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Administrative Law Division

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

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NO NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE OF HEARING**
Health (64-114, amendment)	Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak	§§16-3-1, 16-1-4, 29A-3-15	Approved February 20, 2021	June 17, 2020

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
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TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
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TITLE	27	COUNSELING
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TITLE	31	DIETITIANS
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TITLE	145	DEVELOPMENT OFFICE
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TITLE	148	ADMINISTRATION
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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	Modified w/Certain Amendments & Approved 12/9/2020	Bundled SB126		
Agriculture (61-01)	Animal Disease Control Legislative	7/28/2020	8/27/2020		8/27/2020	Approved 12/9/2020	Bundled SB182		
Agriculture (61-09)	WV Seed Law Legislative	7/28/2020	8/27/2020		8/27/2020	Modified & Approved 12/9/2020 Filed 12/23/2020	Bundled SB182		
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	7/14/2020	8/13/2020		8/17/2020	Approved 12/9/2020	Bundled SB182		
Agriculture (61-28)	Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas Legislative				Sunset Extension 7/27/2020	Approved 12/9/2020	Bundled SB182		
Agriculture (61-39)	Seed Certification Program Legislative	7/27/2020	8/26/2020		8/26/2020	Modified & Approved 12/9/2020 Filed 12/22/2020	Bundled SB182		
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rule Legislative	8/21/2020	9/20/2020		9/21/2020	Approved 12/9/2020	Bundled SB182		
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			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 11/17/2020 Filed 11/18/2020			
Alcohol Beverage Control Comm. (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	6/22/2020	7/23/2020		7/24/2020	Modified & Approved 11/17/2020 Filed 11/18/2020			
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	Modified & Approved 11/16/2020 Filed 11/19/2020	Bundled SB182		
Auditor (155-02)	Indexing Of State-Owned Lands Procedural	11/25/2020	12/28/2020					1/29/2021	3/1/2021
Coal Mine Health & Safety (36-01)	Shaft and/or Slope Operations in the State of WV Legislative Exempt	12/14/2020	1/28/2021					2/25/2021	3/27/2021
Coal Mine Health & Safety (36-05)	Rule Governing Telephone Service or Communication Facilities Legislative Exempt	12/14/2020	1/28/2021					2/25/2021	3/27/2021
Coal Mine Health & Safety (36-14)	Rule Governing Electrical Equipment in Mines; Required Examinations Legislative Exempt	12/14/2020	1/28/2021					2/25/2021	3/27/2021
Coal Mine Health & Safety (36-25)	Underground Equipment Requirements and Operation Legislative Exempt	12/14/2020	1/28/2021					2/25/2021	3/27/2021
Coal Mine Health & Safety (36-26)	Rule Governing Construction and Rehabilitation Operations in Underground Mines Legislative Exempt	12/14/2020	1/28/2021					2/25/2021	3/27/2021
Development Office (145-07)	Neighborhood Investment Program Act Procedural	7/22/2020	8/28/2020						

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Development Office (145-16)	Tourism Development Districts Legislative	7/20/2020	8/21/2020	7/1/2020 Approved 7/2/2020	8/25/2020	Modified & Approved 11/17/2020	Bundled SB216		
Education (126-007)	Regulations for Adult Diversion and Transition Programs (Policy 1471) Legislative Exempt	2/10/2021	3/15/2021						
Education (126-008)	Drug-Free Workplace (Policy 1461) Legislative Exempt	2/10/2021	3/15/2021						
Education (126-161)	Regulations for the Alternative Certification Programs for the Education of Teachers (Policy 5901) Legislative Exempt	1/14/2021	2/16/2021						
Emergency Management (170-04)	SIRN Emergency Purchasing Procedure Procedural	1/29/2021	3/1/2021						
Emergency Management (170-05)	Purchases During States of Emergency Procedural	1/29/2021	3/1/2021						
Environmental Protection – Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	7/2/2020	8/11/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/11/2020			
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 Amendment 11/30/2020 Approved 12/16/2020	8/13/2020	Modified & Approved 11/17/2020 Filed 11/30/2020			
Financial Institutions, Div. of (106-22)	Exempt Purchasing Procedural	1/11/2021	2/10/2021					2/16/2021	4/1/2021
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	Approved 11/16/2020	Bundled SB156		

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AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
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	Approved 11/16/2020	Bundled SB156		
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	Modified & Approved 11/16/2020 Filed 11/18/2020	Bundled SB182		
Funeral Service Examiners (6-02)	Crematory Requirements Legislative	7/22/2020	8/24/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/18/2020	Bundled SB182		
Funeral Service Examiners (6-07)	Fee Schedule Legislative	7/21/2020	8/24/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/18/2020	Bundled SB182		
Health (64-11)	Behavioral Health Centers Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 1/4/2021			
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020		8/21/2020	Approved 12/9/2020			
Health (64-13)	Nursing Home Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/16/2020			
Health (64-45)	Lead Abatement Licensing Legislative	7/2/2020	8/3/2020		8/21/2020	Modified & Approved 11/17/2020 Filed 12/10/2020			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-48)	Emergency Medical Services Legislative	9/4/2020	10/5/2020	9/4/2020 Approved 9/30/2020 Amendment 10/1/2020 Approved 10/1/2020 Amendment 1/13/2021 Approved 1/13/2021	11/20/2020	Modified & Approved 12/9/2020 Filed 1/4/2021			
Health (64-59)	Patient Rights at State-Operated Mental Health Facilities Legislative	7/1/2020	7/31/2020		8/26/2020	Modified & Approved 12/9/2020 Filed 12/9/2020			
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	Modified & Approved 12/9/2020 Filed 12/16/2020			
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 Amendment 1/13/2021 Approved 1/13/2021 Amendment 2/19/2021 Approved 2/20/2021	8/28/2020	Modified & Approved 12/9/2020 Filed 12/15/2020			
Health (64-115)	Diabetes Self-Management Education Legislative	7/2/2020	8/3/2020		8/26/2020	Modified & Approved 11/17/2020 Filed 11/20/2020			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	7/1/2020	7/31/2020		8/21/2020	Modified & Approved 11/17/2020 Filed 11/20/2020			
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	Modified & Approved 12/9/2020 Filed 12/9/2020			
Health Care Authority (65-29)	Exemption from Certificate of Need Legislative	8/24/2020	9/23/2020		9/28/2020	Approved 12/9/2020			
Hearing Aid Dealers (8-01)	Rule Governing the WV Bd. Of Hearing Aid Dealers Legislative	7/21/2020	8/22/2020		8/28/2020	Modified & Approved 11/16/2020 Filed 12/1/2020	Bundled SB182		
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				
Higher Education Policy Comm. (133-64)	Administrative Exemption Legislative	11/20/2020	12/21/2020						
Highways (157-01)	Rules Relating Generally to Various Functions of the Commissioner of Highways Procedural	11/17/2020	12/18/2020					2/18/2021	3/18/2021
Highways (157-05)	Traffic and Safety Rules Legislative	7/28/2020	8/28/2020		8/28/2020	Approved 11/17/2020			
Highways (157-14)	Contract Administration Purchasing Process Procedural	12/14/2020	1/14/2021						
Human Services (78-02)	Child Placing Agencies Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/16/2020			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 12/9/2020 Filed 12/15/2020			
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	7/1/2020	7/31/2020		8/26/2020	Modified & Approved 12/9/2020 Filed 12/15/2020			
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			
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/22/2020	7/24/2020		8/11/2020	Modified & Approved 11/16/2020 Filed 11/17/2020			
Insurance Comm. (114-101)	Exempt Purchasing Procedural	12/30/2020	2/1/2021					2/2/2021	3/4/2021

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-03)	Steam Boiler Inspection Legislative	7/16/2020	8/17/2020		8/24/2020	Modified w/Certain Amendments & Approved 12/9/2020	Bundled SB216		
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	7/23/2020	8/24/2020		8/27/2020	Modified & Approved 11/16/2020 Filed 12/1/2020	Bundled SB182		
Landscape Architects (9-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/23/2020	8/24/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/23/2020	Bundled SB182		
Livestock Care Standards Bd. (73-01)	Livestock Care Standards Legislative	7/21/2020	8/20/2020		8/21/2020	Approved 12/9/2020	Bundled SB182		
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	Modified & Approved 12/9/2020 Filed 12/21/2020			
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	Approved 11/16/2020	Bundled SB182		
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	Approved 11/17/2020	Bundled SB216		
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			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 11/16/2020 Filed 11/17/2020			
Municipal Pensions Oversight Bd. (211-02)	Exempt Purchasing Legislative	6/26/2020	7/27/2020		8/7/2020	Modified & Approved 11/17/2020 Filed 11/17/2020			
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	Bundled SB216		
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	Bundled SB216		
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	Bundled SB216		
Natural Resources (58-56)	Special Migratory Game Bird Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020	Bundled SB216		
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020	Bundled SB216		
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020		8/10/2020	Approved 11/16/2020	Bundled SB182		
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	Modified & Approved 11/16/2020 Filed 11/23/2020	Bundled SB182		
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	Modified & Approved 11/16/2020 Filed 11/23/2020	Bundled SB182		

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
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 Effective 10/7/2020	6/5/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	7/22/2020	8/21/2020		8/26/2020	Approved 11/16/2020	Bundled SB182		
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	4/30/2020	5/31/2020	4/1/2020 Approved 4/1/2020	6/5/2020				
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
Pharmacy (15-03)	Continuing Education for Licensure of Pharmacists Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
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	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	9/17/2020	10/19/2020		10/19/2020	Modified & Approved 12/9/2020 Filed 12/18/2020	Bundled SB182		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	7/28/2020	8/27/2020		8/28/2020	Modified & Approved 12/9/2020 Filed 12/16/2020	Bundled SB182		
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	9/17/2020	10/19/2020		10/19/2020	Modified & Approved 12/9/2020 Filed 12/21/2020	Bundled SB182		
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 12/9/2020 Filed 12/16/2020	Bundled SB182		
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in WV Legislative	7/13/2020	8/14/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/19/2020	Bundled SB182		
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020 Extended to 6/15/2021						
Public Service Commission (150-05)	Rules for the Government of Sewer Utilities Legislative Exempt	11/10/2020	1/11/2021 Extended to 1/18/2021						
Public Service Commission (150-07)	Rules for the Government of Water Utilities Legislative Exempt	11/10/2020	1/11/2021 Extended to 1/18/2021						
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 Extended to 6/15/2021						
Public Service Commission (150-16)	Rules Governing the Transportation of Natural Gas Legislative Exempt	10/7/2020	11/16/2020						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020		8/21/2020	Modified & Approved 12/9/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020		8/17/2020	Approved 12/9/2020			
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	Modified & Approved 12/9/2020			
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	Modified & Approved 12/9/2020 Filed 12/11/2020	Bundled SB182		
Rehabilitation Services (198-01)	Ron Yost Personal Assistance Services Act Bd. Legislative	7/24/2020	8/26/2020		8/26/2020	Approved 12/9/2020			
Respiratory Care (30-01)	Criteria for Licensure Legislative	7/20/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 11/17/2020	Bundled SB182		
Risk and Insurance Management (115-01)	Mine Subsidence Insurance Legislative	7/9/2020	8/8/2020		8/18/2020	Approved 11/17/2020	Bundled SB126		
Risk and Insurance Management (115-02)	Public Entities Insurance Program Legislative	7/9/2020	8/8/2020		8/18/2020	Modified & Approved 11/17/2020 Filed 11/30/2020	Bundled SB126		
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	Approved 11/17/2020	Bundled SB126		
School Building Authority (164-01)	Policy and Procedures Handbook of the School Building Authority of West Virginia Procedural	12/16/2020	1/19/2021					2/5/2021	3/8/2021
Secretary of State (153-07)	Submission of Other Documents to Solicit Contributions for Charitable Organizations Interpretive	12/7/2020	1/8/2021						

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
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	Modified & Approved 11/17/2020 Filed 12/4/2020	Bundled SB182		
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	Modified & Approved 11/17/2020 Filed 12/4/2020	Bundled SB182		
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	Modified & Approved 11/17/2020 Filed 11/30/2020	Bundled SB182		
State Emergency Response Comm. (55-01)	Emergency Planning and Community Right to Know Legislative	7/13/2020	8/12/2020		8/28/2020	Approved 11/16/2020	Bundled SB156		
State Emergency Response Comm. (55-02)	Emergency Planning Grant Program Legislative	7/13/2020	8/12/2020		8/28/2020	Approved 11/16/2020	Bundled SB156		
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	Approved 12/9/2020			
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			
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	Modified & Approved 12/9/2020 Filed 12/22/2020			
Water Resources Division of Water and Waste Management (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	2/9/2021	3/11/2021						

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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2/25/2021 11:31 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-01

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

RULE NAME: Shaft and/or Slope Operations in the State of West Virginia

CITE STATUTORY AUTHORITY: W. Va. Code §22A-6-4 and 22A-6-5

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

March 27, 2021

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

Yes

Jack M Rife -- 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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2/25/2021 11:33 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-05

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

RULE NAME: Rule Governing Telephone Service or Communications Facilities

CITE STATUTORY AUTHORITY: W. Va. Code §22A-6-4 and 22A-6-5

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

March 27, 2021

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

Yes

Jack M Rife -- 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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2/25/2021 11:35 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-14

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

RULE NAME: Rule Governing Electrical Equipment in Mines; Required Examinations

CITE STATUTORY AUTHORITY: W. Va. Code §22A-6-4 and 22A-6-5

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

March 27, 2021

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

Yes

Jack M Rife -- 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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2/25/2021 11:37 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-25

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

RULE NAME: Underground Equipment Requirements and Operation

CITE STATUTORY AUTHORITY: W. Va. Code §22A-6-4 and 22A-6-5

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

March 27, 2021

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

Yes

Jack M Rife -- 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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2/25/2021 11:39 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-26

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

RULE NAME: Rule Governing Construction and Rehabilitation Operations in Underground Mines

CITE STATUTORY AUTHORITY: W. Va. Code §22A-6-4 and 22A-6-5

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

March 27, 2021

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

Yes

Jack M Rife -- 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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2/19/2021 1:26:16 PM
Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Health TITLE-SERIES: 64-114

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: PUBLIC HEALTH STANDARDS FOR BUSINESSES REMAINING OPEN DURING THE COVID-19 OUTBREAK

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

16-3-1, 16-1-4, and 29A-3-15

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

n/a

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 04/16/2020

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

04/21/20; 05/15/20; and 1/13/21

PRIMARY CONTACT:

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

FILED

2021 FEB 19 P 2:17

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Bureau for Public Health

RULE: 64CSR114, Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak

STATUTORY AUTHORITY: W. Va. Code §§16-3-1, 16-1-4, 29A-3-15

DATE FILED AS AN EMERGENCY RULE: Amendment Filed 2/19/2021

Following review under W. Va. Code §29A-3-15A, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is **APPROVED**.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

X (1) For the immediate preservation of the public peace, health, safety and welfare;

(2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

X (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any):

The amendments made to this emergency rule are in accordance with the Governor's Executive Order No. 6-21 which becomes effective at 12:01 a.m. on February 20, 2021. Therefore, this emergency amendment will become effective at 12:01 a.m. on February 20, 2021 to coincide with the Executive Order.

Chuck Flannery, Deputy Secretary/Chief of Staff
WV Secretary of State's Office

Orders Report

Docket Number	Agency	Respondent	Date Rendered
[redacted]	**Medicine, West Virginia Board Of**	Walter Charles Kerschl, MD	2/17/2021
[redacted]	**Real Estate Commission, West Virginia**	Brenda S. Young	2/23/2021

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
[redacted]	**Timothy Kerns**	Department Of Health And Human Resources	1/19/2021
		William R. Sharpe, Jr. Hospital	1/19/2021
		Division Of Personnel	1/19/2021
[redacted]	**Bonita Redd**	McDowell County Board Of Education	1/19/2021
[redacted]	**Roxanna M. Waybright**	Department Of Health And Human Resources	1/19/2021
		William R. Sharpe, Jr. Hospital	1/19/2021
		Division Of Personnel	1/19/2021
[redacted]	**James Brian Smith**	Division of Corrections and Rehabilitation	1/20/2021
		Bureau of Prisons and Jails	1/20/2021
		Mount Olive Correctional Complex and Jail	1/20/2021
[redacted]	**Joshua Vickers**	Division Of Highways	1/20/2021
[redacted]	**Larry D. Murphy**	Pleasants County Board Of Education	1/20/2021
[redacted]	**Kimberly Brady**	Department Of Health And Human Resources	1/22/2021
		William R. Sharpe, Jr. Hospital	1/22/2021
[redacted]	**Tyler Coyle**	Division Of Highways	1/22/2021
[redacted]	**James Matthew Kouns**	Department Of Health And Human Resources	1/25/2021
		Mildred Mitchell-Bateman Hospital	1/25/2021
[redacted]	**Annette Marie Daniels-Watts**	Division of Corrections and Rehabilitation	1/27/2021
		West Virginia Corrections Academy	1/27/2021
[redacted]	**Travis Winans**	Division of Corrections and Rehabilitation	1/28/2021
		Bureau of Prisons and Jails	1/28/2021
		Huttonsville Correctional Center and Jail	1/28/2021
		Division Of Personnel	1/28/2021
[redacted]	**Amber Conrad**	Department Of Health And Human Resources	1/28/2021

2/22/2021 12:29:21 PM

[redacted]	**Amber Conrad**	Bureau For Children And Families	1/28/2021
[redacted]	**Anita Edmonds**	Lincoln County Board Of Education	1/28/2021
[redacted]	**Jessica Workman-Frye**	Lincoln County Board Of Education	1/29/2021
[redacted]	**Antonio Shontel Hines**	Department Of Health And Human Resources	2/1/2021
		Bureau For Children And Families	2/1/2021
[redacted]	**Lacee Morgan**	Department Of Health And Human Resources	2/1/2021
		Bureau for Public Health	2/1/2021
[redacted]	**Jacob Scott Davis**	Division of Corrections and Rehabilitation	2/1/2021
		Bureau of Juvenile Services	2/1/2021
		Kenneth "Honey" Rubenstein Center	2/1/2021
[redacted]	**Carrie Starkey**	Wayne County Board Of Education	2/3/2021
[redacted]	**Cheryl Reger**	Upshur County Board Of Education	2/3/2021
	Megan Gray	Upshur County Board Of Education	2/3/2021
[redacted]	**Richard Scott**	Division Of Highways	2/3/2021
[redacted]	**Christopher Jason Geise**	Division of Corrections and Rehabilitation	2/3/2021
		Bureau of Prisons and Jails	2/3/2021
		Western Regional Jail	2/3/2021
[redacted]	**Allegra Kazemzadeh**	Department Of Education	2/3/2021
[redacted]	**Ali Laroussi**	Division of Corrections and Rehabilitation	2/3/2021
		Bureau of Prisons and Jails	2/3/2021
		Tygart Valley Regional Jail	2/3/2021
[redacted]	**John Lehew**	Mason County Board Of Education	2/3/2021
[redacted]	**Howard Meddings, et al.**	Wayne County Board Of Education	2/3/2021
[redacted]	**Gwen Leigh Bryant**	Department Of Health And Human Resources	2/4/2021
		Bureau for Public Health	2/4/2021
[redacted]	**Christopher Owen Cunningham**	Calhoun County Board Of Education	2/4/2021
[redacted]	**Deborah Garrison**	Monongalia County Board Of Education	2/4/2021

[redacted]	**Jennifer Wilson**	Department Of Health And Human Resources	2/4/2021
		Lakin Hospital	2/4/2021
[redacted]	**Chester A. Sprankle**	Department Of Health And Human Resources	2/5/2021
		Bureau For Children And Families	2/5/2021
	Marcus Hamden	Department Of Health And Human Resources	2/5/2021
		Bureau For Children And Families	2/5/2021
[redacted]	**Sarah Phelps**	Raleigh County Board Of Education	2/5/2021
[redacted]	**Zachary Michael Robinson**	Division of Corrections and Rehabilitation	2/8/2021
		Bureau of Prisons and Jails	2/8/2021
		Southwestern Regional Jail and Correctional Facility	2/8/2021
[redacted]	**Frances Hamilett**	Department Of Health And Human Resources	2/9/2021
		Bureau For Children And Families	2/9/2021
[redacted]	**Mark Shuff**	West Virginia State University	2/9/2021
[redacted]	**Daniel Tanner**	Division Of Highways	2/10/2021
	Jeff Sloan	Division Of Highways	2/10/2021
[redacted]	**James Williams**	Department Of Health And Human Resources	2/10/2021
		Jackie Withrow Hospital	2/10/2021

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 6-21

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 expansion of seating capacity in restaurants, provided that indoor seating capacity must still be restricted to the extent necessary to allow for adequate social distancing between common groups

of patrons that live together or otherwise arrive to such restaurant together, and increasing the purely social gathering size limitation from 25 people to 75 people, are 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**, as follows:

1. The following provisions of Executive Order 9-20, as previously amended, are hereby further amended and supplemented, effective as of 12:01 AM on February 20, 2021, as follows:

   a. Section 1.g., as amended, is hereby deleted in its entirety and replaced with the following to increase the gathering size restriction from 25 people to 75 people:

      "g. Engaging in outdoor activity, provided that individuals at all times and as much as reasonably possible maintain social distancing of six feet from one another and abide by a 75-person limitation on gathering size; provided that such 75-person limitation does not apply to outdoor activities that have been deemed essential, including by way of example only certain sports or swimming pool activities and operations."

   b. Section 3, subsection (c) is hereby deleted in its entirety and replaced with the following to allow for increased seating capacity, provided that indoor seating capacity must still be restricted to the extent necessary to allow for proper social distancing:

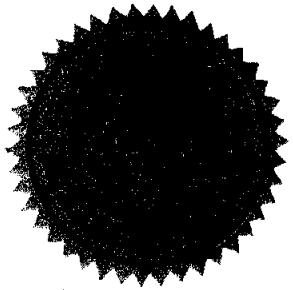
      "c. **Food, beverage, and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, seed and feed stores, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption, and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities. Restaurants, bars, and other facilities that prepare and serve food and/or drinks for on-premises consumption of food and/or drinks on such property as the restaurant, bar, or other facility owns or has a right to occupy or use, or for consumption off-premises, or through such means as take-away, delivery, or drive-through/drive in, in accordance with the applicable guidelines for restaurants, *A Guide to Safely Opening our Restaurants Through Takeaway Service & Outdoor Dining* and *A Guide to Safely Opening Restaurants and Bars*, both available at governor.wv.gov, provided, that the occupancy of persons that may be indoors at such restaurant, bar, or other facility must be limited to the extent necessary to allow for proper social distance between common groups at such facility, up to 75% of such facility's seating capacity to the extent that square footage and the number of seats and tables, and the spacing of seats and tables, permits. "Common groups" means groups of individuals that live together or otherwise arrive together to such restaurant, bar, or other facility and which groups may sit together while at such facility."

   c. Section 5 is hereby deleted in its entirety and replaced with the following to increase the social gathering size restriction from 25 people to 75 people:

      "5. **Avoid social gatherings.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Order including for purposes of any Essential Businesses and Operations. Any gathering of more than 75 people, unrelated to any Essential Businesses and Operations, is prohibited unless exempted by this Order. Nothing in this Order prohibits the gathering of members of a household or residence."

[*Remainder of this Page Intentionally Left Blank*]

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 Nineteenth day of February, in the year of our Lord, Two Thousand Twenty-One in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 7-21

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 allow 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 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, various studies have been conducted across the globe and the science and data that are now available have led West Virginia's public health experts to recommend that schools, and particularly elementary and middle/junior high schools, are comparatively safe

environments for students, with rates of positivity and infection typically lower than is the case in the surrounding communities in which such studies were conducted; and

WHEREAS, it has been identified through experience with remote learning across the state, and across this nation, that many students have greater difficulty learning and doing well in their courses when learning is conducted by remote means, and it has also been identified that reporting of potential cases of abuse and neglect of children has been significantly reduced with educators and other school staff not being able to see students in person to identify causes of concern and report them accordingly; and

WHEREAS, Executive Order 1-21 provided, among other things, that private and public elementary and middle/junior high schools throughout the state may be open for in-person instruction and/or extracurricular activities without regard to the designation of the school's county on the DHHR County Alert System; and

WHEREAS, clarification of the essential designation of educational institutions under previous executive orders, to reflect that elementary and middle/junior high schools may be open for in-person instruction and/or extracurricular activities without regard to the designation of the school's county on the DHHR County Alert System, 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,** as follows:

1. The following provisions of Executive Order 9-20, as amended, are hereby further amended and supplemented as follows:
    a. Section 3, subsection (o), as amended, is hereby deleted in its entirety and replaced with the following to clarify that in-person instruction may resume at elementary and middle/junior high schools in this State:

    "o. **Educational institutions.**

    i. Private and public elementary and middle/junior high schools throughout the state may be open for in-person instruction and/or extracurricular activities without regard to the designation of the school's county on the DHHR County Alert System;

    ii. Private and public high schools, grades 9 through 12, throughout this state shall remain closed to in-person instruction and/or extracurricular activities when such school's county is in the "red" designation on the DHHR County Alert System; and

    iii. Colleges and universities throughout the state may resume in-person instruction and other operations in accordance with any guidelines and/or regulations promulgated by any applicable governing body or bodies for such institutions."

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 Nineteenth day of February, in the year of our Lord, Two Thousand Twenty-One 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

2021 FEB 22 A 11: 32

OFFICE WEST VIRGINIA SECRETARY OF STATE

February 22, 2021

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **February 19, 2021.**

CERTIFICATE OF NEED APPLICATION RECEIVED

February 16, 2021 - WVUHS Home Care, LLC, Morgantown, Monongalia County, CON File #21-8/9-12037-Z, for the provision of home health services in Hampshire, Hardy, Mineral and Morgan counties; capital expenditure: $50,000.

APPLICATION 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 APPLICATION

February 16, 2021 - WVUHS Home Care, LLC, Morgantown, Monongalia County, CON File #21-8/9-12037-Z, for the provision of home health services in Hampshire, Hardy, Mineral and Morgan counties; capital expenditure: $50,000.

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

February 16, 2021 – Review cycle begins;

March 18, 2021 – 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;

March 23, 2021 – 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;

April 19, 2021 – Decision on the project will be issued by the Authority.

PROJECT EXEMPT FROM REVIEW

February 19, 2021 - Keep Your Faith Corporation, Inc., Charleston, Kanawha County, CON File #21-3-12031-X, for the provision of behavioral health services at 1313 Quarrier Street, Charleston, Kanawha County.

OTHER

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