 Effective 4/3/2018					

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Health (64-110)	Grower/Processors-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-111)	Laboratories-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-112)	Dispensaries-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-113)	Safe Harbor Letter-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health and Human Resources (69-08)	Chronic Pain Management Clinic Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Approved 11/12/2018	SB175	5/1/2019	7/30/2019
Health an Human Resources (69-12)	Medication-Assisted Treatment – Office-Based Medication-Assisted Treatment Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018	SB175	5/1/2019	7/30/2019
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019				
Labor (42-05)	Wage Payment and Collection Legislative	6/15/2018	7/16/2018		7/25/2018	Approved 9/20/2018	SB223	4/12/2019	7/1/2019
Labor (42-09)	Child Labor Legislative	6/18/2018	7/19/2018		7/25/2018	Modified & Approved 9/20/2018 Filed 9/26/2018	SB223	4/12/2019	7/1/2019
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/15/2018	7/16/2018	6/15/2018 Effective 7/27/2018	7/25/2018	Approved 9/20/2018	SB223	4/12/2019	7/1/2019
Natural Resources (58-60)	Fishing Regulations Legislative Exempt	4/9/2019	5/9/2019					5/17/2019	5/17/2019
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019						
Occupational Therapy (13-07)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	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 ERD by 7/2/2019					
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	6/13/2018	7/13/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/28/2018	SB187	5/3/2019	8/1/2019
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019						
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/3/2019	6/6/2019	5/3/2019 Withdrawn 5/17/2019					
THE ABOVE RULE HAS BEEN WITHDRAWN 5/20/2019									
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019						
Secondary School Activities Commission (127-01)	Constitution (WVSSAC Series1) Legislative Exempt	5/9/2019	6/10/2019						
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility (WVSSAC Series 2) Legislative Exempt	5/9/2019	6/10/2019						
Secondary School Activities Commission (127-03)	Provisions Governing Contests (WVSSAC Series 3) Legislative Exempt	5/9/2019	6/10/2019						
Secondary School Activities Commission (127-04)	Provisions Governing Conduct (WVSSAC Series 4) Legislative Exempt	5/9/2019	6/10/2019						
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/15/2018	7/16/2018		7/25/2018	Modified & Approved 11/12/2018 Filed 11/16/2018	SB199	4/17/2019	7/1/2019

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019						
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/25/2018	7/10/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/10/2018	SB163	4/26/2019	5/26/2019
Water Resources, Div. of Water & Waste Magmt. (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	3/21/2019	5/6/2019						

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/21/2019 11:56:01 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Auditor TITLE-SERIES: 155-06

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

RULE NAME: LOCAL GOVERNMENT PURCHASING CARD PROGRAM

CITE STATUTORY AUTHORITY: 6-9-2A

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/20/2019 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Stephen R. Connolly, General Counsel

ADDRESS: State Capitol Building, Bldg. 1, Suite W-100

Charleston, WV 25305

EMAIL: steve.connolly@wvsao.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

eFILED
5/17/2019 11:23 AM
Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Natural Resources TITLE-SERIES: 58-60

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

RULE NAME: FISHING REGULATIONS

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

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

May 17, 2019

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/20/2019 4:21:56 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

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

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

RULE NAME: PAYMENT OF FEES AND REIMBURSEMENT OF EXPENSES OF COURT-APPOINTED ATTORNEYS

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/21/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: PUBLIC DEFENDER SERVICES

ADDRESS: One Players Club Dr., Suite 301

Charleston, WV 25311

EMAIL: brenda.k.thompson@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)

State of West Virginia
Board of Respiratory Care
106 Dee Drive, Suite 1
Charleston, WV 25311

Jim Justice
Governor of West Virginia

Phone: 304 558-1382
Facsimile: 304 558-1383

FILED
2019 MAY 20 A 11:23
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

May 20, 2019

Maureen Lewis, Administrative Law
WV Secretary of State's Office
1900 Kanawha Blvd East
Charleston, WV 25305

Dear Ms. Lewis,

The WV Board of Respiratory Care is requesting to withdraw our Legislative Filing of 30CSR9 Student Temporary Permits, Notice of Comment Period which was filed on May 3, 2019.

It is our desire to withdraw this rule and re-file today as regular legislative rule with some changes to the language.

Thank you for all your help with this matter.

For the Board,

Nancy J. Massey
Executive Secretary

Cc: Tracy Matthews
Board President

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/22/2019 2:38:30 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Respiratory Care TITLE-SERIES: 30-09

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

RULE NAME: Student Temporary Permit

CITE STATUTORY AUTHORITY: WV Code 30-34-6 & 30-34-9

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/24/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WV Board of Respiratory Care

ADDRESS: 106 Dee Drive Suite 1

Charleston WV 25311

EMAIL: nancy.j.massey@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

eFILED
5/21/2019 1:59:19 PM
Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

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

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: PAYMENT OF FEES AND REIMBURSEMENT OF EXPENSES OF COURT-APPOINTED ATTORNEYS

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code §29-21-6(i)

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

PRIMARY CONTACT:

NAME: Brenda K Thompson

ADDRESS: One Players Club Dr Suite 301

Charleston, WV 25311

EMAIL: brenda.k.thompson@wv.gov

PHONE NUMBER: 304-558-3905 57725

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

FILED

2019 MAY 17 A 11: 14

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State of West Virginia
Board of Respiratory Care
106 Dee Drive, Suite 1
Charleston, WV 25311

Phone 304 558-1382
Facsimile. 304 558-1383

Jim Justice
Governor of West Virginia

May 17, 2019

Maureen Lewis, Administrative Law
WV Secretary of State's Office
1900 Kanawha Blvd East
Charleston, WV 25305

Dear Ms. Lewis,

The WV Board of Respiratory Care is requesting to withdraw our Emergency Filing of 30CSR9 Student Temporary Permits which was filed on May 2, 2019.

After speaking with Mr. Kersey, it was determined not to be an emergency and he had some concerns on some language as written. We plan to withdraw rule as is and re-file as regular legislative rule with some changes to the language.

Thank you for all your help with this matter.

For the Board,

Nancy J. Massey

Nancy J. Massey
Executive Secretary

Cc: Tracy Matthews
Board President

www.barc.wv.gov

Orders Report

Docket Number	Agency	Respondent	Date Rendered
2017-DB-0037D	**Dentistry, WV Board of**	Jack R. Chambers II, DDS	4/16/2019
16-5B-4, 16-5C-6(E), 16-5D-6(I), 16-5N-6(E)	**Health And Human Resources**	Revised Licensure Fees	5/16/2019
19-42-W	**Medicine, West Virginia Board Of**	Manuel Cortez Barit, MD	5/20/2019
18-148-W	**Medicine, West Virginia Board Of**	Nicholas Clay Vance, PA-C	5/20/2019
N/A	**Medicine, West Virginia Board Of**	Farrah Syed Zahir, PA-C	5/10/2019

NOTICE OF PUBLIC COMMENT AND HEARING

FILED
2019 MAY 20 A 9:39 OTHER
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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 West Virginia Portion of the Steubenville, OH-WV 2010 1-hour Sulfur Dioxide (SO_2) Nonattainment Area, Comprising the Cross Creek Tax District of Brooke 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 Steubenville, OH-WV 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 April 25, 2016, DEP submitted the *Attainment Demonstration for the 1-hour National Ambient Air Quality Standard for Sulfur Dioxide (SO_2) State Implementation Plan for the West Virginia Portion of the Steubenville-Weirton, OH-WV Nonattainment Area, Comprising the Cross Creek Tax District of Brooke County*, which demonstrated that the Steubenville, OH-WV 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.

A hearing will be held on June 24, 2019, 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 extend until the close of the hearing.

Upon completion of the public comment period, and after addressing any received written comments or oral comments received at the public hearing, the DEP will submit the final documentation to EPA as a revision to the SIP.

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

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 June 24, 2019.

FILED
2019 MAY 20 A 9:39
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

FILED
2019 MAY 16 P 2:17
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

Bill J. Crouch
Cabinet Secretary

ORDER

In accordance with the provisions of W. Va. Code §16-5B-4; §16-5C-6(e); §16-5D-6(i); §16-5N-6(e); and W. Va. Code R. §69-8-4.4.a.; §69-11-6.3.a.; and §69-12-6.3.a., the Cabinet Secretary of the Department of Health and Human Resources hereby approves and files with the Secretary of State the attached schedule of licensure fees for certain health care facilities. The adjusted health care facility licensure fees shall become effective June 1, 2019.

Bill J. Crouch
Cabinet Secretary

One Davis Square, Suite 100, East • Charleston, West Virginia 25301 • 304-558-0684 • 304-558-1130 (fax) • dhhr.wv.gov

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
Office of Health Facility Licensure and Certification
408 Leon Sullivan Way
Charleston, West Virginia 25301-1713
Telephone: (304) 558-0050 Fax: (304) 558-2515

Bill J. Crouch
Cabinet Secretary

FILED
2019 MAY 16 P 2:17
Jolynn Marra
Interim Inspector General
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

EFFECTIVE: JUNE 1, 2019

	Licensure Fees		
Facility Type	**Initial**	**Renewal**	
Hospitals:			
General, Psychiatric, Rehab			
5-49 Beds	$ 1,089.77	$1,089.77	
50-99 Beds	$ 1,631.31	$1,631.31	
100-199 Beds	$ 2,174.30	$2,174.30	
200 & over	$ 2,722.04	$2,722.04	
Nursing Homes	$ 200.00	$ 22.75	per bed
Assisted Living Residence	$ 65.00	$ 8.09	per bed
Residential Care Communities	$ 65.00	$ 6.03	per bed
Medication Assisted Treatment Programs			
Opioid Treatment Programs:			
1-499 Patients	$ 250.00	$ 531.07	
500-1000 Patients	$ 250.00	$1,062.15	
1001 or more Patients	$ 250.00	$1,593.22	
Office Based Programs:			
1-50 Patients	$ 250.00	$ 265.54	
51-100 Patients	$ 250.00	$ 318.64	
101-200 Patients	$ 250.00	$ 424.85	
201 or more Patients	$ 250.00	$ 531.07	
Chronic Pain Management Clinics			
1-499 Patients	$ 250.00	$ 267.47	
500 - 1000 Patients	$ 250.00	$ 534.96	
1001 or more Patients	$ 250.00	$ 802.43	

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE May 20, 2019
ADMINISTRATIVE LAW DIVISION

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

OTHER

CON File # 19-5-11592-Z

AMENDED HEARING ORDER

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

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

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

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

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

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

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

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

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

Entered this 16th day of May 2019

Barbara Skeen
Barbara Skeen, Interim Executive Director

OTHER

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

FILED
2019 MAY 20 A 11:35
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

May 20, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **May 17, 2019**.

LETTER OF INTENT RECEIVED

May 14, 2019 – Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #19-5-11626-P, for the development of an ambulatory health care facility through the provision of primary care services in Wood County; capital expenditure: $150,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

May 13, 2019 - Raleigh General Hospital, Beckley, Raleigh County, CON File #19-1-11623-P, for the development of an ambulatory health care facility in Raleigh County through the development of a physician office practice; capital expenditure: $25,000.

APPLICATIONS FOR EXEMPTION RECEIVED

May 15, 2019 – C & C Recovery, LLC d/b/a Full Circle Healing Center, Charles Town, Jefferson County, CON File #19-9-11628-X, for the development of an office-based medication-assisted treatment program in Charles Town, Jefferson County.

May 16, 2019 – Advocate Counseling and Recovery Center, Inc., Huntington, Cabell County, CON File #19-2-11629-X, for the development of a behavioral health center and a residential recovery program for adults recovering from drug/alcohol addiction located in Huntington, Cabell County.

May 17, 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 in Princeton, Mercer County.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATIONS

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

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

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

May 15, 2019 – Review cycle begins;

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

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

July 15, 2019 – Decision on the project will be issued by the Authority.

HEARING NOTICES

The Administrative Hearings and Prehearing Conferences have been SCHEDULED in the following matters:

May 13, 2019 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #19-5-11592-Z, for the provision of home health services in Wirt County; capital expenditure: $35,000.

Prehearing Conference: **July 31, 2019 at 1:30 p.m.**
Administrative Hearing: **August 7, 2019 at 9:00 a.m.**

May 13, 2019 – Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #19-6/7-11595-Z, for the provision of home health services in Taylor and Barbour counties; capital expenditure: $47,000.

Prehearing Conference: **August 5, 2019 at 1:30 p.m.**
Administrative Hearing: **August 12, 2019 at 9:00 a.m.**

May 13, 2019 – Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #19-6-11596-Z, for the provision of home health services in Monongalia County; capital expenditure: $47,000.

OTHER

Prehearing Conference: **August 5, 2019 at 1:30 p.m.**
Administrative Hearing: **August 12, 2019 at 9:00 a.m.**

The prehearing conference and administrative hearing in the above-referenced matters will be held in the office of the Health Care Authority, 100 Dee Drive, Charleston, West Virginia 25311-1600.

HEARING ORDERS ISSUED

May 13, 2019 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #19-5-11592-Z, for the provision of home health services in Wirt County; capital expenditure: $35,000.

May 13, 2019 – Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #19-6/7-11595-Z, for the provision of home health services in Taylor and Barbour counties; capital expenditure: $47,000.

May 13, 2019 – Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #19-6-11596-Z, for the provision of home health services in Monongalia County; capital expenditure: $47,000.

CERTIFICATE OF NEED APPROVAL ISSUED

May 13, 2019 – Hometown Care LLC, Belington, Barbour County, CON File #19-6-11589-PC, for the provision of personal care services in Harrison County; capital expenditure: $1,500.

The Authority determines that the increase in the project cost does not constitute a substantial change as defined in W.Va. C.S. R. § 65-32-14.1. h.

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