

# WEST VIRGINIA REGISTER

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

Education, West Virginia Board of

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Health Care Authority

Health and Human Resources

Insurance Commissioner

Medicine, West Virginia Board of

Occupational Therapy

Osteopathic Medicine

Real Estate Commission

Registered Professional Nurses, Board of Examiners for

Speech Language Pathology and Audiology

Tax Deparment

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## GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

## CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

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

| CHRONOLOGICAL INDEX, VOLUME XXXVI ISSUE 27 | | | |
|---|---|---|---|
| **NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK** | | | |
| **AGENCY** | **RULE/TYPE** | **AUTHORITY** | **HEARING/COMMENT PERIOD/LOCATION** |
| Osteopathic Medicine<br>(24-02) | Osteopathic Physician Assistants<br>Legislative | §30-1-7(a), 30-3E-3(a)(1)-10 | Written Comments Only:<br>July 29, 2019 4:30 pm<br>Diana Shepard, Executive Director<br>405 Capitol Street, Suite 402<br>Charleston, WV 25301<br>diana.k.shepard@wv.gov |
| Osteopathic Medicine<br>(24-08) | Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants<br>Legislative | §30-1-23 | Written Comments Only:<br>July 29, 2019 4:30 pm<br>Diana Shepard, Executive Director<br>405 Capitol Street, Suite 402<br>Charleston, WV 25301<br>diana.k.shepard.@wv.gov |
| Tax<br>(110-43) | Special Valuation Method for Certain Wireless Technology Property<br>Interpretive | §110-43 | Written Comments Only:<br>August 2, 2019 10:00 am<br>Mark S. Morton<br>P.O. Box 1005<br>Charleston, WV 25324<br>taxlegal@wv.gov |

| NEW EMERGENCY RULES FILED THIS WEEK | | | | |
|---|---|---|---|---|
| **AGENCY** | **RULE/TYPE** | **AUTHORITY** | **EFFECTIVE DATE** | **DATE NOTICE FOR HEARING** |
| Osteopathic Medicine<br>(24-02) | Osteopathic Physician Assistants<br>Legislative | §30-1-7(a), 30-3E-3(a)(1)-10 | ERD by August 9, 2019 | July 29, 2019 |

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

RULE MONITOR

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

| | | RULE MONITOR | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC/LOCEAACTION | LEGIS | FINAL FILE | EFFECTIVE |
| Community And Technical College Education (135-08) | West Virginia Invests Grant Program Legislative | 4/29/2019 | 5/30/2019 | 4/29/2019 Effective 4/29/2019 | 6/3/2019 | | | | |
| Conservation Agency (63-03) | State Conservation Committee Grant Program Legislative | 5/30/2019 | 6/29/2019 | | | | | | |
| Counseling (27-13) | Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| Dangerous Wild Animal Board (74-01) | Dangerous Wild Animals Legislative | 6/21/2019 | 7/22/2019 | | | | | | |
| Dentistry, WV Board of (5-01) | Rule for the West Virginia Board of Dentistry Legislative | 5/31/2019 | 7/1/2019 | | | | | | |
| Dentistry, WV Board of (5-08) | Dental Advertising Legislative | 5/31/2019 | 7/1/2019 | | | | | | |
| Dentistry, WV Board of (5-09) | Application Procedures for Licensure or Certificate Procedural | 5/1/2019 | 5/31/2019 | | | | | | |
| Development Office (145-15) | Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative | 6/17/2019 | 7/17/2019 | | | | | | |
| Dietitians (31-06) | Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative | 6/24/2019 | 7/25/2019 | | | | | | |
| Education 126-035) | Education Instructional Resources(Policy 2445.40) Legislative Exempt | 5/9/2019 | 6/10/2019 | | | | | | |
| Election Commision (146-01) | Corporate and Membership Organization Political Activity Legislative | 6/6/2019 | 7/10/2019 | 6/6/2019 ERD by 7/18/2019 | | | | | |
| Election Commission (146-03) | Regulation of Campaign Finance Legislative | 6/6/2019 | 7/10/2019 | 6/6/2019 ERD by 7/18/2019 | | | | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC/LOCEAACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Environmental Protection Secretary's Office (60-03) | Voluntary Remediation and Redevelopment Rule Legislative | 6/5/2019 | 7/8/2019 | | | | | | |
| Fire Commission (87-01) | Fire Code Legislative | 6/13/2019 | 7/16/2019 | | | | | | |
| Fire Commission (87-04) | State Building Code Legislative | 6/13/2019 | 7/16/2019 | | | | | | |
| Forestry (22-02) | Sediment Control During Commerical Timber-Harvesting Operations-Licensing Legislative | 6/26/2019 | 7/26/2019 | 6/26/2019 ERD by 8/7/2019 | | | | | |
| Forestry (22-03) | Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification Legislative | 6/26/2019 | 7/26/2019 | 6/26/2019 ERD by 8/7/2019 | | | | | |
| Funeral Service Examiners (6-05) | Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative | 6/17/2019 | 7/18/2019 | | | | | | |
| Health (64-03) | Public Water Systems Legislative | 6/14/2019 | 7/15/2019 | | | | | | |
| Health (64-11) | Behavioral Health Centers Licensure Legislative | 6/21/2018 | 7/21/2018 | | 7/27/2018 | Modified & Approved 11/27/2018 Filed 12/6/2018 | SB175 | 5/1/2019 | 7/30/2019 |
| Health (64-13) | Nursing Home Licensure Rule Legislative | 6/14/2019 | 7/15/2019 | | | | | | |
| Health (64-14) | Assisted Living Residences Legislative | 6/21/2018 | 7/20/2018 | | 7/27/2018 | Modified & Approved 11/12/2018 Filed 11/15/2018 | SB175 | 5/1/2019 | 7/30/2019 |
| Health (64-30) | Fees for Permits Legislative | 6/14/2019 | 7/15/2019 | | | | | | |
| Health (64-32) | Vital Statistics Legislative | 6/14/2019 | 7/15/2019 | | | | | | |
| Health (64-48) | Emergency Medical Services Legislative | 6/14/2019 | 7/15/2019 | | | | | | |
| Health (64-70) | Primary Care Center Uncompensated Care Grants Legislative | 6/21/2019 | 7/22/2019 | | | | | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC/LOCEAACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Health (64-71) | Primary Care Seed Money Grants Legislative | 6/26/2019 | 7/26/2019 | | | | | | |
| Health (64-109) | Medical Cannabis Program General Provisions Legislative | 6/21/2019 | 7/22/2019 | 4/3/2018 Effective 4/3/2018 | | | | | |
| Health (64-110) | Medical Cannabis Program Grower/Processors Legislative | 6/21/2019 | 7/22/2019 | 4/4/2018 Effective 4/4/2018 | | | | | |
| Health (64-111) | Medical Cannabis Program Laboratories Legislative | 6/21/2019 | 7/22/2019 | 4/4/2018 Effective 4/4/2018 | | | | | |
| Health (64-112) | Medical Cannabis Program Dispensiaries Legislative | 6/21/2019 | 7/22/2019 | 4/4/2018 Effective 4/4/2018 | | | | | |
| Health (64-113) | Medical Cannabis Program Safe Harbor Letter Legislative | 6/21/2019 | 7/22/2019 | 4/4/2018 Effective 4/4/2018 | | | | | |
| Health Care Authority (65-09) | Critical Access Hospitals Legislative | 6/13/2019 | 7/15/2019 | | | | | | |
| Health and Human Resources (69-08) | Chronic Pain Management Clinic Licensure Legislative | 6/21/2018 | 7/21/2018 | | 7/27/2018 | Approved 11/12/2018 | SB175 | 5/1/2019 | 7/30/2019 |
| Health and Human Resources (69-12) | Medication-Assisted Treatment – Office-Based Medication-Assisted Treatment Legislative | 6/21/2018 | 7/21/2018 | | 7/27/2018 | Modified & Approved 11/12/2018 Filed 11/15/2018 | SB175 | 5/1/2019 | 7/30/2019 |
| Heath and Human Resources (69-14) | Collection and Exchange of Data Related to Overdoses Legislative | 6/17/2019 | 7/17/2019 | 6/19/2019 ERD by 7/31/2019 | | | | | |
| Hearing Aid Dealers (8-04) | Application for Waiver of Initial Licensing Fee for Certain Individuals Legislative | 6/24/2019 | 7/24/2019 | | | | | | |
| Higher Education Policy Commission (133-03) | Higher Education Report Card Legislative | 6/17/2019 | 7/17/2019 | | | | | | |
| Higher Education Policy Commission (133-41) | Health Sciences Service Program Procedural | 6/17/2019 | 7/17/2019 | | | | | | |
| Higher Education Policy Commission (133-49) | Accountability System Legislative | 6/17/2019 | 7/17/2019 | | | | | | |

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

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

| | | RULE MONITOR | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC/LOCEAACTION | LEGIS | FINAL FILE | EFFECTIVE |
| Natural Resources (58-26) | Special Boating Rules Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| Natural Resources (58-28) | Special Requirements Concerning Boating Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| Natural Resources (58-32) | Public Use of Campgrounds in West Virginia State Parks and State Forests, and Campsites in State Rail Trails Under the Division of Natural Resources Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| 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 | | | | | | |
| Natural Resources (58-46) | Defining of Terms Used In All Hunting and Trapping Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| Natural Resources (58-47) | Prohibitions When Hunting and Trapping Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| Natural Resources (58-61) | Special Fishing Rule Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| Natural Resources (58-62) | Catching and Selling Bait Fish Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| Natural Resources (58-65) | Falconry Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| Occupational Therapy (13-03) | Fees For Services Rendered By the Board Legislative | 5/8/2019 | 7/1/2019 | | 7/3/2019 | | | | |
| Occupational Therapy (13-07) | Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative | 5/13/2019 | 7/1/2019 | | 7/3/2019 | | | | |
| Oil and Gas Conservation Commission (39-01) | Rules of The Commission Legislative | 6/14/2019 | 7/16/2019 | 6/14/2019 ERD by 7/26/2019 | | | | | |
| Optometry (14-01) | Rules of the West Virginia Board of Optometry Legislative | 6/26/2019 | 7/26/2019 | | | | | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC/LOCEAACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Osteopathic Medicine (24-02) | Osteopathic Phyician Assistants Legislative | 6/28/2019 | 7/29/2019 | 6/28/2019 ERD by 8/9/2019 | | | | | |
| Osteopathic Medicine (24-08) | Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative | 6/28/2019 | 7/29/2019 | | | | | | |
| Pharmacy (15-01) | Licensure and Practice of Pharmacy Legislative | 6/26/2019 | 7/26/2019 | | | | | | |
| Pharmacy (15-04) | Record Keeping and Automated Data Processing Legislative | 6/26/2019 | 7/26/2019 | | | | | | |
| Pharmacy (15-07) | Board of Pharmancy Rules for Registration of Pharmacy Technicians Legislative | 6/26/2019 | 7/26/2019 | | | | | | |
| Pharmacy (15-12) | Board of Pharmacy Rules for Immunizations Administered by Pharmacists and Pharmacy Interns Legislative | 6/26/2019 | 7/26/2019 | | | | | | |
| Pharmacy (15-14) | Board of Pharmacy Rules for Centralized Prescription Processing Legislative | 6/26/2019 | 7/26/2019 | | | | | | |
| Pharmacy (15-15) | Regulations Governing Pharmacy Permits Legislative | 6/26/2019 | 7/26/2019 | | | | | | |
| Pharmacy (15-18) | Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative | 6/26/2019 | 7/26/2019 | | | | | | |
| Physical Therapy (16-09) | Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative | 6/4/2019 | 7/5/2019 | | | | | | |
| Professional Engineers (7-01) | Examination, Licensure and Practice of Professional Engineers Legislative | 6/18/2019 | 7/19/2019 | | | | | | |
| Professional Surveyors (23-01) | Examination and Licensing of Professional Surveyors in West Virginia Legislative | 6/4/2019 | 7/9/2019 | | | | | | |

RULE MONITOR

| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC/LOCEAACTION | 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 | | | | | |
| Public Service Commission (150-33) | Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt | 9/6/2018 03/13/2019 | 11/8/2018 04/30/2019 | | | | | | |
| Racing Commission (178-01) | Throughbred Racing Legislative | 6/10/2019 | 7/10/2019 | | | | | | |
| Racing Commission (178-01) | Throughbred Racing Legislative | 6/13/2018 | 7/13/2018 | | 7/26/2018 | Modified & Approved 11/27/2018 Filed 11/28/2018 | SB187 | 5/3/2019 | 8/1/2019 |
| Real Estate Appraiser Licensing and Certification Board (190-02) | Requirements for Licensure and Certification Legislative | 6/26/2019 | 7/26/2019 | | | | | | |
| Real Estate Commission (174-06) | Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative | 5/31/2019 | 6/30/2019 | | 7/2/2019 | | | | |
| Respiratory Care (30-02) | Establishment of Fees Legislative | 5/7/2019 | 6/7/2019 | | 6/27/2019 | | | | |
| Respiratory Care (30-09) | Student Temporary Permits Legislative | 5/22/2019 | 6/24/2019 | | 6/27/2019 | | | | |
| Sanitarians (20-05) | Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative | 6/17/2019 | 7/19/2019 | | | | | | |
| School Building Authority of WV (164-01) | Policy and Procedures Handbook of the School Building Authority of WV Procedural | 6/5/2019 | 7/5/2019 | | | | | | |
| Secondary School Activities Commission (127-01) | Constitution (WVSSAC Series1) Legislative Exempt | 5/9/2019 | 6/10/2019 | | | | | | |
| Secondary School Activities Commission (127-02) | Athletics, Provisions Governing Eligibility (WVSSAC Series 2) Legislative Exempt | 5/9/2019 | 6/10/2019 | | | | | | |

| RULE MONITOR | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC/LOCEAACTION | LEGIS | FINAL FILE | EFFECTIVE |
| 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 (25-03) | Fee Schedule Legislative | 6/5/2019 | 7/5/2019 | | | | | | |
| Speech-Language Pathology and Audiology (29-01) | Licensure of Speech-Pathology and Audiology Legislative | 5/14/2019 | 6/17/2019 | | 6/28/2019 | | | | |
| Tax (110-10F) | Payment of Taxes by Electronic Funds Transfer Legislative | 6/13/2019 | 7/13/2019 | | | | | | |
| 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 | | | | | | |
| Tax (110-43) | Special Valuation Method for Certain Wireless Technolgy Property Interpertive | 7/3/2019 | 8/2/2019 | | | | | | |
| Tax (110-50C) | Exchange of Information Pursuant to Written Agreement Legislative | 6/13/2019 | 7/13/2019 | | | | | | |
| Veterinary Medicine (26-03) | Registration of Veterinary Technicians Legislative | 5/30/2019 | 7/7/2019 | | | | | | |
| Veterinary Medicine (26-06) | Schedule of Fees Legislative | 5/30/2019 | 7/7/2019 | | | | | | |
| Waste Management Division of Water and Waste Management (33-20) | Hazardous Waste Management System Legislative | 6/5/2019 | 7/8/2019 | | | | | | |

| | | RULE MONITOR | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| AGENCY/SERIES NO | RULE | NOTICE | HEARING | EMER RULE | SEC/STATE | LRMRC/LOCEAACTION | LEGIS | FINAL FILE | EFFECTIVE |
| Water Resources, Div. of Water & Waste Magmt. (47-02B) | Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams<br>Procedural | 3/21/2019 | 5/6/2019 | | | | | | |

**WEST VIRGINIA BOARD OF EDUCATION**
Capitol Building 6, Room 351
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

Telephone: 304.558.3660
Facsimile: 304.558.0048

FILED
2019 JUL -1 P 2:42

July 1, 2019

**LEGISLATIVE**

The Honorable Mac Warner
Secretary of State
State of West Virginia
Capitol Building 1, Suite 157-K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Secretary Warner:

The following rules of the West Virginia Board of Education are repealed effective today, July 1, 2019.

126CSR44H, Policy 2520.8, Next Generation Driver Education Content and Objectives for West Virginia Schools
Repealed and Replaced (eRules Automatically Updates)
NEW TITLE: West Virginia Driver Education Standards

126CSR44O, Policy 2520.15, Early Learning Standards Framework Content Standards and Learning Criteria for West Virginia Pre-Kindergarten (WV-Pre-k)
Repealed and Replaced (eRules Automatically Updates)
NEW TITLE: West Virginia Pre-K Standards (Ages 3-5)

126CSR45B, Policy 2530.02, Parenting Education Curriculum
Filed: August 28, 1990 Effective: October 10, 1990

126CSR58, Policy 2650.55, Schools of Excellence Recognition
Filed: November 17, 1989 Effective: December 29, 1989

126CSR83, Policy 4310, Policy Regarding Eye, Face or Body Shield Safety Devices
Filed: September 10, 1974 Effective: November 9, 1974



126CSR100, Policy 4374, School Uniforms
Filed: September 16, 2002 Effective: October 16, 2002

Thank you for your attention to this matter.

Sincerely,

W. Clayton Burch
Associate State Superintendent
West Virginia Department of Education

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/3/2019 12:09:00 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Occupational Therapy TITLE-SERIES: 13-03

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

RULE NAME: 13-03 Fees for Services Rendered by the Board

PRIMARY CONTACT

NAME: Vonda Malnikoff

ADDRESS: 1063 Maple Dr
Suite 4B
Morgantown, WV 26505

EMAIL: vmalnikoff@wvbot.org

PHONE NUMBER: 304-285-3150

CITE STATUTORY AUTHORITY: 30-28-6

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

One of the Powers and Duties of the Board is to establish a fee schedule per 30-28-6(16).

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/8/2019

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

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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7/3/2019 1:02:20 PM
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Secretary Of State

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

AGENCY: Occupational Therapy TITLE-SERIES: 13-07

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

RULE NAME: 13-07 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: Vonda Malnikoff

ADDRESS: 1063 Maple Dr
Suite 4B
Morgantown, WV 26505

EMAIL: vmalnikoff@wvbot.org

PHONE NUMBER: 304-285-3150

CITE STATUTORY AUTHORITY: 30-28-7

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

SB396 adds a new section, 30-1-22. Per 30-1-22(d) The board or licensing authority shall propose rules for legislative approval in accordance with 29A-3-1 et seq. of this code to implement the provisions of this section.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/13/2019

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

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

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6/28/2019 11:32:20 AM
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LEGISLATIVE

## NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-02

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

RULE NAME: OSTEOPATHIC PHYSICIAN ASSISTANTS

CITE STATUTORY AUTHORITY: W. Va. Code § 30-1-7(a), §30-3E-3(a)(1)-(10)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/29/2019 4:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Diana Shepard, Executive Director

ADDRESS: 405 Capitol Street, Suite 402

Charleston, WV 25301

EMAIL: diana.k.shepard@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

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6/28/2019 11:40:32 AM
Office of West Virginia
Secretary Of State

## NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-08

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

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

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/29/2019 4:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Diana Shepard, Executive Director

ADDRESS: 405 Capitol Street, Suite 402

EMAIL: diana.k.shepard@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

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MAC WARNER
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7/2/2019 2:22:00 PM
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Secretary Of State

LEGISLATIVE

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

AGENCY: Real Estate Commission TITLE-SERIES: 174-06

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

RULE NAME: 174-06 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: Jerry Forren

ADDRESS: 300 Capitol Street
Suite 400
Charleston, WV 25313

EMAIL: jerry.a.foren@wv.gov

PHONE NUMBER: 304-558-3555

CITE STATUTORY AUTHORITY: WV Code §30-40-8 and WV Code §30-1-22

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

This rule is proposed in order to comply with Senate Bill 497.

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

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/30/2019

COMMENTS RECEIVED:

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

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6/28/2019 2:28:52 PM
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## NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

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

RULE NAME: 29-01 Licensure of Speech-Pathology and Audiology

PRIMARY CONTACT

NAME: Speech-Language Pathology & Audiology WV Board of Examiners for

ADDRESS: 99 Edmiston Way
Box 11 Suite 214
Buckhannon, WV 26201

EMAIL: wvbeslpa@wv.gov

PHONE NUMBER: 304-473-4289

CITE STATUTORY AUTHORITY: 30-32-7

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

30-32-7. The board shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this article,
29-1-3. Specifies qualifications for licensure in Speech-Language Pathology application requirements, fees, education requirements, post-graduate professional experience (fellowship year), passing score on the national exam (Praxis) in the area of speech-language pathology. The jurisprudence exam completion certification is also required with the license application.
STATUTORY PROVISION 30-32-7.(a)(1), 7.(a)(2) & 7.(a)(3).
29-1-4. Specifies qualifications for licensure in Audiology application requirements, fees, education requirements, post-graduate professional experience (fellowship year), passing score on the national exam (Praxis) in the area of audiology. The jurisprudence exam completion certification is also required with the license application.
STATUTORY PROVISION 30-32-7.(a)(1), 7.(a)(2) & 7.(a)(3).
29-1-5. Specified qualifications for licensure for a Provisional licensee application requirements for the post graduate professional year (clinical fellowship), fees, with requirements for submission of official university transcript directly from a university approved by the Council of Academic Accreditation and an original national test score from ETS (Educational Testing Service). This provision also states the term of the license and continuing education requirements if the license is renewed one time.
STATUTORY PROVISION 30-32-7.(A)(1), 7.(a)(2) & 7.(a)(3).
29-1-6. Expiration and renewal of all licenses, except provisional licenses & assistants registrations. The provisional specifies requirements for licensee renewals, as well as the Boards renewal notification responsibilities. The rule also explains time periods for late renewal and license reinstatement.
STATUTORY PROVISION 30-32-7(a)(3).
29-1-7 Specifies time period a license may be reinstated, as well as fees & continuing education requirements.
STATUTORY PROVISION 30-32-7.(a)(3) & 7.(a)(5).

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/3/2019 11:54:13 AM

Office of West Virginia Secretary Of State

## NOTICE OF PUBLIC COMMENT PERIOD

**INTERPRETIVE**

AGENCY: Tax

TITLE-SERIES: 110-43

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

RULE NAME: SPECIAL VALUATION METHOD FOR CERTAIN WIRELESS TECHNOLOGY PROPERTY

CITE STATUTORY AUTHORITY: W. Va. Code § 29A-1-1, et seq.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/02/2019 10:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:


NAME: MARK S. MORTON

ADDRESS: P.O. Box 1005

Charleston, WV 25324

EMAIL: taxlegal@wv.gov


PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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MAC WARNER
ADMINISTRATIVE LAW DIVISION

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6/28/2019 11:34:30 AM
Office of West Virginia
Secretary Of State

EMERGENCY

## NOTICE OF AN EMERGENCY RULE

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-02

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: OSTEOPATHIC PHYSICIAN ASSISTANTS

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code § 30-1-7(a), §30-3E-3(a)(1)-(10)

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: Diana Shepard, Executive Director

ADDRESS: 405 Capitol Street Suite 402

Charleston, WV 25301

EMAIL: diana.k.shepard@wv.gov

PHONE NUMBER: 304-558-6095

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:

# Orders Report

| Docket Number | Agency | Respondent | Date Rendered |
|---|---|---|---|
| 19-10-11639-X | Health Care Authority | Children Solutions, LLC | 6/25/2019 |
| 19-6-11637-X | Health Care Authority | Pressley Ridge | 6/26/2019 |
| 19-4-11614-P | Health Care Authority | Ronceverte Physician Group, LLC | 6/25/2019 |
| 19-1-11623-P | Health Care Authority | Raleigh General Hospital | 6/27/2019 |
| 19-1-11613-P | Health Care Authority | Ronceverte Physician Group, LLC | 6/25/2019 |
| 19-AP-FINCON-02004 | Insurance Commissioner | Unicare Health Plan of West Virginia, Inc. | 6/27/2019 |
| 17-100-W | Medicine, West Virginia Board Of | Nathan Airhart | 5/20/2019 |
| 2019-1 | Registered Professional Nurses, West Virginia Board Of Examiners For | Kyle Hill | 5/20/2019 |

# Grievances Report

| Docket Number | Grievants Name | Respondents Name | Date Decision |
|---|---|---|---|
| 2017-2135-DEA | Cindy Dawn Burke | Division Of Rehabilitation Services | 5/16/2019 |
| 2018-0661-DHHR | Christy Watton | Department Of Health And Human Resources | 5/16/2019 |
| | | William R Sharpe Jr Hospital | 5/16/2019 |
| 2019-0748-DHHR | Emma Shrewsbury | Department Of Health And Human Resources | 5/16/2019 |
| | | Jackie Withrow Hospital | 5/16/2019 |
| 2018-0963-DOT | Steve Joyce | Department of Highways | 5/17/2019 |
| 2019-0787-DOT | Roberta Bearfield | Division Of Motor Vehicles | 5/17/2019 |
| 2019-1284-GraED | Rhonda Vanmeter | Grant County Board Of Education | 5/17/2019 |
| 2018-1132-CONS | Everett Sine | Division of Highways | 5/20/2019 |
| | Sam Cassella | Division of Highways | 5/20/2019 |
| 2019-1518-DHHR | Amy Eakle | Department Of Health And Human Resources | 5/20/2019 |
| | | William R Sharpe Jr Hospital | 5/20/2019 |
| 2018-1012-DOR | David White | Offices of the Insurance Commissioner | 5/23/2019 |
| 2019-0502-UpsED | Bobby Furr | Upshur County Board Of Education | 5/23/2019 |
| 2019-0286-MAPS | Brandan Edward Gray | Division of Corrections and Rehabilitation | 5/23/2019 |
| | | Bureau of Prisons and Jails | 5/23/2019 |
| 2019-1289-MISC | Jane E. Meadows | Mount Olive Correctional Complex | 5/23/2019 |
| 2018-1428-MrnED | Mary Sue Miller | Summers County Council on Aging | 5/24/2019 |
| 2019-1567-DOC | Bridget Brizendine | Marion County Board Of Education | 5/24/2019 |
| 2019-1247-DOC | Donald Wayne Maynor | Workforce West Virginia | 5/24/2019 |
| 2019-1294-CONS | Judy Murrell | Miners' Health Safety And Training | 5/24/2019 |
| | Tonya McDaniels | Logan County Board Of Education | 5/24/2019 |
| 2017-1708-BooED | Kim Williams | Logan County Board Of Education | 5/24/2019 |
| | | Boone County Board Of Education | 5/24/2019 |

| | | | |
|---|---|---|---|
| 2019-0633-CONS | Tammy Salisbury | Department Of Health And Human Resources | 5/28/2019 |
| 2019-0673-MAPS | Pamela McNeely | Bureau For Children And Families | 5/28/2019 |
| | | Division of Corrections and Rehabilitation | 5/30/2019 |
| | | Bureau of Prisons | 5/30/2019 |
| | | Southwestern Regional Jail and Correctional Facility | 5/30/2019 |
| 2018-0920-DEP | Aaron D. Thompson | Department Of Environmental Protection | 5/31/2019 |
| 2019-0046-DOA | David C. Bailey | Real Estate Division | 5/31/2019 |
| 2018-1128-DHHR | Ryan M Sims | Department Of Health And Human Resources | 5/31/2019 |
| | | Bureau For Medical Services | 5/31/2019 |
| | | Division Of Personnel | 5/31/2019 |
| 2019-1339-DodED | Robert A. Hans | Doddridge County Board Of Education | 6/3/2019 |
| 2018-1265-WVU | Charles L. Werntz III | West Virginia University | 6/3/2019 |
| 2018-0565-DOT | Sam Cassella | Division of Highways | 6/6/2019 |
| 2018-1481-CONS | Danny Wright | Division of Highways | 6/6/2019 |
| 2019-1485-MAPS | Herbert M Skeens Jr | Division of Administrative Services | 6/7/2019 |
| 2019-1340-MAPS | Cedric A. Greene | Division of Corrections and Rehabilitation | 6/7/2019 |
| 2018-0971-LewED | Randall Myers | Lewis County Board Of Education | 6/11/2019 |
| 2019-1522-McdED | Irene Deel | McDowell County Board of Education | 6/12/2019 |
| 2019-1248-HanED | Ashley Turley | Hancock County Board Of Education | 6/12/2019 |
| 2018-1350-DHHR | Larry Butcher | Department of Health and Human Resources | 6/13/2019 |
| | | William R Sharpe Jr Hospital | 6/13/2019 |

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
AT CHARLESTON

# GOVERNOR'S EXECUTIVE ORDER

## EXECUTIVE ORDER NO. 2-19

**By the Governor**

**WHEREAS,** in any fiscal year in which revenues are inadequate to make timely payments of the State's obligations, §11B-2-20(e) of the Code of West Virginia authorizes monies to be borrowed from the Revenue Shortfall Reserve Fund by and pursuant to executive order, to be repaid, without interest, and redeposited to the credit of the Fund within ninety days of such withdrawal; and

**WHEREAS,** the revenues collected to date are inadequate to make timely payments of the State's obligations, necessitating that monies must be borrowed from the Revenue Shortfall Reserve Fund; and

**WHEREAS,** the amount to be borrowed does not exceed the amount necessary to make timely payments of the State's obligations and the amount to be borrowed does not exceed one and one-half percent of the general revenue estimate for fiscal year two thousand twenty; and

**WHEREAS,** the exercise of this authority is necessary and appropriate to preserve the financial integrity of the State in furtherance of the best interests of its citizens.

**NOW, THEREFORE, I, JIM JUSTICE,** pursuant to the authority vested in me as Governor by the Constitution and the laws of this State, do hereby **ORDER** the transfer of Seventy Million Dollars ($70,000,000) from the Revenue Shortfall Reserve Fund to the current year balance of the General Revenue Fund in order to make timely payments of the State's obligations.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the great seal of the State of West Virginia to be affixed.

**DONE** at the Capitol, in the City of Charleston, State of West Virginia, this the First day of July, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Seventh year of the State.

**GOVERNOR**

**By the Governor**

**SECRETARY OF STATE**

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

FILED
2019 JUL -1 A 10:02
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

OTHER

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

# *NOTICE OF REVIEW*

FOR IMMEDIATE RELEASE

**July 1, 2019**

**NEWS ITEM**

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

June 25, 2019 – Potomac Valley Hospital, Keyser, Mineral County, CON File #19-8-11640-E, for the development of fixed site magnetic resonance imaging (MRI) services; capital expenditure: $1,550,000.

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 **June 28, 2019**.

On or before **July 29, 2019**, any affected person has the right to request that the Authority hold a public hearing on the project as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **August 2, 2019**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the application.

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case file of the project, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decision will be issued on or before **August 27, 2019**.





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

7/1/19
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**

FILED
2019 JUL -1 P 3:40
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

**OTHER**

July 1, 2019

## *LEGAL NOTICE*

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **June 28, 2019**.

### CERTIFICATE OF NEED APPLICATION RECEIVED

June 24, 2019 – Potomac Valley Hospital, Keyser, Mineral County, CON File #19-8-11640-E, for the development of fixed site magnetic resonance imaging (MRI) services; capital expenditure: $1,550,000.

### APPLICATIONS FOR EXEMPTION RECEIVED

June 27, 2019 – Boone Memorial Hospital, Inc., Madison, Boone County, CON File #19-3-11648-X, for the development of an office-based medication-assisted treatment program in or near Madison, Boone County, West Virginia.

June 27, 2019 – Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #19-3-11649-X, for renovations within CAMC Memorial Hospital, which is located at 3200 MacCorkle Avenue, Charleston, Kanawha County.

### NOTICE OF PUBLIC COMMENT PERIOD

**Critical Access Hospitals Rule**

The West Virginia Health Care Authority has scheduled a public comment period to receive comments on the rule establishing specific standards and procedures to provide for the designation of a critical access hospital as a community outpatient medical center pursuant to W. Va. Code § 16-5B-14.

Written comments may be submitted to April Robertson, General Counsel, One Davis Square, Suite 100, East, Charleston, WV 25301 or via email at april.l.robertson@wv.gov. Comments must be received no later than July 15, 2019 at 5:00 p.m.

A copy of the proposed rule set forth above has been filed with the Secretary of State. The rule may also be viewed at the Authority's website, www.hca.wv.gov.

### NOTICE OF PUBLIC HEARINGS

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

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

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

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

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

### PROJECT DETERMINED NOT REVIEWABLE

June 26, 2019 – Pressley Ridge, Clarksburg, Harrison County, CON File #19-6-11637-X, for the transition of a Level II treatment cottage to Level III; capital expenditure: $20,000.

### EXEMPTION APPLICATION APPROVED

June 25, 2019 – Children Solutions, LLC, Moundsville, Marshall County, CON File #19-10-11639-X, for the provision of behavioral health services at 600 Jefferson Avenue, Moundsville, Marshall County.

### CERTIFICATE OF NEED APPROVALS ISSUED

June 25, 2019 – Ronceverte Physician Group, LLC, Franklin, Tennessee, CON File #19-1-11613-P, for the development of an ambulatory care center, including office-based sleep medicine services to adults and pediatric patients, at 230 George Street, Beckley,

Raleigh County; capital expenditure: $10,000.

June 25, 2019 – Ronceverte Physician Group, LLC, Franklin, Tennessee, CON File #19-4-11614-P, for the development of an ambulatory care center, including general surgery consultations and post-surgical follow-up, at 176 Medical Center Drive, Rainelle, Greenbrier County; capital expenditure: $10,000.

June 27, 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.

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

**OTHER**

**Dave Hardy**
Secretary of Revenue

**STATE TAX DEPARTMENT**

**Dale W. Steager**
State Tax Commissioner

June 28, 2019

FILED
2019 JUN 28 P 12:12
SECRETARY OF STATE

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Attached for filing in the State Register are tentative natural resource property valuation variables for the 2020 Tax Year that have been developed by the State Tax Department for use in determining the appraised value of coal, oil, natural gas, managed timberland and other natural resource properties for ad valorem tax purposes.

The State Tax Department will accept written public comments on all variables until August 1, 2019. Final valuation variables will be filed on or before September 1, 2019.

Public comments concerning the attached variables should be forwarded to the following address:

West Virginia State Tax Department
Property Tax Division
Attention: Jeff Amburgey
P.O. Box 2389
Charleston, West Virginia 25328-2389

Sincerely,

Dale W. Steager
State Tax Commissioner

DWS/ja/j

Attachment

Property Tax Division, 1124 Smith Street, P.O. Box 2389, Charleston, WV 25328-2389
Telephone 304-558-3940
Fax 304-558-1843