

WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVI

Issue 29

July 19, 2019

A Weekly Publication

Administration Law Division
Judy Cooper, Manager

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

(304) 558-6000

sos.wv.gov

CONTENTS

Chronological Index

Rule Monitor

Notices

a. **Legislative Rules**
b. **Interpretive Rules**
c. **Procedural Rules**
d. **Emergency Rules**
e. **LRMRC and LOCEA**

Legislative Interims

Orders

Ethics Commission Opinions

Grievances Reports

Office of Tax Appeal Decisions

Governor's Executive Orders

Attorney General Opinions

Other Documents or Information Filed

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

Aeronautics Commission

Architects

Attorney General

Development Office

Education, West Virginia Board of

Election Commission

Health

Health Care Authority

Health and Human Resources

Higher Education

Labor

Motor Vehicles

Personnel, West Virginia Division of

Physical Therapy

Professional Surveyors

Racing Commission

Registered Professional Nurses

Tax Department

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

Mac Warner
Secretary of State
State of West Virginia

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

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
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 29			
NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Health (64-13)	Nursing Home Licensure Legislative	§16-5C-5	Written Comments Only: Extended to July 22, 2019 5:00 pm April L. Robertson One Davis Square, Suite 100, East Charleston, WV 25301 april.l.robertson@wv.gov
Motor Vehicles (91-15)	Safety and Treatment Program Legislative	§§17A-2-9 and 17C-5A-3	Written Comments Only: August 16, 2019 3:00 pm Adam J. Holley/Acting Commissioner West Virginia DMV 5707 MacCorkle Avenue SE P.O. Box 17200 Charleston, WV 25317 adam.j.holley@wv.gov
Registered Professional Nurses (19-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	§30-1-22	Written Comments Only: August 17, 2019 5:00 pm Dr. Sue Painter 90 MacCorkle Avenue, SW, Suite 203 South Charleston, WV 25303 sue.a.painter@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Development Office (145-15)	Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative	§5B-8-2	ERD by August 29, 2019	July 17, 2019
Motor Vehicles (91-15)	Safety and Treatment Program Legislative	§§17-A-2-9 and 17C-5A-3	ERD by August 27, 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	7/8/2019				
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					7/15/2019	8/15/2019
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		7/11/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	6/24/2019	7/24/2019						
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019						
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019						
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019						
Agriculture (61-34)	Captive Cervid Farming Legislative	6/21/2019	7/22/2019						
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		7/16/2019				
Architects (2-03)	Fees for Registration of Architects Legislative	6/5/2019	7/9/2019		7/16/2019				
Auditor (155-06)	Local Government Purchasing Card Program Legislative	5/21/2019	6/20/2019		7/8/2019				
Chiropractic Examiners (4-07)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Community And Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	4/29/2019	5/30/2019	4/29/2019 Effective 4/29/2019	6/3/2019				
Conservation Agency (63-03)	State Conservation Committee Grant Program Legislative	5/30/2019	6/29/2019		7/10/2019				
Counseling (27-13)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019						
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					7/10/2019	8/8/2019
Development Office (145-15)	Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative	6/17/2019	7/17/2019	7/18/2019 ERD by 8/29/2019	7/18/2019				
Dietitians (31-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/24/2019	7/25/2019						
Education (126-035)	Education Instructional Resources(Policy 2445.40) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	8/12/2019
Election Commision (146-01)	Corporate and Membership Organization Political Activity Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019					
Election Commission (146-03)	Regulation of Campaign Finance Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019					

		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		7/16/2019				
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/6/2018	SB175	5/1/2019	7/30/2019
Health (64-13)	Nursing Home Licensure Rule Legislative	6/14/2019	7/12/2019 Extended to: 7/22/2019						
Health (64-14)	Assisted Living Residences Legislative	6/21/2018	7/20/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018	SB175	5/1/2019	7/30/2019
Health (64-30)	Fees for Permits Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-32)	Vital Statistics Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-48)	Emergency Medical Services Legislative	6/14/2019	7/15/2019		7/16/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-70)	Primary Care Center Uncompensated Care Grants Legislative	6/21/2019	7/22/2019						
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		7/16/2019				
Health and Human Resources (69-08)	Chronic Pain Management Clinic Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Approved 11/12/2018	SB175	5/1/2019	7/30/2019
Health and Human Resources (69-12)	Medication-Assisted Treatment – Office-Based Medication-Assisted Treatment Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018	SB175	5/1/2019	7/30/2019
Heath and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/17/2019	7/17/2019	6/19/2019 ERD by 7/31/2019					
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					7/18/2019	8/18/2019

RULE MONITOR

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

RULE MONITOR									
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 (91-15)	Safety and Treatment Program Legislative	7/17/2019	8/16/2019	7/16/2019 ERD by 8/27/2019					
Motor Vehicles (91-24)	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative	6/27/2019	7/29/2019	6/27/2019 ERD by 8/8/2019					
Municipal Bond Commission (109-02)	Rules Covering Meetings of the WV Municipal Bond Commission Procedural	6/27/2019	7/29/2019						
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-16)	Transporting and Selling Wildlife Parts and Pelts Legislative	6/10/2019	7/10/2019						
Natural Resources (58-25)	Boating Rule Legislative	6/10/2019	7/10/2019						
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				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Oil and Gas Conservation Commission (39-01)	Rules of The Commission Legislative	6/14/2019	7/16/2019	6/14/2019 ERD by 7/26/2019					
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/26/2019	7/26/2019						
Osteopathic Medicine (24-02)	Osteopathic Phyician Assistants Legislative	6/28/2019	7/29/2019	6/28/2019 ERD by 8/9/2019					
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019						
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019						
Pharmacy (15-04)	Record Keeping and Automated Data Processing Legislative	6/26/2019	7/26/2019						
Pharmacy (15-07)	Board of Pharmancy Rules for Registration of Pharmacy Technicians Legislative	6/26/2019	7/26/2019						
Pharmacy (15-12)	Board of Pharmacy Rules for Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019						
Pharmacy (15-14)	Board of Pharmacy Rules for Centralized Prescription Processing Legislative	6/26/2019	7/26/2019						
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019						
Pharmacy (15-18)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/26/2019	7/26/2019						
Physical Therapy (16-09)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/4/2019	7/5/2019		7/18/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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		7/15/2019				
Public Defender Services (89-01)	Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys Legislative	5/20/2019	6/21/2019	5/21/2019 effective 7/2/2019					
Public Service Commission (150-33)	Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt	9/6/2018 03/13/2019	11/8/2018 04/30/2019						
Racing Commission (178-01)	Throughbred Racing Legislative	6/10/2019	7/10/2019		7/18/2019				
Racing Commission (178-01)	Throughbred Racing Legislative	6/13/2018	7/13/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/28/2018	SB187	5/3/2019	8/1/2019
Real Estate Appraiser Licensing and Certification Board (190-02)	Requirements for Licensure and Certification Legislative	6/26/2019	7/26/2019						
Real Estate Commission (174-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/31/2019	6/30/2019		7/2/2019				
Registered Professional Nurses (19-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019						
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019		6/27/2019				
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019				
Sanitarians (20-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019	7/19/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
School Building Authority of WV (164-01)	Policy and Procedures Handbook of the School Building Authority of WV Procedural	6/5/2019	7/5/2019						
Secondary School Activities Commission (127-01)	Constitution (WVSSAC Series1) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	9/9/2019
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility (WVSSAC Series 2) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	9/9/2019
Secondary School Activities Commission (127-03)	Provisions Governing Contests (WVSSAC Series 3) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	9/9/2019
Secondary School Activities Commission (127-04)	Provisions Governing Conduct (WVSSAC Series 4) Legislative Exempt	5/9/2019	6/10/2019					7/11/2019	9/9/2019
Social Work Examiners (25-03)	Fee Schedule Legislative	6/5/2019	7/5/2019		7/10/2019				
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019		6/28/2019				
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/13/2019	7/13/2019		7/15/2019				
Tax (110-15C)	Consumers Sales and Service Tax and Use Tax Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per SE Exemption; Motor Vehicles Per SE Exemption Legislative	6/13/2019	7/13/2019		7/16/2019				
Tax (110-43)	Special Valuation Method for Certain Wireless Technolgy Property Interpertive	7/3/2019	8/2/2019						
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/13/2019	7/13/2019		7/15/2019				

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-03)	Registration of Veterinary Technicians Legislative	5/30/2019	7/7/2019		7/11/2019				
Veterinary Medicine (26-06)	Schedule of Fees Legislative	5/30/2019	7/7/2019		7/11/2019				
Waste Management Division of Water and Waste Management (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019						
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
7/16/2019 1:58:12 PM
Office of West Virginia
Secretary Of State

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

Legislative

AGENCY: Architects TITLE-SERIES: 2-01

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

RULE NAME: 2-01 Registration of Architects

PRIMARY CONTACT

NAME: West Virginia Board of Architects

ADDRESS: 405 Capitol Street
Mezzanine Suite 3
Charleston, WV 25301

EMAIL: emily.b.papadopoulos@wv.gov

PHONE NUMBER: 304-558-1406

CITE STATUTORY AUTHORITY: W.Va. Code 30-12-1, 30-1-4

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

W.Va. Code 30-12-1 establishes the Board's focus on health, property and public welfare and empowers the Board to "promulgate rules relating to the regulation of the practice of architecture" and "rules pertaining to the registration of architects." W.Va. Code 30-1-4 empowers the board to "make such rules and regulations . . . as are necessary to regulate its proceedings and to carry out the purposes and enforce the provisions of this chapter applicable to such board."

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

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

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: 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

eFILED
7/16/2019 1:59:48 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Architects TITLE-SERIES: 2-03

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

RULE NAME: 2-03 Fees for Registration of Architects

PRIMARY CONTACT

NAME: West Virginia Board of Architects

ADDRESS: 405 Capitol Street
Mezzanine Suite 3
Charleston, WV 25301

EMAIL: emily.b.papadopoulos@wv.gov

PHONE NUMBER: 304-558-1406

CITE STATUTORY AUTHORITY: W.Va. Code 30-12-3, 30-1-4, 30-1-23

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

SB 396 was passed during the 2019 Legislative Session waiving initial licensing fees for "low-income individuals" and "military families" and requires Chapter 30 Boards to propose rules for implementation. W.Va. Code 30-1-23 is the corresponding statute. W.Va. 30-1-4 provides that boards "shall make such rules and regulations . . . necessary to regulate its proceedings and to carry out the purposes," and W.Va. 30-12-3 states that the board "is authorized and sempowered" to establish a schedule of fees for registration and "other matters deemed appropriate by the board."

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

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

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: 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

eFILED
7/18/2019 12:48:17 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: Development Office TITLE-SERIES: 145-15

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

RULE NAME: 145-15 Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program

PRIMARY CONTACT

NAME: Department of Commerce

ADDRESS: 1900 Kanawha Blvd E Bldg 3 Suite 600

Charleston, WestVirginia 25305

EMAIL: jack.m.rife@wv.gov

PHONE NUMBER: 304-558-2234

CITE STATUTORY AUTHORITY: 5B-8-2

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

5B-8-2 directs that the West Virginia Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program is established and directs the West Virginia Department of Commerce to promulgate legislative rules governing administration of the program.

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

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/15/2019

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 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 12 A 9:53
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

July 11, 2019

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 West Virginia Board of Education, at its July 10, 2019 meeting, repealed, effective August 12, 2019, *126CSR36, Policy 2445.41, Instructional Resources Adoption: Notice, Request and Instruction to Publishers,* filed February 9, 2012, and effective March 12, 2012, and *126CSR34, Policy 2445.4A, Resolution Regarding U.S. District Court Order*, filed and effective October 17, 1986.

Relevant portions of Policy 2445.41 and Policy 2445.4A have been incorporated into 126CSR35, Policy 2445.40, Instructional Resources, filed July 11, 2019, and effective August 12, 2019.

Thank you for your attention to this matter.

Sincerely,

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

12
JUL 21 2019

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/16/2019 2:57:26 PM
Office of West Virginia Secretary Of State

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

AGENCY: Health
TITLE-SERIES: 64-03
RULE TYPE: Legislative
Amendment to Existing Rule: Yes
Repeal of existing rule: No
RULE NAME: 64-03 Public Water Systems

PRIMARY CONTACT

NAME: April L Robertson
ADDRESS: One Davis Square Suite 100 East
Charleston, WestVirginia 25301
EMAIL: april.l.robertson@wv.gov
PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4, §16-1-9, §16-1-9a, §16-1-9c, and §16-1-9d

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

W. Va. Code §16-1-9a(b) The Commissioner shall establish by legislative rules, in accordance with Article 3, Chapter 29A of this Code . . .

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

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/15/2019

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/12/2019 2:29:02 PM
Office of West Virginia Secretary Of State

Legislative

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health
TITLE-SERIES: 64-13
RULE TYPE: Legislative
Amendment to Existing Rule: Yes
Repeal of existing rule: No
RULE NAME: Nursing Home Licensure
CITE STATUTORY AUTHORITY: W. Va. Code 16-5C-5
COMMENTS LIMITED TO:
Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/22/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson
ADDRESS: One Davis Square, Suite 100, East
Charleston, West Virginia 25301
EMAIL: april.l.robertson@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
7/16/2019 11:53:03 AM
Office of West Virginia Secretary Of State

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

Legislative

AGENCY: Health

TITLE-SERIES: 64-30

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

RULE NAME: 64-30 Fees for Permits

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East
Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4, §16-1-11(d), and §16-2-11(b)(3)

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

§16-1-11(d) The secretary shall propose legislative rules in accordance with article three, chapter twenty-nine-a of this code, setting forth the fees established, assessed, and charged by the commissioner.

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

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/15/2019

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

eFILED
7/16/2019 11:32:06 AM
Office of West Virginia Secretary Of State

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

AGENCY: Health

TITLE-SERIES: 64-32

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

RULE NAME: 64-32 Vital Statistics

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East
Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §16-5-1 and §16-5-3

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

W. Va. Code §16-5-3(a) The Department of Health and Human Resources shall propose rules for legislative approval in accordance with the provisions of Article 3, Chapter 29A of this Code . . .

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

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/15/2019

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/16/2019 2:13:23 PM
Office of West Virginia
Secretary Of State

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

Legislative

AGENCY: Health TITLE-SERIES: 64-48

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

RULE NAME: 64-48 Emergency Medical Services

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-1949

CITE STATUTORY AUTHORITY: W. Va. Code §16-4C-2, §16-4C-14, and §16-4C-23.

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

W. Va. Code §16-4C-6 The Commissioner has the following powers and duties:
(a) To propose rules for legislative approval in accordance with the provision of 29A-3-1 et seq. of the Code.
W. Va. Code §16-4C-23(a) The Commissioner shall propose for promulgation, legislative rules pursuant to 29A-3-1 to carry out the purposes of this article.

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

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/15/2019

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

eFILED
7/16/2019 2:20:21 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Health Care Authority TITLE-SERIES: 65-09

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

RULE NAME: 65-09 Critical Access Hospitals

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WestVirginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: W. Va. Code §16-5B-14(d)

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

W. Va. Code §16-5B-14(d) The Department of Health and Human Resources shall propose a new rule for legislative approval in accordance with the provisions of 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: 6/14/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/15/2019

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?

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR MEDICAL SERVICES
Commissioner's Office
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3712
Telephone: (304) 558-1700 Fax: (304) 558-1451

Bill J. Crouch
Cabinet Secretary

Cynthia E. Beane
Commissioner

July 11, 2019

Legislative

To: West Virginia Secretary of State
Capitol Complex, Main Building

From: Cynthia Beane, MSW, LCSW
Commissioner

Subject: Material for filing in the Secretary of State's Office

The material indicated below is being forwarded. Please file and publish in the State Register in accordance with the Administrative Procedure Act.

New Medicaid Chapter	☐
Medicaid Chapter Update	☐
New Medicaid Policy	☐X
Medicaid Policy Update	☐
State Plan Amendment for title XIX, Medicaid	☐
Other	☐

The following is an explanation of the above material:

Chapter Number: 540
Title: Neonatal Abstinence Syndrome Center Services

Please acknowledge receipt of this material by signing and returning a copy of this document to the attention of:

Margaret Brown
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3707

Signature of Person Receiving Above Material

Date

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR MEDICAL SERVICES
Commissioner's Office
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3712
Telephone: (304) 558-1700 Fax: (304) 558-1451

Bill J. Crouch
Cabinet Secretary

Cynthia E. Beane
Commissioner

July 11, 2019

To: West Virginia Secretary of State
Capitol Complex, Main Building

From: Cynthia Beane, MSW, LCSW
Commissioner

Subject: Material for filing in the Secretary of State's Office

The material indicated below is being forwarded. Please file and publish in the State Register in accordance with the Administrative Procedure Act.

New Medicaid Chapter	☐
Medicaid Chapter Update	☐X
New Medicaid Policy	☐
Medicaid Policy Update	☐
State Plan Amendment for title XIX, Medicaid	☐
Other	☐

The following is an explanation of the above material:

Chapter Number: 504
Title: Substance Use Disorder

Please acknowledge receipt of this material by signing and returning a copy of this document to the attention of:

Margaret Brown
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3707

Signature of Person Receiving Above Material

Date

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/18/2019 12:50:49 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: Higher Education Policy Commission TITLE-SERIES: 133-49

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

RULE NAME: 133-49 Accountability System

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: WV Higher Education Policy Commission
1018 Kanawha Boulevard East
Charleston, WV 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-6

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:

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

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

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/18/2019 1:09:26 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Labor TITLE-SERIES: 42-19

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

RULE NAME: West Virginia Manufactured Housing Construction and Safety Standards Board

PRIMARY CONTACT

NAME: Mitchell E Woodrum Commissioner

ADDRESS: 1900 Kanawha Boulevard East Capitol Complex
Building 3 Room 200
Charleston, WV 25305

EMAIL: mitch.e.woodrum@wv.gov

PHONE NUMBER: 304-558-7890

CITE STATUTORY AUTHORITY: W. Va. Code §§21-9-4 and 21-9-5

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

W. Va. Code §21-9-5 designates the Board as the state administrative agency(SAA), as approved by the U.S. Department of Housing and Urban Development (HUD), for the administration and enforcement of the federal manufactured housing standards. The Board is required to discharge its responsibilities consistent with HUDs regulations. The Boards standards are required to be identical to the following federal standards:

24 C.F.R. §§3280 Manufactured Home Construction and Safety Standards

24 C.F.R. §3282 Manufactured Home Procedural and Enforcement Regulations

24 C.F.R. §3285 Model Manufactured Home Installation Standards

24 C.F.R. §3286 Manufactured Home Installation Program

24 C.F.R. §3288 Manufactured Home Dispute Resolution Program.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/11/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/11/2019

COMMENTS RECEIVED: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/17/2019 2:08:59 PM
Office of West Virginia
Secretary Of State

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

Legislative

AGENCY: Labor TITLE-SERIES: 42-32

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

RULE NAME: 42-32 Supervision of Plumbing Work

PRIMARY CONTACT

NAME: Mitchell E Woodrum Commissioner

ADDRESS: 1900 Kanawha Boulevard East Capitol Complex
Building 3 Room 200
Charleston, WV 25305

EMAIL: mitch.e.woodrum@wv.gov

PHONE NUMBER: 304-558-7890

CITE STATUTORY AUTHORITY: W. Va. Code §§21-14-4 and 21-1E-4

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

HB 2004, passed by the Legislature during the 2019 Regular Session, relating to career and technical education, mandated that the Division of Labor propose legislative rules that include standards and procedures for recognizing training hours obtained through career technical education, through apprenticeship programs, and through employer-sponsored training programs, and for applying those hours toward licensing or certification.

These HB 2004 requirements have been incorporated into the proposed amendments to the legislative rule.

The proposed rule includes a definition of an "employer-sponsored training program." Provisions for recognizing plumbing work experience and training hours have been added to the master plumber and journeyman plumber qualifications. The required amount of experience and training hours for the respective classifications are set by statute (W.Va. Code §21-14-2(b) and (c). An individual who does not meet the required number of experience and training hours can qualify for a plumber-in-training license (W. Va. Code §21-14-2(d).

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

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/11/2019

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/17/2019 2:06:11 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Labor TITLE-SERIES: 42-34

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

RULE NAME: 42-34 Regulation of Heating, Ventilating and Cooling Work

PRIMARY CONTACT

NAME: Mitchell E Woodrum Commissioner

ADDRESS: 1900 Kanawha Boulevard East Capitol Complex
Building 3 Room 200
Charleston, WV 25305

EMAIL: mitch.e.woodrum@wv.gov

PHONE NUMBER: 304-558-7890

CITE STATUTORY AUTHORITY: W. Va. Code §§21-16-5 and 21-1E-4

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

HB 2004, passed by the Legislature during the 2019 Regular Session, relating to career and technical education, mandated that the Division of Labor propose legislative rules that include standards and procedures for recognizing training hours obtained through career technical education, through apprenticeship programs, and through employer-sponsored training programs, and for applying those hours toward licensing or certification.

These HB 2004 requirements have been incorporated into the proposed amendments to the legislative rule.

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

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/11/2019

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/17/2019 2:33:34 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

Legislative

AGENCY: Motor Vehicles TITLE-SERIES: 91-15

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

RULE NAME: Safety And Treatment Program

CITE STATUTORY AUTHORITY: W. Va. Code §§17A-2-9 and 17C-5A-3

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/16/2019 3 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Adam J. Holley/Acting Commissioner

ADDRESS: West Virginia DMV/5707 MacCorkle Avenue SE/P.O. Box 17200

Charleston, WV 25317

EMAIL: adam.j.holley@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
7/18/2019 12:17:06 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Physical Therapy TITLE-SERIES: 16-09

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

RULE NAME: 16-09 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

NAME: West Virginia Board of Physical Therapy

ADDRESS: 2 Players Club Drive Suite 102

Charleston, WV 25311

EMAIL: wvbopt@wv.gov

PHONE NUMBER: 304-558-0367

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

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

Senate Bill 396 was enacted during the 2019 regular session. This bill enacted a new law, set forth in W. Va. Code §30-1-23, which establishes a waiver of initial licensing fees for certain individuals and military families. The bill applies to all state occupations licensing boards governed under Chapter 30 of the West Virginia Code. The bill directed all Chapter 30 Boards to submit rules for legislative approval that implement the provisions of the bill.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/4/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/5/2019

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/15/2019 10:49:47 AM
Office of West Virginia
Secretary Of State

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

Legislative

AGENCY: Professional Surveyors TITLE-SERIES: 23-01

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

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

PRIMARY CONTACT

NAME: West Virginia Board of Professional Surveyors

ADDRESS: 1124 Smith Street
Suite B127c
Charleston, WestVirginia 25301

EMAIL: kristi.a.justice@wv.gov

PHONE NUMBER: 304-558-0350

CITE STATUTORY AUTHORITY: The purpose of this rule change was for the sole purpose of implementing the provisions included in SB396 passed on March 8, 2019.

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:

Waiver of initial occupational licensing fees for low-income and military families. Requiring individuals seeking waiver of initial occupational licensing fees to apply on a form provided by the board.

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

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

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: Yes

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/18/2019 4:39:35 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Racing Commission TITLE-SERIES: 178-01

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

RULE NAME: 178-01 Thoroughbred Racing

PRIMARY CONTACT

NAME: Kelli Talbott

ADDRESS: 812 Quarrier Street Second Floor

Charleston, WestVirginia 25301

EMAIL: kelli.d.talbott@wvago.gov

PHONE NUMBER: 304-558-8989

CITE STATUTORY AUTHORITY: WV Code 19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-9, 19-23-13, 19-23-13b, 19-23-15

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

The Racing Commission has broad authority under 19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-9, 19-23-13, 19-23-13b and 19-23-15 to promulgate rules to regulate thoroughbred racing. All of the proposed amendments are Association of Racing Commissioners International (RCI) Model Rules. They include adoption of the most recent version of the RCI Endogenous, Dietary or Environmental Substances Schedule; the adoption of the most recent version of the RCI Uniform Classification Guidelines for Foreign Substances; adoption of the most recent version of the RCI Penalty Guidelines for medication rule violations; adoption of RCI's void claim rule; adoption of RCI's Out of Competition Testing and Veterinary Practices Model Rule; adoption of RCI's Veterinarian's List Model Rule; adoption of RCI's Model Rule pertaining to Furosemide; and adoption of RCI's Model Rule relating to jockey physical examinations. A detailed summary of each of these rule changes is included in the Response To Public Comments that has been filed in connection with this rule. That summary explains the effect of each of these provisions and the reasons for the proposed adoption of the rules.

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

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

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/17/2019 9:53:23 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

Legislative

AGENCY: Registered Professional Nurses TITLE-SERIES: 19-15

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

RULE NAME: APPLICATION FOR WAIVER OF INITIAL LICENSING FEES FOR CERTAIN INDIVIDUALS

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/17/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Dr. Sue Painter

ADDRESS: 90 MacCorkle Avenue, SW, Suite 203

South Charleston, WV 25303

EMAIL: sue.a.painter@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
7/15/2019 4:53:32 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Tax TITLE-SERIES: 110-10F

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

RULE NAME: 110-10F Payment of Taxes by Electronic Funds Transfer

PRIMARY CONTACT

NAME: Mark S Morton

ADDRESS: PO Box 1005

Charleston, WV 25324

EMAIL: taxlegal@wv.gov

PHONE NUMBER: 304-558-5330

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

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

W. Va. Code §11-10-5t(b) explicitly provides rule-making authority for the Tax Commissioner. Subsection 11-10-5t(c) sets forth what the rule must include, and subdivision (c)(4) has been changed to impose a new threshold that must be reflected in the rule.

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

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

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/16/2019 8:39:48 AM
Office of West Virginia
Secretary Of State

Legislatie

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

AGENCY: Tax TITLE-SERIES: 110-15C

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

RULE NAME: 110-15C Consumer 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

PRIMARY CONTACT

NAME: Mark S Morton

ADDRESS: PO Box 1005

Charleston, WV 25324

EMAIL: taxlegal@wv.gov

PHONE NUMBER: 304-558-5330

CITE STATUTORY AUTHORITY: W. Va. Code §§11-10-5 and 11-15-9i

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

The Tax Commissioner may make all needful rules and regulations for the taxes to which this article applies as provided in the state Administrative Procedures Act in chapter twenty-nine-a of this code pursuant to §11-10-5. This rule is used by the West Virginia State Tax Department in the administration of W. Va. Code §11-15-9i. House Bill, 2515 enacted during the 2019 Legislative Session, expanded the exemption applicable to mobility enhancing equipment necessitating revision of this rule to clarify the impact for tax administration purposes.

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

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

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/15/2019 4:57:35 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Tax TITLE-SERIES: 110-50C

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

RULE NAME: 110-50C Exchange of Information Pursuant to Written Agreement

PRIMARY CONTACT

NAME: Mark S Morton

ADDRESS: PO Box 1005

Charleston, wv 25324

EMAIL: taxlegal@wv.gov

PHONE NUMBER: 304-558-5330

CITE STATUTORY AUTHORITY: W. Va. Code §§11-10-5 and 5s; §§60-9-5(a) and 8(a); §21-1B-3; §29A-1-1 et seq.; and, §47-25-1 et seq.

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

W. Va. Code §§11-10-5 establishes the confidentiality of taxpayer information, but provides for exceptions, while 11-10-5s permits establishment of exchange of information agreements with state agencies named in properly promulgated legislative rules. Together, these two provisions establish the necessary authority for exchange of information. §§60-9-5(a) and 8(a) require cooperation between the Tax Commissioner and Alcohol Beverage Control Commissioner for enforcement and administrative purposes necessitating exchange of information. §21-1B-3 authorizes the Labor Commissioner, or his or her designated representative, to access information maintained by any other State agency (including the Tax Department) for the limited purpose of confirming the validity of a workers legal status or authorization to work. §29A-1-1 et seq. provides for delegation of certain legislative powers to other departments and agencies of government with appropriate legislative review of that exercise of such delegated legislative authority and with established procedures for Legislative Oversight of the exercise of executive rule-making authority. §47-25-1 et seq promotes efficiency and facilitates the exchange of information between the State Tax Commissioner and the State Fire Marshal who are jointly responsible for administering and enforcing the provisions of that article.

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

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

COMMENTS RECEIVED: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/18/2019 2:51 PM
Office of West Virginia
Secretary Of State

Procedural

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-41

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

RULE NAME: Health Sciences Service Program

CITE STATUTORY AUTHORITY: 18B-1-6

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

August 18, 2019

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

Yes
Cindy L Anderson -- 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
7/15/2019 2:56 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Aeronautics Commission TITLE-SERIES: 171-01

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

RULE NAME: Committtee Meetings, Organization, and Operations

CITE STATUTORY AUTHORITY: W.Va. Code §29-2A-3

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

August 15, 2019

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

Yes
Ginny L Dravenstott -- 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
7/18/2019 2:48:12 PM
Office of West Virginia
Secretary Of State

Emergency

NOTICE OF AN EMERGENCY RULE

AGENCY: Development Office TITLE-SERIES: 145-15

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

5B-8-2

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: Jack Rife c/o Department of Commerce

ADDRESS: 1900 Kanawha Blvd E Bldg 3 Suite 600

Charleston, WV 25302

EMAIL: jack.m.rife@wv.gov

PHONE NUMBER: 304-558-2234

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:

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/16/2019 4:25:36 PM
Office of West Virginia
Secretary Of State

NOTICE OF AN EMERGENCY RULE

AGENCY: Motor Vehicles TITLE-SERIES: 91-15

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Safety And Treatment Program

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code §§17-A-2-9 and 17C-5A-3

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: Adam Holley/Acting Commissioner

ADDRESS: Dmv West Virgina/5707 Maccorkle Avenue Se/PO Box 17200

Charleston, WV 25317

EMAIL: adam.j.holley@wv.gov

PHONE NUMBER: 304-926-0784

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
17-6-11163-H	Health Care Authority	United Hospital Center, Inc.	7/8/2019
19-10-11645-X	Health Care Authority	National Youth Advocate Program	7/15/2019
19-7-11642-X	Health Care Authority	Home Base Inc.	7/8/2019
19-3-11620-Y	Health Care Authority	Kanawha Hospice Care, Inc.	7/9/2019
19-5-11588-P	Health Care Authority	Camden-Clark Physician Corporation	7/12/2019
19-6-11643-X	Health Care Authority	Home Bae Inc.	7/8/2019

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

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

FILED

08

AG Opinion

June 27, 2019

The Honorable Rachel Romano
Harrison County Prosecuting Attorney
301 West Main Street
Clarksburg, WV 26301

Dear Prosecutor Romano:

You have asked for an Opinion of the Attorney General about how to determine if a magisterial district seat for a county commissioner position is considered "open." This Opinion is being issued pursuant to West Virginia Code Section 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 set forth in your correspondence with the Office of the Attorney General.

In your letter, you explain that the Harrison County Commission has asked which magisterial district is "open" for the next election where a current commissioner filed paperwork to stand for election while a resident of one district, but currently lives in another district where he moved prior to the general election in which he was elected.

Your letter raises the following legal question:

> *For purposes of the requirement in Article IX, § 10 of the West Virginia Constitution that "no two [county] commissioners shall be elected from the same magisterial district," is a commissioner "elected from" the district where that commissioner lived at the time he or she filed paperwork to stand for election, or the district where he or she moved after filing but before the general election?*

We conclude that the "open" magisterial district in the next election is the former. The Supreme Court of Appeals has interpreted Article IX, Section 10 to mean that a county commissioner serves the county where he or she resided at the time of the general election, even

if the commissioner resided in a different district at the time he or she filed pre-election candidacy paperwork. *Burkhart v. Sine*, 200 W. Va. 328, 332, 489 S.E.2d 485, 489 (1997).

Discussion

The West Virginia Supreme Court of Appeals has held that "the question as to when the conditions of eligibility to office must exist" is determined first by the "the language used in constitutional or statutory provisions relating to the qualifications necessary for the office." *State ex rel. Dostert v. Riggleman*, 155 W. Va. 808, 812, 187 S.E.2d 591, 593 (1972). The primary qualifications for county commissioners are established by Article IX, Section 10 of the West Virginia Constitution, which provides that "commissioners shall be elected by the voters of the county, and hold their office for a term of six years, . . . but no two of said commissioners shall be *elected from* the same magisterial district." W. Va. Const. art. IX, § 10. West Virginia Code Section 3-5-4 underscores that "[c]andidates for the office of commissioner of the county commission shall be nominated and elected in accordance with the provisions of section ten, article nine of the Constitution of the state of West Virginia." W. Va. Code § 3-5-4(b)(1).

The constitutional limitation that "no two commissioners shall be *elected from* the same magisterial district," W. Va. Const. art. IX, § 10 (emphasis added), is determinative. Our supreme court has explained that a candidate is "elected from" the district "in which that person resides on the day that person is elected to serve on the County Commission, that is, the date of the general election." Syl. pt. 3, *Burkhart*, 200 W. Va. at 329, 187 S.E.2d at 486. In *Burkhart*, an elected county commissioner lived in and filed for election in one district, but due to subsequent redistricting actually resided in a different district by the time of the general election. *Id.* at 330, 489 S.E.2d at 487. During this commissioner's term, individuals from *both* of the two districts filed to run as candidates in the next election—which raised the question which district was "open" for purposes of Article IX, Section 10. The court concluded that the current commissioner had been "elected from" the district in which he lived at the time of the election—and not the district where he had originally filed his candidate paperwork—thereby disqualifying any other candidate from running for that district during his tenure. *Id.* at 332, 489 S.E.2d at 489. Moreover, the fact that the commissioner moved back into the original district during his term did not alter the analysis—once "elected from" a district, "a candidate carries that residence with him or her throughout the entire term." *Id.*

The same reasoning applies to your question. You explain that a current commissioner filed pre-election paperwork while residing in one district, but moved into a different magisterial district prior to the general election in which he was elected. *Burkhart* instructs that the commissioner was "elected from" that second district, and no other commissioner may be "elected from" that district until the completion of the first commissioner's term. 200 W. Va. at 332-34, 489 S.E.2d at 489-91.

A 2012 memorandum decision confirms this result. *See Buckner v. Vinciquerra*, 2012 WL 3055418 (W. Va. May 25, 2012). The Legislature enacted West Virginia Code § 7-1-1b in 2009, after the Supreme Court of Appeals's decision in *Burkhart*, to resolve "confusion concerning when a candidate for county commission must be a resident of the magisterial district he or she wants to represent." W. Va. Code § 7-1-1b(a)(1). Under this statute, a candidate for

AG Opinion

county commissioner "shall be a resident from the magisterial district for which he or she is seeking election" by either "the last day to file a certificate of announcement" or "the time of his or her appointment by the county executive committee or the chairperson of the county executive commission." *Id.* § 7-1-1b(b)(1)-(2). In *Buckner*, a would-be candidate resided in an open district before the filing deadline, but moved to a district where a current commissioner resided before the general election. The candidate argued that the move did not disqualify him for the open seat because in enacting Section 7-1-1b, "the Legislature intended to supercede" *Burkhart* and "change the criterion for residency from the date of the general election to the last date to file a certificate of candidacy." *Buckner*, 2012 WL 3055418, at *2. The court rejected that argument, concluding instead that Section 7-1-1b "specified a residency requirement that is *in addition to* the requirement in Article IX, Section 10" because "a candidate must always meet the requirements of the Constitution." *Id.* The court thus doubled-down on *Burkhart*'s rationale, finding the candidate's original residency irrelevant because at the time "a new county commissioner was being elected," the candidate "resided in a district in which a sitting commissioner already resided." *Id.*

Indeed, the only time the Supreme Court of Appeals declined to apply *Burkhart* was in the 2013 decision in *Veltri v. Parker*, 232 W. Va. 1, 750 S.E.2d 116 (2013), where the court held that the circuit court improperly relied on *Burkhart* to invalidate the results of an election. The concern in that case, however, was that the challenger failed to use the appropriate legal process to bring a *post-election* challenge; *Burkhart* involved a *pre-election* mandamus challenge, and the court concluded that mandamus is not an appropriate remedy after an election has taken place. *Id.* at 7, 750 S.E.2d at 122. *Veltri* thus does not call *Burkhart*'s holding into question when it comes to assessing an open district for a future election—that is, a duly elected county commissioner is "elected from" the magisterial district where he or she resided on the date of the general election.

Sincerely,



Patrick Morrisey
Attorney General

Lindsay See
Solicitor General

Thomas T. Lampman
Assistant Attorney General

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

FILED

2019 JUL 15 A 9:02

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

July 15, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **July 12, 2019**.

LETTERS OF INTENT RECEIVED

July 8, 2019 – Pace Enterprises of West Virginia, Inc., Morgantown, Monongalia County, CON File #19-3-11652-BH, for the provision of Title XIX IDD Waiver Services in Kanawha County; no capital expenditure.

July 8, 2019 – Pace Enterprises of West Virginia, Inc., Morgantown, Monongalia County, CON File #19-6-11653-BH, for the provision of Title XIX IDD Waiver Services in Taylor County; no capital expenditure.

APPLICATIONS FOR EXEMPTION RECEIVED

July 8, 2019 – Community Health Systems, Inc., Beckley, Raleigh County, CON File #19-3-11655-X, for the development of a school-based clinic located at 4851 Clear Fork Road, Artie, Raleigh County.

July 8, 2019 – Community Health Systems, Inc., Beckley, Raleigh County, CON File #19-1-11656-X, for the development of a school-based clinic located at 104 Pershing Street, Beckley, Raleigh County.

July 8, 2019 – Community Health Systems, Inc., Beckley, Raleigh County, CON File #19-1-11657-X, for the development of a school-based clinic located at 5960 Coal River Road, Rock Creek, Raleigh County.

July 8, 2019 – SF RMIP, LLC, Hewlett, New York, CON File #19-1-11658-X, for the acquisition of 100% of the membership interests of LG-OHI REIT 1 LLC, an affiliate entity of LG-OHI Daniels LLC, which is the owner of the property where a 68-bed skilled nursing facility, known as Raleigh Center, is located.

July 8, 2019 – SF RMIP, LLC, Hewlett, New York, CON File #19-4-11659-X, for the acquisition of 100% of the membership interests of LG-OHI REIT 1 LLC, an affiliate entity of LG-OHI Hilltop LLC, which is the owner of the property where a 120-bed skilled nursing facility, known as Hilltop Center, is located.

July 8, 2019 – SF RMIP, LLC, Hewlett, New York, CON File #19-4-11660-X, for the

Other

acquisition of 100% of the membership interests of LG-OHI REIT 1 LLC, an affiliate entity of LG-OHI Oak Hill LLC, which is the owner of the property where an 80-bed skilled nursing facility, known as Hidden Valley Center, is located.

July 8, 2019 – SF 825 Summit Street Real Property LLC, Hewlett, New York, CON File #19-5-11661-X, for the acquisition of the real property on which Miletree Center, a 62-bed skilled nursing facility, is located.

July 12, 2019 – Valley Health Systems, Inc., Huntington, Cabell County, CON File #19-3-11662-X, for the addition of a new Valley Health site located within St. Francis Hospital, Charleston, Kanawha County.

July 12, 2019 – Valley Health Systems, Inc., Huntington, Cabell County, CON File #19-3-11663-X, for the addition of a new Valley Health site located within Fruth Pharmacy on Oakwood Road, 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.I.Skeen@wv.gov. Public comments must be received by July 24, 2019 at 5:00 p.m.

PROJECTS DETERMINED NOT REVIEWABLE

July 8, 2019 – Home Base, Inc, Charleston, Kanawha County, CON File #19-7-11642-X, for the complete relocation of its facility located at 718 Beverly Pike to 105 Nathan Street, both in Elkins, Randolph County; no capital expenditure.

July 8, 2019 – Home Base, Inc., Charleston, Kanawha County, CON File #19-6-11643-X, for the complete relocation of its facility located at 33 Moran Circle to 1224 Country Club Road, Suites B and C, both in Fairmont, Marion County; no capital expenditure.

July 8, 2019 – National Youth Advocate Program, Columbus, Ohio, CON File #19-10-11645-X, for the complete relocation of its office located at 1031 National Road to the Park View Professional Center, located at 111 Park View Lane, Suite 104, both in Wheeling, Ohio County; no capital expenditure.

CERTIFICATE OF NEED APPROVALS ISSUED

July 9, 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.

July 12, 2019 - Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #19-5-11588-P, for the development of an ambulatory health care facility through the provision of physician services in Wood County; capital expenditure: $130,000.

NOTICE OF SUBSTANTIAL COMPLIANCE

The following project has been implemented in substantial compliance with the decision issued in this matter and the case file is now closed.

Other

July 8, 2019 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #17-6-11163-H, for the addition of an operating room and related renovations; capital expenditure: $3,645,123.

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

FILED

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

July 16, 2019

NEWS ITEM

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

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

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 **July 15, 2019**.

On or before **August 14, 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 19, 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 **September 13, 2019**.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.4776/Fax • www.hca.wv.gov

Other

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

7/16/19
Date

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

FILED

west virginia
DIVISION OF PERSONNEL

Sheryl R. Webb, Director
Allan L. McVey, Cabinet Secretary

2018

OFFICE OF VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING

In accordance with the provisions of West Virginia Code § 29-6-10(2), a public hearing on amendments to the pay plan for classified employees will be held by the West Virginia State Personnel Board on Thursday, July 25, 2019 at 12:00 p.m. in Building 3, first floor Conference Room 124, of the State Capitol Complex, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The public hearing will consider the following amendments to the pay plan, which are set forth in the proposed salary schedule:

(1) the revision to the West Virginia Division of Personnel Schedule of Salary Grades to replace the current minimum, market, and maximum rates of pay grades 2 through 26 as specified in the document titled *West Virginia Division of Personnel, Proposed Schedule of Salary Grades*; and,

(2) a plan of implementation providing that:

- an incumbent whose salary falls below the minimum rate of the new compensation range shall have his or her salary adjusted to the new minimum;
- an incumbent whose salary falls within the new range shall maintain his or her current salary; and,
- an incumbent whose salary falls above the maximum rate of the new range shall maintain his or her current salary.

Oral comments will be accepted at the public hearing.

Sheryl R. Webb, Director
West Virginia Division of Personnel

7.16.19
Date

Building 3, Suite 500, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305-0139
TEL: 304.558.3950 VISIT OUR WEBPAGE AT: www.personnel.wv.gov FAX: 304.957.0141

THE DIVISION OF PERSONNEL IS AN EQUAL OPPORTUNITY EMPLOYER

Other

Proposed Schedule of Salary Grades 2 - 26

Pay grade	Minimum	Market	Maximum
2	$18,249	$29,745	$33,760
3	$18,829	$30,691	$34,833
4	$19,430	$31,670	$35,945
5	$20,036	$32,658	$37,066
6	$20,657	$33,670	$38,215
7	$21,700	$35,371	$40,145
8	$22,794	$37,154	$42,168
9	$23,939	$39,020	$44,287
10	$25,147	$40,989	$46,521
11	$26,406	$43,041	$48,851
12	$27,729	$45,198	$51,298
13	$29,396	$47,915	$54,382
14	$31,146	$50,767	$57,620
15	$32,722	$53,336	$60,535
16	$34,688	$56,541	$64,172
17	$36,779	$59,949	$68,041
18	$38,997	$63,565	$72,144
19	$40,947	$66,743	$75,751
20	$42,988	$70,070	$79,527
21	$45,129	$73,560	$83,488
22	$48,299	$78,727	$89,353
23	$51,689	$84,253	$95,624
24	$55,312	$90,158	$102,327
25	$59,192	$96,482	$109,505
26	$63,342	$103,247	$117,182