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

Accountancy, Board of
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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Community and Technical College Education (135-14)	Holidays Procedural	§§18B-1-6, 18B-1-3(h)(2)	Written Comments Only: December 2, 2019 4:30pm Sarah Tucker 1018 Kanawha Blvd, East, Suite 700 Charleston, WV 25301 tucker@wvctcs.org
Occupational Therapy (13-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	§§30-1-24, 30-28-7	Written Comments Only: November 30, 2019 5:00pm WV Board of Occupational Therapy 1063 Maple Dr. Suite 4B Morgantown, WV 26505 vmalnikoff@wvbot.org

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

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
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TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	31	DIETITIANS
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TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
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TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
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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
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TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
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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
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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

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

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

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/7/2019 8/22/2019	7/8/2019 9/22/2019		7/23/2019 9/27/2019	Modified & Approved 10/24/2019			
Acupuncture (32-04)	Fees of the Board of Acupuncture Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Acupuncture (32-14)	Auricular Detoxification Therapy Certificate Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019 Filed 10/17/2019			
Acupuncture (32-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Acupuncture (32-16)	Consideration of Prior Criminal Convictions In Initial Licensure Determinations Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019			
Administration (148-12)	Rules for the General Administration of Records Management and Preservation Legislative	6/24/2019	7/24/2019		7/26/2019	Approved 10/24/2019			
Administration (148-13)	Rules for Retention and Disposal Scheduling Legislative	6/24/2019	7/24/2019		7/26/2019	Approved 10/24/2019			
Administration (148-14)	Rules for the Management of Records Maintained by the Records Center Legislative	6/24/2019	7/24/2019		7/26/2019	Appoved 10/24/2019			
Administration (148-23)	Exemptions from Management Services Provided by the Fleet Management Division Legislative	5/3/2019	6/3/2019	4/5/2019 Effective 5/17/2019	7/8/2019	Approved 10/24/2019			
Administration (148-24)	Financial Services Reporting Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 10/24/2019 Filed 10/29/2019			
Agriculture (61-01)	Animal Disease Control Legislative	6/21/2019	7/22/2019		7/22/2019				
Agriculture (61-10)	Fresh Food Act Legislative	6/26/2019	7/26/2019	7/31/2019 Approved 8/2/2019	7/26/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-11B)	Auctioneers Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019			
Agriculture (61-13A)	Poultry- Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication Legislative	6/11/2019	7/10/2019		7/11/2019	Approved 9/26/2019			
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019			
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019		7/26/2019				
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019		7/26/2019				
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019		7/26/2019				
Agriculture (61-34)	Captive Cervid Farming Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 9/26/2019			
Agriculture (61-38)	Farmers Markets Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/2/2019			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2019	7/9/2019		7/19/2019	Modified & Approved 9/26/2019 Filed 10/2/2019			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Architects (2-01)	Registration of Architects Legislative	6/5/2019 8/22/2019	7/9/2019 9/22/2019		7/16/2019 9/24/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Approved 10/24/2019			
Chiropractic Examiners (4-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			
Chiropractic Examiners (4-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/5/2019	9/9/2019		9/10/2019				
Coal Mine Health and Safety (36-01)	Rules and Regulations Governing Approvals and Permits, Explosives and Ventilation For The Construction of Shaft And/Or Slope Operations In The State Of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-03)	Rules and Regulations Governing The Certification and Statutory Duties of Shaft And/Or Slope Superintendent Examiner Foreman and Examiner Foreman Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-04)	Rules and Regulations Governing The Movement of Mining Equipment Within Coal Mines In The State of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-06)	Longwall Mining Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-07)	Rules and Regulation Governing Shortwall Mining Within The State of West Virginia Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-08)	Rules and Regulations Governing The Right of A Miner to Refuse To Operate Alleged Unsafe Equipment Legislative Exempt	10/11/2019	11/25/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health and Safety (36-11)	Rules and Regulations Governing When Underground Mine Foreman-Boss Required; Assistants;Certifications; The Reopening of Abandoned Mines and the Deenergization of Self-Propelled Electric coal Feeders; Performance Requirements Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-12)	Rules and Regulations Governing Electrical Provisions for Underground Mining Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-13)	Rules and Regulations Governing The Authority, Accountability, and Responsibility of Underground Mine Foreman; Responsibility of Operator In Relation To Mine Foreman; And Regulatory Review Procedures Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-15)	Rules and Regulations Governing Ventilation By Use Of Mechanically Operated Fans and Intentional Changes In The Ventilation System Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-16)	Rules and Regulations GoverningThe Blocking Of Equipment Prior To Performing Working On Such Equipment Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-17)	Rules and Regulations Governing Unused and Abandoned Parts of Mine Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-18)	The Responsibility For Care and Maintenance of Equipment Legislative Exempt	10/24/2019	12/9/2019						
Coal Mine Health and Safety (36-57)	Rules Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/24/2019	12/9/2019						
Community and Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	4/29/2019	5/30/2019	4/29/2019 Effective 4/29/2019	6/3/2019	Approved 10/4/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Community and Technical College Education (135-14)	Holidays Procedural	10/29/2019	12/02/2019						
Conservation Agency (63-03)	State Conservation Committee Grant Program Legislative	5/30/2019	6/29/2019		7/10/2019	Approved 10/24/2019			
Counseling (27-13)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/9/2019			
Dentistry, WV Board of (5-01)	Rule for the West Virginia Board of Dentistry Legislative	5/31/2019 7/26/2019	7/1/2019 8/26/2019		7/19/2019 9/20/2019				
Dentistry, WV Board of (5-08)	Dental Advertising Legislative	5/31/2019	7/1/2019		7/19/2019				
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 Approved 7/30/2019	7/18/2019				
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	7/29/2019	8/29/2019		8/30/2019	Modified & Approved 9/26/2019 Filed 10/1/2019			
Dietitians (31-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/24/2019	7/25/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/2/2019			
Education (126-092)	West Virginia School Bus Transportation Regulations, Procedures, and Specifications for the Design and Equipment of School Buses (Policy 4336) Legislative Exempt	10/10/2019	11/12/2019						
Election Commision (146-01)	Corporate and Membership Organization Political Activity Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019				
Election Commission (146-03)	Regulation of Campaign Finance Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019				

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**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		7/25/2019				
Fire Commission (87-01)	State Fire Code Legislative	6/13/2019	7/16/2019		7/25/2019				
Fire Commission (87-04)	State Building Code Legislative	6/13/2019	7/16/2019		7/25/2019				
Forestry (22-02)	Sediment Control During Commerical Timber-Harvesting Operations-Licensing Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019				
Forestry (22-03)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019				
Funeral Service Examiners (6-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019	7/18/2019		7/23/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Funeral Service Examiners (6-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019			
Health (64-03)	Public Water Systems Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019			
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	Modified & Approved 10/24/2019			
Health (64-48)	Emergency Medical Services Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019			
Health (64-70)	Primary Care Center Uncompensated Care Grants Legislative	6/21/2019	7/22/2019		7/25/2019				
Health (64-71)	Primary Care Seed Money Grants Legislative	6/26/2019	7/26/2019		7/26/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/21/2019	7/22/2019	4/3/2018 Effective 4/3/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			
Health (64-111)	Medical Cannabis Program Laboratories Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			
Health (64-112)	Medical Cannabis Program Dispensiaries Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			
Health (64-113)	Medical Cannabis Program Safe Harbor Letter Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/24/2019				
Heath and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/17/2019	7/17/2019	6/19/2019 Effective 7/31/2019	7/22/2019				
Health Care Authority (65-09)	Critical Access Hospitals Legislative	6/13/2019	7/15/2019		7/16/2019				
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fee for Certain Individuals Legislative	6/24/2019	7/24/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/21/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019			
Higher Education Policy Commission (133-03)	Higher Education Report Card Legislative	6/17/2019	7/17/2019		9/30/2019				
Higher Education Policy Commission (133-14)	Holidays Procedural	9/30/2019	10/30/2019					10/31/2019	12/1/2019
Higher Education Policy Commission (133-26)	Underwood-Smith Teacher Scholarship Legislative	9/30/2019	10/30/2019						
Higher Education Policy Commission (133-40)	Equal Opportunity and Affirmative Action Procedural	9/30/2019	10/30/2019					10/31/2019	12/1/2019
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019	Approved 10/4/2019			
Higher Education Policy Commission (133-54)	Campus Safety Procedures Procedural	9/30/2019	10/30/2019					10/31/2019	12/1/2019
Higher Education Policy Commission (133-61)	Choose West Virginia Practice Program Procedural	9/30/2019	10/30/2019					10/31/2019	12/1/2019
Highways (157-06)	Use of State Road Rights of Way and Adjacent Areas Legislative	6/27/2019	7/29/2019		7/29/2019				
Highways (157-07)	Transportation of Hazardous Wastes Upon the Roads and Highways Legislative	6/26/2019	7/26/2019		7/26/2019				
Highways (157-13)	Small Wireless Facilities on Division of Highways Rights-of-Way Legislative	6/27/2019	7/29/2019		7/29/2019				
Human Services (78-02)	Child Placing Agencies Licensure Legislative	6/17/2019	7/17/2019	8/16/2019 Effective on 9/27/2019	7/26/2019				
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia Legislative	6/18/2019	7/18/2019	8/16/2019 Effective on 9/27/2019	7/26/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-24)	Qualifications for a Provisional License to Practice As A Social Worker Within the Department of Health and Human Resources Legislative	6/18/2019	7/18/2019		7/24/2019				
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative				9/4/2019 Sunset Extension				
Insurance Commission (114-24)	Medicare Supplement Insurance Legislative	6/10/2019	7/10/2019		7/26/2019	Approved 10/24/2019			
Insurance Commission (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019	Modified & Approved 10/24/2019 Filed 10/29/2019			
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	9/18/2019	10/17/2019						
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019			
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019			
Landscape Architects (9-01) Withdrawn 10/30/2019	Registration of Landscape Architects Legislative	6/24/2019	7/24/2019		7/25/2019				
THE ABOVE RULE HAS BEEN WITHDRAWN 10/30/2019									
Landscape Architects (9-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019				
Massage Therapy Licensure Board (194-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Massage Therapy Licensure Board (194-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Medical Imaging and Radiation Therapy Tech. Bd. of Exam. (18-01)	WV Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/5/2019 8/26/2019	7/7/2019 9/27/2019		7/25/2019 9/27/2019	Modified & Approved 10/24/2019 Filed 10/31/2019			
Medicine (11-01B)	Licensure, Disciplinary and Compliant Procedures, Continuing Education, Physician Assistants Legislative	6/19/2019	7/19/2019	6/19/2019 Amendment 7/25/2019 Approved 7/30/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/8/2019			
Medicine (11-13)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/19/2019	7/19/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/8/2019			
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/19/2019	7/19/2019	6/19/2019 Effective 7/31/2019	7/25/2019				
Miners Health Safety and Training (56-22)	Rules Governing the Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors Legislative	6/19/2019	7/19/2019	6/19/2019 Effective 7/31/2019	7/25/2019				
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Rule Legislative	6/5/2019	7/8/2019		7/25/2019				
Mining and Reclamation (38-02F)	Groundwater Protection Rules Coal Mining Operations Legislative	6/5/2019	7/8/2019		7/25/2019				
Motor Vehicles (91-15)	Safety and Treatment Program Legislative	7/17/2019	8/16/2019	7/16/2019 Approved 7/30/2019	8/19/2019	Modified & Approved 10/25/2019			
Motor Vehicles (91-24)	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative	6/27/2019	7/29/2019	6/27/2019 Effective 8/8/2019	7/29/2019	Approved 10/24/2019			
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-16)	Transporting and Selling Wildlife Pelts and Parts Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-25)	Boating Rule Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-26)	Special Boating Rules Legislative	6/10/2019	7/10/2019		7/23/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-28)	Special Requirements Concerning Boating Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-32)	Public Use of Campgrounds in West Virginia State Parks and State Forests, and Campsites in State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-34)	Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-46)	Defining of Terms Used In All Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 10/24/2019			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 10/24/2019			
Natural Resources (58-61)	Special Fishing Rule Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-62)	Catching and Selling Bait Fish Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-65)	Falconry Legislative	6/10/2019	7/10/2019		7/24/2019				
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	10/24/2019	11/25/2019						
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019		7/3/2019	Approved 9/26/2019			
Occupational Therapy (13-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019		7/3/2019	Modified & Approved 9/26/2019 Filed 9/30/2019			
Occupational Therapy (13-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	10/30/2019	11/30/2019						

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEAACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Oil & Gas Conservation Commission (39-01)	Rules of The Commission Legislative	6/14/2019	7/16/2019	6/14/2019 Withdrawn 7/26/2019	7/25/2019				
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/26/2019 8/29/2019	7/26/2019 9/29/2019		7/26/2019 10/1/2019				
Osteopathic Medicine (24-02)	Osteopathic Phyician Assistants Legislative	6/28/2019	7/29/2019	6/28/2019 Amendment 7/31/2019 Approved 8/5/2019	7/31/2019	Modified & Approved 10/24/2019			
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019		7/30/2019	Modified & Approved 10/24/2019			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019		7/26/2019				
Pharmacy (15-04)	Record Keeping and Automated Data Processing Systems Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/26/2019 8/15/2019	7/26/2019 9/16/2019		7/26/2019 10/11/2019	Modified & Approved 9/26/2019 Filed 10/11/2019			
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 9/26/2019			
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019			
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	8/15/2019	9/16/2019		10/10/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-18)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019			
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	8/30/2019	9/30/2019		9/30/2019				
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	8/30/2019	9/30/2019		9/30/2019				
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/24/2019	8/26/2019		9/23/2019				
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/25/2019	8/26/2019		9/23/2019				
Physical Therapy (16-09)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/4/2019	7/5/2019		7/18/2019				
Professional Engineers (7-01)	Examination, Licensure and Practice of Professional Engineers Legislative	6/18/2019 8/19/2019	7/19/2019 9/18/2019		7/24/2019 9/20/2019				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/4/2019 8/12/2019	7/9/2019 9/13/2019		7/15/2019 9/17/2019				
Psychologists (17-07)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/30/2019	9/30/2019		10/11/2019				
Public Defender Services (89-01)	Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys Legislative	5/20/2019	6/21/2019	5/21/2019 Effective 7/2/2019	7/22/2019				
Public Service Commission (150-33)	Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt	9/6/2018 03/13/2019	11/8/2018 04/30/2019					10/16/2019	11/15/2019
Public Service Commission (150-38)	Government of Pole Attachments Legislative Exempt	10/15/2019	11/14/2019						
Racing Commission (178-01)	Throughbred Racing Legislative	6/10/2019	7/10/2019		7/18/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Appraiser Licensing & Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/26/2019 8/6/2019	7/26/2019 9/6/2019		7/26/2019 9/9/2019				
Real Estate Commission (174-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/31/2019	6/30/2019		7/2/2019	Modified & Approved 9/26/2019 Filed 10/7/2019			
Real Estate Commission (174-07)	Conisderation of Prior Criminal Convictions In Initial License Eligibility Determination Legislative	8/27/2019	9/26/2019		9/27/2019				
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Constituting Professional Misconduct Legislative	8/29/2019	9/30/2019		10/11/2019				
Registered Professional Nurses (19-15)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019		8/22/2019	Modified & Approved 9/26/2019 Filed 10/7/2019			
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/1/2019			
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/2/2019			
Sanitarians (20-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019 8/29/2019	7/19/2019 9/29/2019		7/23/2019				
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 10/24/2019			
Social Work Examiners (25-03)	Fee Schedule Legislative	6/5/2019	7/5/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019		6/28/2019	Modified & Approved 10/24/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Speech-Language Pathology and Audiology (29-04)	Disciplinary & Complaint Procedures for Speech-Language Pathology & Audiology Legislative	8/8/2019	9/13/2019		9/17/2019	Modified & Approved 10/24/2019			
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/13/2019	7/13/2019		7/15/2019	Approved 10/24/2019			
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	Modified & Approved 10/24/2019			
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	9/26/2019	10/26/2019						
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	Modified & Approved 10/24/2019			
Veterinary Medicine (26-01)	Organization and Operation and Licenisng of Veterinarians Legislative	8/7/2019	9/8/2019		9/9/2019				
Veterinary Medicine (26-03)	Registration of Veterinary Technicians Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019				
Veterinary Medicine (26-06)	Schedule of Fees Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019				
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 10/25/2019			
Water Resources, Div. of Water & Waste Mgmt. (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	3/21/2019	5/6/2019						
Workers Compensation (85-12)	Comprise & Settlement of Workers' Compensation Issues Legislative Exempt	8/19/2019	9/19/2019					10/16/2019	11/15/2019

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/29/2019 3:40:30 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Administration

RULE TYPE: Legislative TITLE-SERIES: 148-24

RULE NAME: 148-24 Financial Services Reporting

CITE AUTHORITY: W.Va. Code Section 5A-2B-2

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Misty Peal -- 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
10/29/2019 11:45:24 AM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission

RULE TYPE: Legislative TITLE-SERIES: 114-40

RULE NAME: Credit for Reinsurance

CITE AUTHORITY: W. Va. Code §§33-2-10 and 33-4-15a(e)

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Allen R Prunty -- 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.

FILED

2019 OCT 30 P 1:16

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

STATE BOARD OF LANDSCAPE ARCHITECTS

179 Summers St, Suite 715
Charleston WV 25301

October 21, 2019

Judy Cooper
Maureen Lewis
WV Secretary of State
Suite 157-K
19 Kanawha Blvd, East
Charleston, WV 25305-0770

Dear Judy,

The WV Board of Landscape Architects has decided it is necessary to withdraw the rule changes for 9CSR1. This was determined in a meeting with the attorney, Jeff Johnson, when reviewing the rules for the upcoming Legislative Rule-Making Review Committee meeting. The Board needs more time in making the needed adjustments to the rule and will resubmit next year.

Sincerely,

Kendra Zamora
Agency Administrator

Cc: James Fuerhoff, Director

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/31/2019 3:27:49 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Medical Imaging And Radiation Therapy Technology Board Of Examiners

RULE TYPE: Legislative TITLE-SERIES: 18-01

RULE NAME: WV Medical Imaging And Radiation Therapy Technology Board Of Examiners

CITE AUTHORITY: Chapter 30, Article 23

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Jamie S Browning -- 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

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10/30/2019 12:30:29 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Occupational Therapy TITLE-SERIES: 13-08

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

RULE NAME: Consideration of Prior Criminal Convictions in Initial Licensure Determinations

CITE STATUTORY AUTHORITY: 30-1-24, 30-28-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/30/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WV Board of Occupational Therapy

ADDRESS: 1063 Maple Dr., Suite 4B

Morgantown, WV 26505

EMAIL: vmalnikoff@wvbot.org

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
10/29/2019 3:01:55 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

PROCEDURAL

AGENCY: Community And Technical College Education TITLE-SERIES: 135-14

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

RULE NAME: Holidays

CITE STATUTORY AUTHORITY: WV Code §18B-1-6, 18B-1-3(h)(2)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/02/2019 4:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sarah Tucker

ADDRESS: 1018 Kanawha Blvd., East, Suite 700

Charleston, WV 25301

EMAIL: tucker@wvctcs.org

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
10/31/2019 3:28 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-14

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

RULE NAME: Holidays

CITE STATUTORY AUTHORITY: 18B-1-6

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

December 1, 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
10/31/2019 3:30 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: 133-40

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

RULE NAME: Equal Opportunity and Affirmative Action

CITE STATUTORY AUTHORITY: 18B-1-6

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

December 1, 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
10/31/2019 3:46 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-54

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

RULE NAME: Campus Safety Procedures

CITE STATUTORY AUTHORITY: 18B-1-6

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

December 1, 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

10/31/2019 3:23 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: 133-61

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

RULE NAME: Choose West Virginia Practice Program

CITE STATUTORY AUTHORITY: 18B-1-6

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

December 1, 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 LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

FILED
2019 OCT 25 P 3:39
OFFICE OF SECRETARY OF STATE

LRMRC

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brenda Turley Brenda.S.Turley@wv.gov
Board of Accountancy
405 Capitol Street
Suite 908
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Board Rules and Rules of Professional Conduct, 1-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

FILED
2019 OCT 25 P 1:01
OFFICE OF SECRETARY OF STATE

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Linda Lyter Linda_Lyter@frontier.com
Board of Acupuncture
179 Summers Street, Suite 711
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 32-16

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

FILED
2019 OCT 25 P 4:03
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LRMRC

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mary Jane Pickens Maryjane.Pickens@wv.gov
Department of Administration
1900 Kanawha Blvd East
Building 1, Room E119
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Rules for the General Administration of Records Managements and Preservation, 148-12

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
   (B) as modified by the agency —
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. —
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. —

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

FILED
2019 OCT 25 P 4:03
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mary Jane Pickens Maryjane.Pickens@wv.gov
Department of Administration
1900 Kanawha Blvd East
Building 1, Room E119
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Rules for Retention and Disposal Scheduling, 148-13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
   (B) as modified by the agency —
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. —
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. —

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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LRMRC

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mary Jane Pickens Maryjane.pickens@wv.gov
Department of Administration
1900 Kanawha Blvd East
Building 1, Room E119
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Rules for the Managements of Records Maintained by the Records Center, 148-14

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
   (B) as modified by the agency —
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mary Jane Pickens MaryJane.Pickens@wv.gov
Department of Administration
Building 1, Room E-119, 1900 Kanawha Blvd. E
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Exemptions from Management Services Provided by the Fleet Management Division, 148-23

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
   (B) as modified by the agency —
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mary Jane Pickens Maryjane.Pickens@wv.gov
Department of Administration
Building 1, Room E119
1900 Kanawha Blvd East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Financial Services Reporting, 148-24

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Stephen R. Connolly Steve.Connolly@wvsao.gov
State Auditor
State Capitol Building
Bldg. 1, Suite W-100
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Local Government Purchasing Card Program, 155-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
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Delegate Geoff Foster, Co-Chair

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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Belinda G. Withrow Bwithrow@wvca.us
State Conservation Committee
1900 Kanawha Blvd E.
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: State Conservation Committee Grant Program, 63-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
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Legislative Rule-Making Review Committee

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Senator Mark Maynard, Co-Chair

Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Regina J. Anderson WVFuneralBoard@hotmail.com
Funeral Service Examiners
179 Summers Street, Suite 319
Charleston, WV 25309

From: Legislative Rule-Making Review Committee

Proposed Rule: Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 6-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed —
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Senator Mark Maynard, Co-Chair
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson April.L.Robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Public Water Systems, 64-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April L. Robertson April.L.Robertson@wv.gov
DHHR
One Davis Square, Suite 100, East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Vital Statistics, 64-32

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April L. Robertson April.L.Robertson@wv.gov
DHHR
One Davis Square, Suite 100, East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Emergency Medical Services, 64-48

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Kendra Zamora boardofhearingaiddealers@frontier.com
Hearing Aid Dealers
179 Summers Street, Suite 715
Charleston, WV 26301

From: Legislative Rule-Making Review Committee

Proposed Rule: Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 8-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Victor Mullins Victor.A.Mullins@wv.gov
Insurance Commission
P.O. Box 50540
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Medicare Supplement Insurance, 114-24

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
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Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Victor Mullins Victor.A.Mullins@wv.gov
Insurance Commission
900 Pennsylvania Avenu
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Credit for Reinsurance, 114-40

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed —
   (B) as modified by the agency — X
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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mtitchell E. Woodrum Mitch.E.Woodrum@wv.gov
Labor
1900 Kanawh Blvd. East, Capitol Complex
Building 3, Room 200
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Supervision of Plumbing Work, 42-32

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mittchell E. Woodrum Mitch.E.Woodrum@wv.gov
Labor
1900 Kanawha Blvd. E, Capitol Complex
Building 3, Room 200
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulation of Heating, Ventilating, and Cooling Work, 42-34

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
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James Fuerhoff, Director

LRMRC

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Linda Lyter Linda_Lyter@frontier.com
Massage Therapy Licensure Board
179 Summers Street, Suite 711
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 194-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   - (A) as originally filed ____
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James Fuerhoff, Director

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jamie Browning Jamie.S.Browning@wv.gov
Medical Imaging Technologists
1124 Smith Street
Suite B-300
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, 18-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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October 25, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Adam Holley Adam.J.Holley@wv.gov
DMV
5707 MacCorkle Avenue SE
PO Box 17200
Charleston, WV 25317

From: Legislative Rule-Making Review Committee

Proposed Rule: Safety and Treatment Program, 91-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Adam Holley Adam.J.Holley@wv.gov
DMV
5707 MacCorckle Ave
PO BOX 17200
Charleston, WV 25317

From: Legislative Rule-Making Review Committee

Proposed Rule: State Vehicle Title, Registration and Relicensing Project of 2018, 91-24

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed X
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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

LRMRC

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Wendy L. Green dnrcomments@wv.gov
Division of Natural Resources
324 4th Avenue, Rom 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Defining the Terms Used in All Hunting and Trapping, 58-46

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
   (B) as modified by the agency —
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. —
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. —

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Wendy L. Green DNRcomments@wv.gov
Division of Natural Resources
324 4th Avenue, Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Prohibitions When Hunting and Trapping, 58-47

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   (A) as originally filed — X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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LRMRC

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Diana Shepard Diana.k.Shepard@wv.gov
Osteopathic Medicine
405 Capitol Street, Suite 402
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Osteopathic Physician Assistants, 24-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X

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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Diana Shepard Diana.K.Shepard@wv.gov
Osteopathic Medicine
405 Capitol Street, Suite 402
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants, 24-08

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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LRMRC

October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Vickie James Admin@wvsocialworkboard.org
Board of Social Work
PO Box 5459
Charleston, WV 25361

From: Legislative Rule-Making Review Committee

Proposed Rule: Qualifications for the Profession of Social Work, 25-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Patty Nesbitt WVBESLPA@wv.gov
Speech-Language Pathology and Audiology
99 Edmiston Way
Box 11, Suite 214
Buckhannon, WV 26201

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure of Spech-Pathology and Audiology, 29-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Patty Nesbitt WVBESLPA@wv.gov
Speech-Language Pathology and Audiology
99 Edmiston Way
Box 11 - Suite 214
Buckhannon, WV 26201

From: Legislative Rule-Making Review Committee

Proposed Rule: Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology, 29-04

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Morton Taxlegal@wv.gov
State Tax Department
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Payment of Taxes by Electronic Funds Transfer, 110-10F

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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James Fuerhoff, Director

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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark S. Morton TaxLegal@wv.gov
State Tax Department
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: 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, 110-15C

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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October 24, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark S. Morton TaxLegal@wv.gov
State Tax Department
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Exchange of Information Pursuant to Written Agreement, 110-50C

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

LRMRC

October 25, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Julie Wandling Julie.A.Wandling@wv.gov
Department of Environmental Protection Waste Management
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Hazardous Waste Management System, 33-20

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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Orders Report

Docket Number	Agency	Respondent	Date Rendered
17-6-11131-Z	Health Care Authority	United Hospital Center, Inc.	10/25/2019
19-1-11716-X	Health Care Authority	Princeton Center LLC	10/23/2019
19-1-11715-X	Health Care Authority	Med-Surg Physician Group	10/23/2019
18-5-11377-H	Health Care Authority	Hospital Development Company	10/23/2019
19-AP-THP-02035	Insurance Commission	Timothy Connors	10/22/2019
19-AP-THP-02035	Insurance Commission	Kathy Hartley	10/22/2019
C-18-006	Real Estate Commission, West Virginia	Edward H. Staats, III	10/17/2019

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2019-0376-MAPS	Don Edward Vance	Division of Corrections and Rehabilitation	10/1/2019
		Bureau of Prisons and Jails	10/1/2019
		Southwestern Regional Jail and Correctional Facility	10/1/2019
2018-1483-CONS	Jaymi S. Martin et al.	Regional Jail and Correction Facility Authority	10/2/2019
		Southern Regional Jail	10/2/2019
2019-1283-CabED	Judy Davis	Cabell County Board Of Education	10/3/2019
2020-0184-DHHR	Jeffrey Bentley	Department Of Health And Human Resources	10/3/2019
		Mildred Mitchell-Bateman Hospital	10/3/2019
2019-1432-DOT	Shawn Hall	Division Of Motor Vehicles	10/4/2019
2019-0086-DOA	Cleophus Booth, Jr.	General Services Division	10/8/2019
2018-1166-MinED	Crystal Canterbury	Mingo County Board Of Education	10/8/2019
2020-0292-SWVCTC	Katie Ann Jarrell	Southern West Virginia Community and Technical College	10/8/2019
2020-0337-SWVCTC	Mandy Elizabeth Lester	Southern West Virginia Community and Technical College	10/8/2019
2020-0290-PocED	Jamie C. Walker	Pocahontas County Board Of Education	10/8/2019
2019-0788-MU	Randall Morrison	Marshall University	10/9/2019
2018-1243-CONS	Timothy Christian, et al.	Division Of Highways	10/9/2019
2019-1173-BooED	Jonathan Ball	Boone County Board Of Education	10/11/2019
2019-1842-BooED	Jonathan A. Ball	Boone County Board Of Education	10/11/2019
2019-1766-KanED	Jean Carpenter	Kanawha County Board Of Education	10/11/2019
2020-0094-KanED	Jean Carpenter	Kanawha County Board Of Education	10/11/2019
2019-1527-WVUIT	Heather R. Cline	West Virginia University Institute of Technology	10/11/2019
2019-0247-DOT	Steven R. McCoy	Division of Highways	10/15/2019
2020-0302-CONS	Issac Ferrebee, et al.	Division of Corrections and Rehabilitation	10/15/2019

10/29/2019 4:15:52 PM

CONT. GRIEVANCES REPORT

2020-0302-CONS **Issac Ferrebee, et al.**

Bureau of Prisons and Jails 10/15/2019

Salem Correctional Center and Jail 10/15/2019

West Virginia State Board of Registration
for Professional Engineers

304-558-3554 Phone
304-558-6232 Facsimile
800-324-6170 Toll Free
www.wvpebd.org

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2019 OCT 29 A 10:33
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Please find enclosed an electronic copy of the FY2019 Annual Report of the West Virginia State Board of Registration for Professional Engineers. Thank you!

OTHER

October 1, 2019

The Honorable Jim Justice
Governor, State of West Virginia
State Capitol Building
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Governor Justice:

On behalf of the West Virginia State Board of Registration for Professional Engineers, we are pleased to provide you with our Annual Report for FY2019. This report is hereby submitted in compliance with mandates of the statutory requirements of W.Va. Code §30-1-12(b).

In order to safeguard life, health and property and to promote the public welfare, the practice of engineering in this state is declared to be subject to regulation in the public interest. The WV PE Board is charged with the administration and enforcement of the provisions of W.Va. Code §30-13 governing the practice of professional engineering. Enclosed is the Board's certified Annual Report covering fiscal years 2018-2019, including required documentation of agendas, minutes, receipts, disbursements, rosters and a listing of filed complaints. As always, all information contained within this report, as well as other relevant applicant and examinee information, is accessible 24 hours a day, 7 days a week, via our website at www.wvpebd.org.

In closing, the Board gratefully acknowledges your timely appointments of WV PE Board members, allowing our Board to remain active and engaged at the local, state and national level. Please recognize that the WV State Board of Registration for Professional Engineers continues to strive to provide superior service to the engineering students, the engineering professionals, and the citizens of our great state! Should you have any comments or questions regarding the content of this report, please do not hesitate to contact our office.

Sincerely,

Lesley L. Rosier-Tabor, P.E.
Executive Director

cc: Mitch Carmichael, President of the Senate
Roger Hanshaw, Speaker of the House of Delegates
Lee Cassis, Clerk of the Senate
Steve Harrison, Clerk of the House of Delegates
Mac Warner, Secretary of State
DeAnnia Spelock, Resources Manager of Legislative Library
Joseph N. Gieger, Director of Archives and History

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2019 OCT 29 A 10:35
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300 Capitol Street • Suite 910 • Charleston, West Virginia 25301

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

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2019 OCT 28 A 9:32
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

October 28, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **October 25, 2019**.

LETTER OF INTENT RECEIVED

October 21, 2019 – Reynolds Memorial Hospital, Glen Dale, Marshall County, CON File #19-10-11730-H, for the development of a 24-bed inpatient psychiatric unit; capital expenditure: $5,111,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

October 21, 2019 - Reynolds Memorial Hospital, Glen Dale, Marshall County, CON File #19-10-11720-P, for the development of two ambulatory health care facilities in Marshall County; capital expenditure: $470,000.

APPLICATIONS FOR EXEMPTION RECEIVED

October 21, 2019 – St. Mary's Medical Center, Inc., Huntington, Cabell County, CON File #19-2-11731-X, for the conversion of eleven pediatric licensed beds to medical-surgical beds.

October 25, 2019 – Mon Elder Services, Inc. d/b/a The Suites at Heritage Point, Morgantown, Monongalia County, CON File #19-6-11732-X, for the change of its current licensure from residential care community to assisted living.

EXEMPTION APPLICATIONS APPROVED

October 23, 2019 - Med-Surg Physician Group, Beckley, Raleigh County, CON File #19-1-11715-X, for the development of a licensed behavioral health center in Beckley, Raleigh County.

October 23, 2019 - Princeton Center LLC, Charleston, Kanawha County, CON File #19-1-11716-X, for the acquisition of 13 skilled nursing beds from Parkersburg Acquisition LLC and the relocation of those beds to Glenwood Park.

DECISION ON REQUEST FOR EXTENSION AND DECISION ON SUBSTANTIAL CHANGE

October 23, 2019 - Hospital Development Co. d/b/a Roane General Hospital, Spencer, Roane County, CON File #18-5-11377-H, for the renovation, expansion or relocation (within the current Hospital campus located at 200 Hospital Drive, Spencer, Roane County) of a variety of departments or services, including, without limitation, administrative offices, emergency department, physician walk-in clinic, lab services, infusion therapy, radiology, physical therapy and fitness center; the new construction of a medical office building to be located adjacent to the main hospital building on the current hospital campus, along with a corridor from the main hospital building to the new MOB and into which the primary care clinic and specialist physician clinic will be moved; and the construction of a new parking area and new access road on newly acquired land adjacent to the current hospital campus. The services of the hospital will remain the same; capital expenditure: $24,226,800.

The Authority determines that the change in capital expenditure due to an increase in the price of asphalt, concrete and steel and the addition of the financing and closing costs, which were not included in the capital expenditure reported in the CON application, does constitute a substantial change as identified in W. Va. Code St. R. § 65-32-14.1.g. Based upon a review of the audited financial statements on file at the Authority, the Authority determines that the hospital is financially viable and has sufficient funds to absorb the additional costs for the project.

Accordingly, it is ORDERED that the proposed change to the approved project as set forth above does constitute a substantial change to the project. It is further ORDERED that this change shall not be subject to further review.

Extension granted through February 28, 2020.

NOTICE OF SUBSTANTIAL COMPLIANCE AND DECISION ON SUBSTANTIAL CHANGE

October 25, 2019 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #17-6-11131-Z, for the provision of home health services in Preston County; capital expenditure: $125,298.

The Authority determines that the relocation of the office from the original location on the first floor of the office building to the basement, which results in a change in the capital expenditure in excess of the allowed twenty percent, does constitute a substantial change to the project, as defined in W. Va. Code St. R. § 65-32-14.1.h. However, based upon a review of the financial statement submitted with the CON application for UHC's home health and UHC's audited financial statements on file at the Authority, the Authority determines that UHC is financially viable and has sufficient funds to absorb the additional costs.

Accordingly, it is ORDERED that the proposed change to the approved project as set forth above does constitute a substantial change to the project. It is further ORDERED that this change shall not be subject to further review.

Finally, it is ORDERED that the project has been implemented in substantial compliance with the decision issued in this matter.

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

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

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2019 OCT 29 A 11:58
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SECRETARY OF STATE

OTHER

NOTICE OF PUBLIC COMMENT PERIOD

Proposed Certificate of Need Standards

The West Virginia Health Care Authority (Authority) has scheduled a public comment period to receive comments on the following proposed Certificate of Need Standards:

- **Hospice Services**

Written comments may be submitted in care of Barbara Skeen, Interim Executive Director, West Virginia Health Care Authority, 100 Dee Drive, Charleston, WV 25311, or via email to Barbara.l.Skeen@wv.gov no later than **close of business, November 27, 2019.** Copies of the proposed Standards set forth above have been filed with the Secretary of State (SOS). The Standards may be viewed at the Authority's website, www.hca.wv.gov, or copies may be obtained by contacting the Authority at (304) 558-7000.

Approved by Governor
Date:

HOSPICE SERVICES

I. DEFINITION

Hospice care is designed to give palliative and supportive care to the patient and family in the final phase of a terminal illness and focus on comfort and quality of life, rather than cure. The coordinated palliative and supportive care are available 24 hours per day, 7 days per week. The goal is to enable patients to be comfortable and free of pain, so that they live each day as fully as possible. Aggressive methods of pain control may be used. Hospice programs generally are home-based, but they sometimes provide services away from home -- in freestanding facilities, in nursing homes, or within hospitals. The philosophy of hospice is to provide support for the patient's emotional, social, and spiritual needs as well as medical symptoms as part of treating the whole person.

Hospice programs use an interdisciplinary team approach, including the services of physicians, nurses, home health aides, social workers, counselors, chaplains, therapists and trained volunteers. Additional services provided include drugs to control pain and manage other symptoms; physical, occupational, and speech therapy; medical supplies and equipment; medical social services; dietary and other counseling; continuous home care at times of crisis; and bereavement services for the family. Although hospice care does not aim for cure of the terminal illness, it may treat potentially curable conditions such as pneumonia and bladder infections, with brief hospital stays if necessary.

All hospices must be able to provide four levels of care: inpatient, routine home care, continuous care, and inpatient respite. A hospice may operate a facility that can provide inpatient, inpatient respite and, in some cases, routine home care. Inpatient respite and inpatient can also be provided through contracts.

OTHER

Hospice Models

Freestanding:	A hospice inpatient facility that is administratively and physically freestanding. This type of hospice operates a home care program in conjunction with the inpatient unit.
Hospital Based:	A hospice administratively and/or physically linked to a hospital. This type of hospice operates a home care program and may also operate an inpatient unit.
Nursing Home Based:	A hospice administratively and/or physically linked to a nursing home or long-term care facility. This type of hospice can operate an inpatient unit and a home care program.
Community-Based:	A hospice home care program that operates under an autonomous administration. This type of hospice may be affiliated with an inpatient unit. This type of hospice may contract for inpatient services.
Home Health Agency Based:	A hospice administratively and/or physically linked to a home-health agency. This type of hospice may contract for inpatient services.

II. CURRENT INVENTORY

The Health Care Authority (Authority) shall provide the applicant with a current inventory of Hospice providers.

III. NEED METHODOLOGY

The evaluation of need for proposed hospice services or facilities will be based on the county of location as the smallest unit of analysis. Obtaining a Certificate of Need (CON) for a county requires the provision of services to the entire county.

Formula for Projecting Hospice Needs

The Authority will perform the calculation to determine unmet need for each county. The Authority's calculation of unmet need is the only demonstration of need that will be considered. The calculation of unmet need will remain in effect until updated and published by the Authority.

Using total resident deaths by county, excluding external causes, obtained from the Department of Health and Human Resources' Health Statistics Center for the three most recently completed calendar years, the Authority will use the following calculation to project need.

Three year average of total resident deaths, excluding external causes, for the county (x) 30 percent = Total projected hospice users.

If the total projected hospice users exceed the current utilization by 75 patients, then an unmet need exists.

For purposes of determining current utilization, the Authority will conduct an annual survey of all existing hospice providers to obtain the number of hospice deaths for each

county. An average of the three most recent years of hospice deaths will be used in determining the current utilization.

If a CON has been issued to a hospice agency to provide services in a county since the publishing of the most recent need methodology, an adjustment factor of 75 will be utilized in determining the need for additional providers. This adjustment factor will allow the recently approved agency time to initiate and develop hospice services before determining if an additional provider is needed.

If a county should lose its only provider of hospice services, leaving the county without hospice services for its residents, the county is considered open for a new provider and the calculation of unmet need is not applicable. However, once a hospice agency receives a CON to provide services to the county, the calculation of unmet need and the adjustment factor described above are applicable.

IV. QUALITY

All applicants shall document that they will be in compliance with all current applicable Centers for Medicare and Medicaid Services (CMS) and Medicaid requirements.

V. CONTINUUM OF CARE

All applicants shall document that they will be in compliance with all current applicable CMS and Medicaid requirements.

VI. COSTS

A. Applicants for a CON for hospice service should have a plan for financing the proposed project that identifies the expected sources of income and projected expenses, which will indicate a stable financial basis.

OTHER

B. No CON shall be granted for hospice service unless the applicant demonstrates that the project is financially feasible by the end of the third fiscal year of operation.

C. Hospice services shall be offered at the least restrictive level, which is consistent with the patient's needs.

VII. ACCESS

All applicants shall document that they will be in compliance with all current applicable CMS and Medicaid requirements.

VIII. OTHER

Hospice services are provided for patients living with a terminal illness and their families. Hospice is considered to be a cost-effective, high quality service on the continuum of care. Levels of care include home care, continuous home care at times of crisis, inpatient care, and inpatient respite care. Thus, hospice services should be provided in the least restrictive environment and access must be encouraged.