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

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Public Service Commission (150-16)	Rules Governing the Transportation of Natural Gas Legislative Exempt	§§24-3-3a, 24-1-1, 24-1-7, 24-2-7, 24-2-11, 24-2-20	Written Comments Only November 16, 2020, 4:00 pm Connie Graley PO Box 812 Charleston, WV 25323 cgraley@psc.state.wv.us

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

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
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TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
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TITLE	7	PROFESSIONAL ENGINEERS
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TITLE	25	SOCIAL WORK EXAMINERS
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TITLE	27	COUNSELING
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TITLE	31	DIETITIANS
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TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
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TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
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TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
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TITLE	143	PERSONNEL
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TITLE	148	ADMINISTRATION
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TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
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RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-01)	Purchasing Legislative	7/7/2020	8/6/2020		8/10/2020				
Agriculture (61-01)	Animal Disease Control Legislative	7/28/2020	8/27/2020		8/27/2020				
Agriculture (61-09)	WV Seed Law Legislative	7/28/2020	8/27/2020		8/27/2020				
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	7/14/2020	8/13/2020		8/17/2020				
Agriculture (61-28)	Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas Legislative				Sunset Extension 7/27/2020				
Agriculture (61-39)	Seed Certification Program Legislative	7/27/2020	8/26/2020		8/26/2020				
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rule Legislative	8/21/2020	9/20/2020		9/21/2020				
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-44)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	6/24/2020	7/28/2020		8/26/2020	Modified & Approved 9/25/2020 Filed 9/28/2020			
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/18/2020	7/20/2020		7/24/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Alcohol Beverage Control Comm. (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	6/22/2020	7/23/2020		7/24/2020				
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/13/2020	8/13/2020		8/17/2020				
Coal Mine Health & Safety (36-04)	The Movement of Mining Equipment Within Coal Mines in the State of WV Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-10)	Roof Control Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-12)	Electrical Provisions for Underground Mining Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-13)	Regulatory Review Procedures Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-18)	The Responsibility for Care and Maintenance of Equipment Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-24)	The Record Keeping of all Certified Persons Employed in all Mines Throughout the State of WV Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-27)	Surface Areas on Mine Property and Limitations on Mining Adjacent to Gas Facilities Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-57)	Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/1/2020	11/16/2020						
Corrections (90-10)	Purchasing Procedure Procedural	9/1/2020	10/2/2020					10/5/2020	11/5/2020
Development Office (145-07)	Neighborhood Investment Program Act Procedural	7/22/2020	8/28/2020						
Development Office (145-16)	Tourism Development Districts Legislative	7/20/2020	8/21/2020	7/1/2020 Approved 7/2/2020	8/25/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-026)	Participation in Extracurricular Activities (2436.10) Legislative Exempt	9/9/2020	10/13/2020						
Environmental Protection – Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	7/2/2020	8/11/2020		8/25/2020				
Financial Institutions, Div. of (106-21)	Rule Pertaining to the Fintech Regulatory Sandbox Legislative	6/26/2020	7/31/2020	6/26/2020 Approved 7/1/2020	8/13/2020				
Fire Commission (87-07)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code (Repeal) Legislative	6/22/2020	7/22/2020		8/24/2020				
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Legislative	6/22/2020	7/22/2020		8/13/2020				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	7/22/2020	8/24/2020		8/26/2020				
Funeral Service Examiners (6-02)	Crematory Requirements Legislative	7/22/2020	8/24/2020		8/24/2020				
Funeral Service Examiners (6-07)	Fee Schedule Legislative	7/21/2020	8/24/2020		8/24/2020				
Health (64-07)	Reportable Diseases, Events, and Conditions Legislative	7/2/2020	8/3/2020		8/28/2020				
Health (64-11)	Behavioral Health Centers Licensure Legislative	7/1/2020	7/31/2020		8/25/2020				
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020		8/21/2020				
Health (64-13)	Nursing Home Licensure Legislative	7/1/2020	7/31/2020		8/25/2020				
Health (64-23)	Radiological Health Legislative	7/6/2020	8/5/2020		8/28/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-45)	Lead Abatement Licensing Legislative	7/2/2020	8/3/2020		8/21/2020				
Health (64-48)	Emergency Medical Services	9/4/2020	10/5/2020	9/4/2020 Approved 9/30/2020 Amendment 10/1/2020 Approved 10/1/2020					
Health (64-59)	Client Rights at State-Operated Mental Health Facilities Legislative	7/1/2020	7/31/2020		8/26/2020				
Health (64-60)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	7/1/2020	7/31/2020		8/21/2020				
Health (64-114)	Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak Legislative	5/15/2020 5/18/2020	6/15/2020 6/17/2020	4/16/2020 Approved 4/16/2020 Amendment 4/21/2020 Approved 4/21/2020 Amendment 5/15/2020 Approved 5/15/2020	8/28/2020				
Health (64-115)	Diabetes Self-Management Education Legislative	7/2/2020	8/3/2020		8/26/2020				
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	7/1/2020	7/31/2020		8/21/2020				
Health and Human Resources (69-15)	Recovery Residence Certification and Accreditation Program Legislative	5/8/2020	6/8/2020	4/29/2020 Effective 6/10/2020	7/1/2020				
Health Care Authority (65-29)	Exemption from Certificate of Need Legislative	8/24/2020	9/23/2020		9/28/2020				
Hearing Aid Dealers (8-01)	Rule Governing the WV Bd. Of Hearing Aid Dealers Legislative	7/21/2020	8/22/2020		8/28/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Comm. (133-63)	Mental Health Loan Repayment Program Legislative	6/26/2020	7/27/2020	6/26/2020 Effective 6/26/2020	7/29/2020				
Highways (157-05)	Traffic and Safety Rules Legislative	7/28/2020	8/28/2020		8/28/2020				
Human Services (78-02)	Child Placing Agencies Licensure Legislative	7/1/2020	7/31/2020		8/25/2020				
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in WV Legislative	7/1/2020	7/31/2020		8/25/2020				
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	7/1/2020	7/31/2020		8/26/2020				
Insurance Comm. (114-02A)	Fingerprinting Requirements for Applicants for Insurance Producer License and Insurance Adjuster License Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-25)	Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Approved 9/25/2020			
Insurance Comm. (114-64)	Mental Health Parity Legislative	6/22/2020	7/24/2020		8/11/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			

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Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/22/2020	7/24/2020		8/11/2020				
Labor (42-03)	Steam Boiler Inspection Legislative	7/16/2020	8/17/2020		8/24/2020				
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	7/23/2020	8/24/2020		8/27/2020				
Landscape Architects (9-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/23/2020	8/24/2020		8/26/2020				
Livestock Care Standards Bd. (73-01)	Livestock Care Standards Legislative	7/21/2020	8/20/2020		8/21/2020				
Lottery (179-10)	WV Lottery Interactive Wagering Rule Legislative	6/11/2020	7/11/2020	5/15/2020 Approved 5/18/2020	8/10/2020				
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	4/23/2020	5/23/2020	3/26/2020 Approved 3/26/2020	6/24/2020				
Miners' Health Safety and Training (56-08)	The Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of WV Legislative	7/14/2020	8/13/2020		8/19/2020				
Motor Vehicles (91-04)	Examination and Issuance of Driver's License Legislative	7/8/2020	8/9/2020		8/11/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Motor Vehicles (91-05)	Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges Legislative	7/15/2020	8/17/2020		8/19/2020	Approved 9/25/2020			
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Motor Vehicles (91-25)	Special Purpose Vehicles Legislative	7/1/2020	7/31/2020		8/7/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Municipal Pensions Oversight Bd. (211-02)	Exempt Purchasing Legislative	6/26/2020	7/27/2020		8/7/2020				
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020	Approved 9/25/2020			
Natural Resources (58-46)	Defining the Terms Used in All Hunting and Trapping Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Natural Resources (58-50)	Deer Hunting Rule Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Natural Resources (58-56)	Special Migratory Game Bird Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020		8/10/2020				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	7/28/2020	8/28/2020	7/28/2020 Effective 9/8/2020	8/28/2020				
Osteopathic Medicine (24-09)	Emergency Temporary Permits to Practice During States of Emergency or State of Preparedness Legislative	4/15/2020	5/15/2020	3/26/2020 Approved 3/26/2020	6/22/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	4/30/2020	5/31/2020	4/30/2020 Approved 4/30/2020 Amendment 8/26/2020 ERD by 10/7/2020	6/5/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	4/30/2020	5/31/2020	4/1/2020 Approved 4/1/2020	6/5/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-03)	Continuing Education for Licensure of Pharmacists Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020 7/22/2020	6/2/2020 8/21/2020	4/20/2020 Approved 4/20/2020	6/5/2020 9/4/2020				
Physical Therapy (16-01)	Fees for Physical Therapist and Physical Therapist Assitants Legislative	9/17/2020	10/19/2020						
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	7/28/2020	8/27/2020		8/28/2020				
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	9/17/2020	10/19/2020						
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/29/2020	8/28/2020		8/28/2020				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in WV Legislative	7/13/2020	8/14/2020		8/24/2020				
Protective Services (99-06)	Purchasing Policy Procedural	9/2/2020	10/2/2020						
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020						
Public Service Commission (150-09)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers Legislative Exempt	8/4/2020	10/5/2020						
Public Service Commission (150-16)	Rules Governing the Transportation of Natural Gas Legislative Exempt	10/7/2020	11/16/2020						

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020		8/21/2020				
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020		8/17/2020				
Racing Commission (178-10)	Advance Deposit Account Wagering (ADW) Legislative	7/1/2020	7/31/2020	7/1/2020 Approved 7/1/2020	8/17/2020				
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	7/21/2020	8/20/2020		8/24/2020				
Rehabilitation Services (198-01)	Ron Yost Personal Assistance Services Act Bd. Legislative	7/24/2020	8/26/2020		8/26/2020				
Respiratory Care (30-01)	Criteria for Licensure Legislative	7/20/2020	8/21/2020		8/26/2020				
Risk and Insurance Management (115-01)	Mine Subsidence Insurance Legislative	7/9/2020	8/8/2020		8/18/2020				
Risk and Insurance Management (115-02)	Public Entities Insurance Program Legislative	7/9/2020	8/8/2020		8/18/2020				
Risk and Insurance Management (115-05)	Procedure for Providing Written Notification of Claims of Potential Liability to the State or Its Employees (Repeal) Legislative	7/9/2020	8/8/2020		8/18/2020				
School Building Authority of WV (164-01)	Policy and Procedures Handbook of the School Building Authority of West Virginia Procedural	8/3/2020	9/3/2020					9/16/2020	10/16/2020
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades Legislative	4/24/2020	5/29/2020	3/25/2020 Amendment 4/24/2020 Amendment 4/27/2020 Effective 6/8/2020	6/23/2020				
Secretary of State (153-45)	Guidelines and Standards for Electronic Notarization Legislative	4/30/2020	6/1/2020	3/27/2020 Amendment 3/31/2020 Approved 4/1/2020	6/25/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Senior Services (76-06)	Shared Table Initiative for Senior Citizens Legislative	7/24/2020	8/24/2020		8/25/2020				
State Emergency Response Comm. (55-01)	Emergency Planning and Community Right to Know Legislative	7/13/2020	8/12/2020		8/28/2020				
State Emergency Response Comm. (55-02)	Emergency Planning Grant Program Legislative	7/13/2020	8/12/2020		8/28/2020				
State Police (81-18)	WV State Police Purchasing Rule Procedural	8/31/2020	9/30/2020						
Tax (110-01J)	Valuation of Producing and Reserve Oil and Natural Gas Property for Ad Valorem Property Tax Purposes Legislative	8/21/2020	9/21/2020						
Tax (110-13FF)	Tax Credit for Providing Vehicles to Low-Income Workers Legislative	6/22/2020	7/22/2020		8/17/2020	Modified & Approved 9/25/2020 Filed 10/5/2020			
Tax (110-13GG)	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative	6/22/2020	7/22/2020		7/29/2020				
Tax (110-13II)	High-Wage Growth Business Tax Credit Legislative	6/22/2020	7/22/2020		7/29/2020	Modified & Approved 9/25/2020 Filed 10/5/2020			
Tourism (144-03)	Purchasing Procedures Procedural	8/31/2020	9/30/2020						
Treasurer (112-17)	Exempt Purchasing Procedural	8/31/2020	9/30/2020						
Waste Mgmt., Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	7/8/2020	8/11/2020		8/25/2020	Approved 9/25/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Water Resources Division of Water and Waste Management (47-02)	Requirements Governing Water Quality Standards Legislative	3/31/2020	5/19/2020		8/17/2020				
Water Resources Division of Water and Waste Management (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	2/7/2020 3/20/2020	3/26/2020 4/20/2020						

State of West Virginia
OFFICE OF THE SECRETARY DEPARTMENT OF HOMELAND SECURITY
Division of Administrative Services, Justice and Community Services
1124 Smith Street, Suite 3100
Charleston, WV 25301
(304) 558-8814

JEFF S. SANDY, CFE, CAMS
CABINET SECRETARY

JENNIFER A. WILSON
DIRECTOR

FILED
2020 OCT 5 P 2:28
OFFICE WEST VIRGINIA
SECRETARY OF STATE
LEGISLATIVE

To: The Honorable Mac Warner
Secretary of State

From: Retired Captain Chuck Sadler, Manager
West Virginia Law Enforcement Professional Standard (LEPS) Program

Date: October 2, 2020

RE: Temporary Suspension of Certain Provisions of CSR Title 149 Series 2

The West Virginia Law Enforcement Professional Standards (LEPS) Subcommittee is the state entity, in conjunction with the LEPS Program of the Justice and Community Services of the Division of Administrative Services, Department of Military Affairs and Public Safety, charged with the oversight of the certification of the state's approximately 3,600 sworn law enforcement officers.

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

In accord with the March 16, 2020 Emergency Proclamation the LEPS Subcommittee and the LEPS Program respectfully requests that the following provisions of CSR Title 149, Series 2, specifically section 14.1.e.and 15.3 and 15.3.a., be temporarily suspended through December 31, 2020:

§149-2-14. Equivalent Certifications

14.1.e. Complete the following entry-level courses within twelve (12) months from the date of employment : Provided, that under extenuating circumstances the Subcommittee may grant a waiver.

14.1.e.1. Firearms Training and Certification;

14.1.e.2. Emergency Vehicles Operations Course;

14.1.e.3 Defensive Tactics;

14.1.e.4. Laws of Arrest;

14.1.e.5. West Virginia Motor Vehicle Law;

14.1.e.6. Criminal Law;

14.1.e.7. Domestic Crimes; and,

14.1.e.8. Laws of Search and Seizure.

§149-2-15. Re-certification Requirements.

15.3 15.3. Law enforcement officers, or law enforcement officials who desire to re-certify as a law enforcement officer, who have been separated from a law enforcement agency for more than twenty-four (24) months, but less than sixty (60) months; who are in good standing; and who were certified under the provisions of W. Va. Code §30-29-5; and have been reappointed as a law enforcement officer or law enforcement official by a law enforcement agency; are required to either test for credit in lieu of attending any of the classes required for re-certification or, attend and successfully complete within twelve (12) months of the date of employment, the following courses : Provided, That the Subcommittee may grant a waiver under extenuating circumstances. The Subcommittee may, at its discretion, require a course to be completed and not allow a test for credit.

15.3.a. Firearms Training and Certification;

15.3.b. Emergency Vehicle Operations Course;

15.3.c. Defensive Tactics;

15.3.d. Laws of Arrest;

15.3.e. West Virginia Motor Vehicle Law;

15.3.f. Criminal Law Update;

15.3.g. Domestic Crimes; and,

15.3.h. Laws of Search and Seizure.

The preceding sections of this rule addressing the law enforcement training and certification standards, and the amount and type of training required for a qualified out-of-state officer seeking to gain certification as a West Virginia law enforcement officer, §149-2-14.1.e. and for previously certified West Virginia law enforcement officers who are returning to work as a sworn officer in this state after a break in employment as a sworn officer of more than twenty-four months, §149-2-15.3. and 15.3.a., placed the fifteen (15) officers who were completing such training during August and September 2020 and their respective agencies in a position where it was unsafe for them to complete the practical classwork and training that is normally completed at the West Virginia State Police Academy. The ongoing manner in which training, education classes and gatherings are being conducted within this state during the state of emergency limited the options open to conducting such required training.

Of the one hundred and twenty (120) hour program designed and carried out to allow such officers to meet the required training set forth in sections 14.1.e. and 15.3.a. eighty (80) hours were able to be completed through virtual training conducted by the staff of the West Virginia State Police Academy. No process could be set up to insure the safe presentation of the remaining forty (40) hours of training that requires physical and hands on interaction between the instructors and the student officers that would not potentially expose the individuals to a heightened chance of transferring and/or contracting the COVID-19 virus.

Each of the 15 officers has had detailed training in the past, either here in West Virginia or the states where they were certified as an officer, in the subject areas for which this training waiver is being requested. Their respective employing police departments will be moving to see that they receive follow up training in the training area waived as a result of this request at a later date to refresh the training that they originally received when they gained their certification as a law enforcement officer and through prior continuing in-service related training.

LEGISLATIVE

Thank-you for your time and attention to this request. If granted the LEPS Subcommittee and the LEPS Program requests that the identified rule provisions be suspended through October 31, 2020. Questions concerning this request may be directed to me at either (304) 941-9644 (cell) or Charles.A.Sadler@wv.gov

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
10/7/2020 10:49:50 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Public Service Commission TITLE-SERIES: 150-16

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

RULE NAME: Rules Governing theTransportation of Natural Gas

CITE STATUTORY AUTHORITY: W. Va. Code §§24-3-3a, 24-1-1, 24-1-7, 24-2-7, and 24-2-11, and 24-2-20

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/16/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Connie Graley

ADDRESS: PO Box 812

Charleston WV 25323

EMAIL: cgraley@psc.state.wv.us

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)

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/5/2020 3:59:26 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Tax

RULE TYPE: Legislative TITLE-SERIES: 110-13FF

RULE NAME: TAX CREDIT FOR PROVIDING VEHICLES TO LOW-INCOME WORKERS

CITE AUTHORITY: W. Va. Code §11-10-5 and §11-13FF-5

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.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/5/2020 4:01:13 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Tax

RULE TYPE: Legislative TITLE-SERIES: 110-13II

RULE NAME: HIGH-WAGE GROWTH BUSINESS TAX CREDIT

CITE AUTHORITY: W. Va. Code § 11-10-5 and §11-13II-5

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.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/5/2020 1:21 PM
Office of West Virginia
Secretary Of State

PROCEDURAL

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

AGENCY: Corrections TITLE-SERIES: 90-10

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

RULE NAME: Purchasing Procedure

CITE STATUTORY AUTHORITY: W. Va. Code 15A-3-14

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

November 5, 2020

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

Yes
Tina Desmond -- 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.

Orders Report

Docket Number	Agency	Respondent	Date Rendered
[illegible]	**Health Care Authority**	THS Physician Partners, Inc.	10/6/2020
[illegible]	**Health Care Authority**	Monongalia County General Hospital Company	10/6/2020
[illegible]	**Insurance Commission**	Cracker Barrel Old Country Store, Inc.	9/29/2020
[illegible]	**Insurance Commission**	Residence Inn by Marriott, LLC	9/29/2020
[illegible]	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Alexandra Bubenchik	10/6/2020
[illegible]	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	James Lasley	10/6/2020

WEST VIRGINIA ETHICS COMMISSION CONTRACT EXEMPTION	
NO.	**OPINION SOUGHT**
2020-07	The Clay County Solid Waste Authority seeks a Contract Exemption to purchase a building from Gregory Fitzwater, a Clay County Commissioner, for the Authority's office space and a meeting room.

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
[redacted]	**Christopher Bird**	Kanawha County Board Of Education	8/3/2020
[redacted]	**Sandra Cale**	Monongalia County Board Of Education	8/3/2020
[redacted]	**Katie Ellen Ray**	Department Of Health And Human Resources	8/3/2020
		Bureau For Children And Families	8/3/2020
[redacted]	**Bradley Rogers**	Braxton County Board Of Education	8/3/2020
[redacted]	**Rebecca Anne Turner**	Department Of Health And Human Resources	8/3/2020
		Bureau For Children And Families	8/3/2020
[redacted]	**Wanda L White**	Division Of Natural Resources	8/3/2020
[redacted]	**Wanda L. White**	Division Of Natural Resources	8/3/2020
[redacted]	**David Eugene Dilly**	Braxton County Board Of Education	8/11/2020
[redacted]	**Matthew Stephen Kesner**	Regional Jail and Correction Facility Authority	8/11/2020
		Potomac Highlands Regional Jail	8/11/2020
[redacted]	**Mary Renee Pertee**	Wayne County Board Of Education	8/11/2020
[redacted]	**Richard Mason**	Wirt County Board Of Education	8/14/2020
[redacted]	**Ida Bowman**	Department Of Health And Human Resources	8/18/2020
		William R. Sharpe, Jr. Hospital	8/18/2020
[redacted]	**Donald L. McCormick**	West Virginia University	8/18/2020
[redacted]	**Dustin Shawn Isner**	Randolph County Board Of Education	8/19/2020
[redacted]	**Trevor Pack**	Adjutant General's Office	8/20/2020
		Mountaineer Challenge Academy	8/20/2020
[redacted]	**Steven Baughman**	Department Of Health And Human Resources	8/20/2020
		William R. Sharpe, Jr. Hospital	8/20/2020
[redacted]	**Les Blake**	Division Of Highways	8/21/2020
[redacted]	**Michael Lee Baisden**	Division Of Highways	8/21/2020

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2020-0504-DOA	**Marcia Booker**	Public Employees Insurance Agency	8/21/2020
2019-1895-CONS	**Laci Bowman**	Department Of Health And Human Resources	8/21/2020
		Bureau For Children And Families	8/21/2020
2019-1305-DOC	**Tiffany Brown**	Workforce West Virginia	8/21/2020
2021-0244-KanED	**Jeffrey A. Gwinn**	Kanawha County Board Of Education	8/21/2020
2021-0242-KanED	**Jeffrey A. Gwinn**	Kanawha County Board Of Education	8/21/2020
2020-4073-CONS	**Christopher Keyser**	Monongalia County Board Of Education	8/21/2020
	Mary Fanok	Monongalia County Board Of Education	8/21/2020
2020-0889-MAPS	**Tabitha Sinclair**	Division of Corrections and Rehabilitation	8/21/2020
		Bureau of Prisons and Jails	8/21/2020
		North Central Regional Jail and Correctional Facility	8/21/2020
2020-0840-DHHR	**Chester Sprankle**	Department Of Health And Human Resources	8/25/2020
		Bureau For Children And Families	8/25/2020
2020-0862-CONS	**Curt Taylor**	Department Of Health And Human Resources	8/28/2020
		Mildred Mitchell-Bateman Hospital	8/28/2020
2019-1807-CONS	**Corrie Beam**	Department Of Health And Human Resources	8/28/2020
		William R. Sharpe, Jr. Hospital	8/28/2020
		Division Of Personnel	8/28/2020
2020-1038-DHHR	**Shannon Jones**	Department Of Health And Human Resources	8/28/2020
		Bureau For Children And Families	8/28/2020
2020-1854-BrCED	**Martha Mercer**	Brooke County Board Of Education	8/28/2020
2020-0288-DOT	**Ralph R. Park**	Division Of Highways	8/28/2020
2020-0796-MAPS	**Seth D. Guthrie**	Division of Corrections and Rehabilitation	8/31/2020
		Bureau of Prisons and Jails	8/31/2020
		St. Mary's Correctional Center	8/31/2020
2020-1011-DHHR	**Midge Burkhammer**	Department Of Health And Human Resources	9/1/2020
		William R. Sharpe, Jr. Hospital	9/1/2020

2020-0498-WayED	**Dreama L. Morris**	Wayne County Board Of Education	9/1/2020
2020-1480-OSTEO	**Christopher Lambert**	West Virginia School of Osteopathic Medicine	9/3/2020
2020-1542-OSTEO	**Christopher Lambert**	West Virginia School of Osteopathic Medicine	9/3/2020
2020-1427-MAPS	**Andrew Tyler Sparks**	Division of Corrections and Rehabilitation	9/3/2020
		Bureau of Prisons and Jails	9/3/2020
		Central Regional Jail	9/3/2020
2019-1643-PutED	**Jana J. McGinnis**	Putnam County Board Of Education	9/4/2020
2020-1562-BroED	**Ashleigh Negri**	Brooke County Board Of Education	9/4/2020
2019-1627-DOT	**Jeff Sloan**	Division of Highways	9/4/2020
2019-1445-CONS	**Billy Williamson, et al.**	Wayne County Board Of Education	9/4/2020
2020-0827-MAPS	**Thomas E. Smith, Jr.**	Division of Corrections and Rehabilitation	9/9/2020
		Bureau of Prisons and Jails	9/9/2020
		Salem Correctional Center and Jail	9/9/2020
2021-0178-MarED	**Jim O'Dell**	Marion County Board Of Education	9/9/2020
2021-0280-DNR	**James Edward Thaxton**	Division Of Natural Resources	9/9/2020
2021-0257-MAPS	**Andrea Westfall**	Division of Corrections and Rehabilitation	9/9/2020
		Central Office	9/9/2020
2020-0175-DHHR	**Krista Menchaca**	Department Of Health And Human Resources	9/11/2020
		Mildred Mitchell-Bateman Hospital	9/11/2020
2020-1410-MonED	**Dalton Chase Miller**	Monongalia County Health Department	9/14/2020
2020-1553-OSTEO	**Christopher Lambert**	West Virginia School of Osteopathic Medicine	9/15/2020
2019-1569-MasED	**Karen Wamsley**	Mason County Board Of Education	9/15/2020
2021-0044-UpsED	**Terri Sisk**	Upshur County Board Of Education	9/16/2020
2021-0043-UpsED	**Adam Squires**	Upshur County Board Of Education	9/16/2020
2019-1101-DOT	**Josh White**	Division of Highways	9/21/2020
2019-1538-DOT	**Ronald Vinson, Jr.**	Division Of Highways	9/22/2020
2019-1535-MU	**Iyad Hijazi**	Marshall University	9/23/2020

2020-1488-CONS	**Edward Smarr**	Division of Corrections and Rehabilitation	9/23/2020
		Bureau of Prisons and Jails	9/23/2020
		St. Mary's Correctional Center	9/23/2020
	Joshua Schultheisz	Division of Corrections and Rehabilitation	9/23/2020
		Bureau of Prisons and Jails	9/23/2020
		St. Mary's Correctional Center	9/23/2020
2019-1126-RalED	**Douglas Shrewsbury**	Raleigh County Board Of Education	9/23/2020
2020-1006-JefED	**Kristen Ainsworth**	Jefferson County Board Of Education	9/24/2020
2019-0084-CU	**John Keith Simmerman**	Concord University	9/28/2020
2019-1747-CONS	**Kathleen Reed**	Marion County Board Of Education	9/29/2020
	Tane L. Toothman	Marion County Board Of Education	9/29/2020
2020-0070-KanED	**R.S.**	Kanawha County Board Of Education	9/30/2020
2019-1891-CONS	**Jamie Lee Davis**	Tax Department	9/30/2020
2020-0663-DOH	**Brent Rager**	Division of Highways	9/30/2020
2021-0327-MAPS	**Brooke Allison Riffe**	Division of Corrections and Rehabilitation	9/30/2020
		Bureau of Prisons and Jails	9/30/2020
		Parole Services	9/30/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 74-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein, and to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Order 9-20 required all businesses and operations in West Virginia, except Essential Businesses and Operations as defined therein, to cease all activities within the state except for such minimum basic operations as are necessary to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or related functions, and the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, and provided exceptions for businesses such as home-based businesses and certain small businesses while requiring proper social distancing and hygiene practices be maintained at such businesses; and

WHEREAS, since the issuance of Executive Order 9-20 and other executive orders ordering closed or otherwise limiting occupancy of certain establishments and facilities in this state, implementation of successful public health measures has resulted in revised projections of rates of infection and COVID-19 related deaths in West Virginia, as well as ever-strengthening supply chains for personal protective equipment and other medical equipment and supplies, resulting in greater preparedness and response capacity throughout the state; and

WHEREAS, on April 27, 2020, I, Governor Jim Justice, announced the state's reopening plan, West Virginia Strong: *The Comeback* (the "Comeback Plan"), to phase in the reopening of businesses in the state of West Virginia on a week by week basis to most effectively monitor and respond to the public health effects of this phased reopening, to be based upon certain metrics and conditions to safely reopen segments of West Virginia's economy and get our citizens back to work, while ensuring the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population who are at most risk from the COVID-19 virus; and

WHEREAS, Executive Order 28-20 and Executive Order 30-20 allowed for the resumption of all medical procedures throughout the state while requiring that hospitals and ambulatory surgical centers around the state limit procedures to only more urgent procedures to ensure adequate response capacity and preserve necessary personal protective equipment and other resources at such facilities in the event of any surge of COVID-19; and

WHEREAS, under the Comeback Plan, various executive orders have been issued to transition the State to a safer-at-home policy and to allow certain types of businesses and activities to begin to resume or expand their operations, provided that certain safety measures are in place; and

WHEREAS, reopening additional segments of the state's economy in accordance with the Comeback Plan, utilizing a phased approach to reopen sectors of the economy week by week, while continuing to prioritize and provide for the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population, is in the public interest; and

WHEREAS, West Virginia's public health experts have advised that allowing for the resumption of outdoor live music performances, and certain indoor performances, that may be

conducted, provided certain safety precautions and protocols are in place, is appropriate at this time; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, effective as of 12:01 AM, Eastern Standard Time, on the Sixth day of October, Two Thousand Twenty, as follows:

1. The following provisions of Executive Order 9-20, as previously amended by Executive Orders 32-20, 36-20, 37-20, 39-20, 40-20, 41-20, 42-20, 43-40, 45-20, 49-20, 51-20, and 56-20 are hereby further amended and supplemented as follows:
   a. Section 4, as amended, is hereby deleted in its entirety and replaced with the following to expand what live music events are allowed at this time:

      "4. **Prohibited activities.** Carnivals, fairs, concert and music halls, adult entertainment venues, and other similar businesses shall be closed, and indoor live music performances shall generally be prohibited, provided, however, that live music may be performed indoors only for simulcast or other broadcast to remote audiences, where no audience is physically present where such live music is being performed indoors, and provided that any live music performance, whether held outdoors or indoors, is held in accordance with applicable guidance relating to the safe operation of live music performances, *A Guide to Safely Hosting Live Performances*, available at governor.wv.gov, as the same may be amended from time to time; and provided, that the following specific outdoor recreational businesses and activities may resume operations as follows:

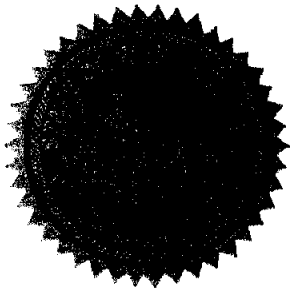
      a. The Hatfield McCoy Trail System may reopen in accordance with the guidance, *A Guide to Safely Opening & Operating the Hatfield McCoy Trail System*, available at governor.wv.gov;

      b. Outdoor recreation outfitters may reopen in accordance with the guidance, *A Guide to Safely Reopening Outdoor Recreation Outfitters*, available at governor.wv.gov;

      c. Whitewater rafting businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Whitewater Rafting*, available at governor.wv.gov; and

      d. Ziplining businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Zipline Outfitters*, available at governor.wv.gov."

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



DONE at the Capitol in the City of Charleston, State of West Virginia, this Fifth day of October, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

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

FILED OTHER
2020 OCT -5 P 1:22
OFFICE WEST VIRGINIA
SECRETARY OF STATE

October 5, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **October 2, 2020**.

LETTER OF INTENT RECEIVED

October 2, 2020 – Boone Memorial Hospital, Madison, Boone County, CON File #20-3-11958-P, for the development of an ambulatory care center at 173 State Street, Madison, Boone County; capital expenditure: $10,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

September 28, 2020 - Encompass Health Rehabilitation Hospital of Huntington, Birmingham, Alabama, CON File #20-2-11927-B, for the addition of four inpatient rehabilitation beds at Encompass Health Rehabilitation Hospital of Huntington; capital expenditure: $4,840,000.

APPLICATIONS FOR EXEMPTION RECEIVED

September 28, 2020 – Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #20-3-11931-X, for the development of a licensed behavioral health center at CAMC Memorial Hospital in Charleston.

September 28, 2020 – Huntington Addiction Wellness Center LLC, Huntington, Cabell County, CON File #20-2-11945-X, for the development of an outpatient behavioral health center in Huntington, Cabell County.

September 28, 2020 – Burlington United Methodist Family Services Inc., Burlington, Mineral County, CON File #20-8-11946-X, for the provision of behavioral health services to children and adults in Keyser, Mineral County.

September 28, 2020 – Burlington United Methodist Family Services, Inc., Burlington, Mineral County, CON File #20-6-11947-X, for the provision of behavioral health services to children and adults in Grafton, Taylor County.

September 28, 2020 – Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #20-3-11948-X, for the development of a licensed behavioral health center at CAMC Women and Children's Hospital in Charleston, Kanawha County.

September 28, 2020 – Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #20-3-11949-X, for the development of a licensed behavioral health center at CAMC Teays Valley Hospital in Hurricane, Putnam County.

September 28, 2020 – Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #20-3-11950-X for the development of a licensed behavioral health center at CAMC General Hospital in Charleston, Kanawha County.

September 28, 2020 – E.A. Hawse Health Care Center, Inc., Baker, Hardy County, CON File #20-8-11951-X, for the addition of school-based health at Romney Middle School, 296 Calvert Drive, Romney, Hampshire County.

September 28, 2020 - E.A. Hawse Health Care Center, Inc., Baker, Hardy County, CON File #20-8-11952-X, for the addition of school-based health at Romney Elementary School, 45 School Street, Romney, Hampshire County.

September 28, 2020 - E.A. Hawse Health Care Center, Inc., Baker, Hardy County, CON File #20-8-11953-X, for the addition of school-based health at Hampshire High School, 157 Trojan Way, Romney, Hampshire County.

September 29, 2020 – Ten Up Ministries, Inc. d/b/a The Anchor Project Center, St. Albans, Kanawha County, CON File #20-3-11954-X, for the development of a residential substance use disorder treatment unit to be known as The Anchor Project Center – Sun Valley located at 5241 Sun Valley Road, Charleston, Kanawha County.

September 29, 2020 – Rainelle Medical Center, Inc., Rainelle, Greenbrier County, CON File #20-4-11955-X, for the development of the RMC Lewisburg Behavioral Health Center to be located at 149 Goheen Street, Lewisburg, Greenbrier County.

October 2, 2020 – New Horizons Therapy Services, Dunbar, Kanawha County, CON File #20-WV-11956-X, for the expansion of in-home, telehealth and community based mental health services to all the counties in West Virginia.

October 2, 2020 – Huntington Mental Health Associates, Huntington, Cabell County, CON File #20-2-11957-X, for the development of a licensed behavioral health center in Huntington, Cabell County.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATIONS

September 30, 2020 – Preston Memorial Hospital Corporation, Kingwood, Preston County, CON File #20-6-11920-P, for the development of an ambulatory health care facility

at 428 Morgantown Street, Kingwood, Preston County; capital expenditure: $225,000.

September 30, 2020 – Hometown Care LLC, Belington, Barbour County, CON File #20-4/5/6/7/8/10-11923-BH, for the provision of I/DD services in Barbour, Randolph, Upshur, Taylor, Tucker, Preston, Marion, Harrison, Pocahontas, Webster, Lewis, Pendleton, Monongalia, Doddridge, Tyler and Wetzel counties; capital expenditure: $1,500.

September 30, 2020 – Encompass Health Rehabilitation Hospital of Huntington, Birmingham, Alabama, CON File #20-2-11927-B, for the addition of four inpatient rehabilitation beds at Encompass Health Rehabilitation Hospital of Huntington; capital expenditure: $4,840,000.

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

September 30, 2020 – Review cycle begins;

October 30, 2020 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

November 4, 2020 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

November 30, 2020 – Decision on the project will be issued by the Authority.

ORDER GRANTING REQUEST FOR MODIFICATION OF DECISION

September 28, 2020 – West Virginia United Health System, Inc. d/b/a West Virginia University Health System, Morgantown, Monongalia County, CON File #20-3/4/5/6/7/8/9/10-11862-X, for the transfer of the home health and hospice services offered by one WVUHS subsidiary to another WVUHS subsidiary; no capital expenditure.

A Decision on Request for Ruling on Reviewability was issued on July 8, 2020. In its Decision, the Authority determined that the transfer of the home health and hospice services offered by United Hospital Center (UHC) in Bridgeport to Gateway Home Care, LLC was not subject to further Certificate of Need (CON) review. WVUHS has determined that it is in its interest to form a new limited liability company, WVUHS Home Care, LLC, and move the home health and hospice services operated by UHC to the new LLC rather than Gateway. WVUHS will be the sole member of WVUHS Home Care, LLC. WVUHS requests a modification to its original Decision to reflect the transfer of the home health and hospice services to WVUHS Home Care, LLC instead of Gateway. The requested modification has been GRANTED.

PROJECT DETERMINED REVIEWABLE

September 28, 2020 – Boone Memorial Hospital, Madison, Boone County, CON File

OTHER

#20-3-11914-X, for the relocation of the sick clinic portion of its certified rural health clinic to 173 State Street, Madison, Boone County; capital expenditure: $10,000.

PROJECT DETERMINED NOT REVIEWABLE

September 28, 2020 – Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #20-1-11895-X, for the total relocation of the existing primary and elective therapeutic cardiac catheterization program and services from the campus of Bluefield Hospital Company, LLC d/b/a Bluefield Regional Medical Center to the campus of Princeton Community Hospital Association, Inc.; no capital expenditure.

EXEMPTION APPLICATIONS APPROVED

September 30, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11938-X, for the acquisition of Stonebrook Inc.'s administrative office located at 200 Lutz Avenue, Martinsburg, Berkeley County.

September 30, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11939-X, for the acquisition of Stonebrook Inc.'s Dominion Road Home located in Gerrardstown, Berkeley County.

September 30, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11940-X, for the acquisition of Stonebrook Inc.'s Falling Waters Home located in Falling Waters, Berkeley County.

September 30, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11941-X, for the acquisition of Stonebrook Inc.'s Green House group home located in Martinsburg, Berkeley County.

September 30, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11942-X, for the acquisition of Stonebrook Inc.'s Tilburg Lane Home located in Martinsburg, Berkeley County.

September 30, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11943-X, for the acquisition of Stonebrook Inc.'s Princess Home group home located in Martinsburg, Berkeley County.

September 30, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11944-X, for the acquisition of Stonebrook Inc.'s William R. Booth Home located in Hedgesville, Berkeley County.

NOTICES OF SUBSTANTIAL COMPLIANCE

The following projects have been implemented in substantial compliance with the decisions issued in these matters and the case files are now closed.

September 28, 2020 - Personal Touch Home Care of W. Va., Inc., Hurricane,

Putnam County, CON File #19-6/7-11595-Z, for the provision of home health services in Taylor and Barbour counties; capital expenditure: $11,856.

September 28, 2020 - Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #19-9-11597-Z, for the provision of home health services in Jefferson and Berkeley counties; capital expenditure: $8,846.

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

OTHER

FILED

2020 OCT -7 P 2:40

OFFICE WEST VIRGINIA SECRETARY OF STATE

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

In Re:

MONONGALIA COUNTY GENERAL HOSPITAL COMPANY
CON File No. 20-6-11887-P

NOTICE OF CANCELLATION OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that Monongalia County General Hospital Company has withdrawn their application for a certificate of need in the above-captioned matter.

As such, **the PREHEARING CONFERENCE** scheduled for **November 24, 2020, at 1:30 p.m. and the ADMINISTRATIVE HEARING** scheduled for **December 1, 2020, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia has been **CANCELLED.**

This application concerns the intent to establish an ambulatory health care facility located at 469 Emily Drive, Clarksburg, in Harrison County, West Virginia.

If you have any questions concerning this matter, please contact Barbara Skeen, Director of Certificate of Need, at (304) 558-7000.

Date: October 6, 2020

Barbara Skeen / BNC
Barbara Skeen, Interim Executive Director

FILED OTHER

2020 OCT -7 P 2:41

OFFICE WEST VIRGINIA SECRETARY OF STATE

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

In Re:

THS PHYSICIAN PARTNERS, INC.
CON File No. 20-3-11853-P

NOTICE OF CANCELLATION OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that THS Physician Partners, Inc. has withdrawn their application for a certificate of need in the above-captioned matter.

As such, **the PREHEARING CONFERENCE** scheduled for **October 19, 2020, at 1:30 p.m. and the ADMINISTRATIVE HEARING** scheduled for **October 26, 2020, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia has been **CANCELLED**.

This application concerns the need for establishing an ambulatory health care facility through the acquisition of an existing primary care practice in St. Albans, Kanawha County, West Virginia.

If you have any questions concerning this matter, please contact Barbara Skeen, Director of Certificate of Need, at (304) 558-7000.

Date: October 6, 2020

Barbara Skeen / BJC
Barbara Skeen, Interim Executive Director