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Administrative Law Division

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Underground Facilities Damage Prevention Board (214-02)	Rules of Procedure for Complaints and Contested Cases Before the West Virginia Underground Facilities Damage Prevention Board Procedural	§§24C-1-2a, 24C-1-9(e)(1)	Written Comments End: May 21, 2021, 11:59 pm Carrie Clendening 206 Berkeley Street Charleston, WV 25302 carrie.clendening@wv811.com

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
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
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TITLE	22	FORESTRY
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TITLE	25	SOCIAL WORK EXAMINERS
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TITLE	27	COUNSELING
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TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
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TITLE	87	FIRE COMMISSION
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TITLE	143	PERSONNEL
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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	Modified w/Certain Amendments & Approved 12/9/2020	Bundled SB126	4/16/2021	5/1/2021
Agriculture (61-01)	Animal Disease Control Legislative	7/28/2020	8/27/2020		8/27/2020	Approved 12/9/2020	Bundled SB182	4/13/2021	5/3/2021
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	4/13/2021	5/3/2021
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	7/14/2020	8/13/2020		8/17/2020	Approved 12/9/2020	Bundled SB182	4/13/2021	5/3/2021
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	4/13/2021	5/3/2021
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	4/13/2021	5/3/2021
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	4/13/2021	5/3/2021
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020	Bundled HB2382		
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	Bundled HB2382		
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	Bundled HB2382		
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	Bundled HB2382		
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020	Bundled HB2382		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020	Bundled HB2382		

RULE MONITOR									
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	Bundled HB2382		
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	4/13/2021	5/15/2021
Education (126-007)	Regulations for Adult Diversion and Transition Programs (Policy 1471) Legislative Exempt	2/10/2021	3/15/2021					4/15/2021	7/1/2021
Education (126-008)	Drug-Free Workplace (Policy 1461) Legislative Exempt	2/10/2021	3/15/2021					4/15/2021	5/17/2021
Education (126-025A)	Standards for Basic and Specialized Health Care Procedures (Policy 2422.7) Legislative Exempt	3/11/2021	4/12/2021						
Education (126-030)	Transformative System of Support for Early Literacy (Policy 2512) Legislative Exempt	4/15/2021	5/17/2021						
Education (126-069)	Regulations for Juvenile Diversion and Transition Programs (Policy 2800) Legislative Exempt	4/15/2021	5/17/2021						
Education (126-084)	Student Driver Eligibility Certificate (Policy 4150) Legislative Exempt	3/11/2021	4/12/2021						
Education (126-143)	County Superintendent Performance Evaluations (Policy 5309) Legislative Exempt	3/11/2021	4/12/2021						
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						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Bundled HB2382	4/9/2021	6/1/2021
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	3/22/2021	4/22/2021						
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	Bundled SB160	4/5/2021	5/1/2021
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		
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	4/12/2021	5/31/2021	3/30/2021 ERD by 5/11/2021					
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		
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	Bundled HB2427		
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020		8/21/2020	Approved 12/9/2020	Bundled HB2427		
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	Bundled HB2427		

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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	Modified & Approved 11/17/2020 Filed 12/10/2020	Bundled HB2427		
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	Bundled HB2427		
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	Bundled HB2427		
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	Bundled HB2427		
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	Bundled HB2427		
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	Bundled HB2427		
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	Bundled HB2427		
Health and Human Resources (69-16)	Purchasing Procedures Procedural	3/15/2021	4/14/2021					4/16/2021	5/17/2021

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health Care Authority (65-29)	Exemption from Certificate of Need Legislative	8/24/2020	9/23/2020		9/28/2020	Approved 12/9/2020	Bundled HB2427		
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	4/22/2021	4/22/2021
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	Approved 3/12/2021	HB3299		
Higher Education Policy Comm. (133-64)	Administrative Exemption Legislative	11/20/2020	12/21/2020		3/11/2021	Modified & Approved 3/12/2021	HB3299		
Highways (157-05)	Traffic and Safety Rules Legislative	7/28/2020	8/28/2020		8/28/2020	Approved 11/17/2020	Bundled HB2400		
Highways (157-14)	Contract Administration Purchasing Process Procedural	12/14/2020	1/14/2021					4/6/2021	5/6/2021
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	Bundled HB2427		
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	Bundled HB2427		
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	Bundled HB2427		
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	Bundled SB160	4/12/2021	7/1/2021

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Bundled SB160	4/12/2021	7/1/2021
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	Bundled SB160	4/12/2021	7/1/2021
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	Bundled SB160	4/12/2021	7/1/2021
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	Bundled SB160	4/14/2021	5/1/2021
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	4/22/2021	4/22/2021
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	4/22/2021	4/22/2021
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	4/13/2021	5/3/2021
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		
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	Bundled HB2400	4/16/2021	4/19/2021

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Bundled HB2400		
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	Bundled HB2400		
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	Bundled HB2400		
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	4/15/2021	7/1/2021
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	4/15/2021	7/1/2021
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	4/15/2021	7/1/2021
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020	Bundled SB216	4/15/2021	7/1/2021
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020		8/10/2020	Approved 11/16/2020	Bundled SB182	4/5/2021	5/1/2021
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		

RULE MONITOR

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	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 (16-04)	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	4/6/2021	5/1/2021
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	4/6/2021	5/1/2021
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		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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					4/15/2021	6/14/2021
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020		8/21/2020	Modified & Approved 12/9/2020	Bundled SB160		
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020		8/17/2020	Approved 12/9/2020	Bundled SB160		
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	Bundled SB160		
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	4/19/2021	7/1/2021
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	Bundled SB216	4/16/2021	4/16/2021
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		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	4/19/2021	5/1/2021
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	4/16/2021	4/16/2021
Secretary of State (153-07)	Submission of Other Documents to Solicit Contributions for Charitable Organizations Interpretive	12/7/2020	1/8/2021						
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					
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 (110-01A)	Valuation of Farmland and Structures Situated Thereon for Ad Valorem Property Tax Purposes Legislative Exempt	Called up in the 2021 Legislative Session					Bundled SB160		
Underground Facilities Damage Prevention Bd. (214-02)	Rules of Procedure for Complaints and Contested Cases Before the WV Underground Facilities Damage Prevention Board Procedural	4/21/2021	5/21/2021						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Bundled HB2382	4/19/2021	7/1/2021
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	Bundled HB2382	4/22/2021	5/22/2021
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 Written Comments Extended To 3/26/2021						
Workers Compensation (85-17)	Electronic Submittal of Invoices and Receipt of Payments Legislative Exempt	4/1/2021	5/20/2021						

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19

AGENCY/SERIES NUMBER	RULE/SUNSET DATE	REQUEST	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Community & Technical College Education 135-35	Correspondence, Business, Occupational, and Trade Schools 7/19/2022	4/5/2021					
Community & Technical College Education 135-52	Annual Reauthorization of Degree-Granting Institutions 7/19/2022	4/6/2021					
Dangerous Wild Animal Board (74-01)	Dangerous Wild Animals 6/5/2022	4/5/2021	4/5/2021				
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022	3/31/2021	3/31/2021				
Registererd Professional Nurses 19-08	Limited Prescriptive Authority for Nurses in Advanced Practice 5/15/2022	3/17/2021					
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/16/2021 12:55:14 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Administration TITLE-SERIES: 148-01

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

RULE NAME: Purchasing

CITE STATUTORY AUTHORITY: W. Va. Code, §§ 5A-3-4, 5A-3-10d, 5A-3-10e.

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 128

Section 2021(RS) Passed On 3/11/2021 12:00:00 AM

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

May 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2030

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

Yes

Misty Peal – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

FILED
2021 APR 16 P 2:00
OFFICE WEST VIRGINIA SECRETARY OF STATE

RESTRICTED ACCESS

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

NUMBER: 318.00
DATE: 30 April 2021
SUBJECT: EMERGENCY RESPONSE PLANS

POLICY DIRECTIVE

FILED
2021 APR 16 P 2:00
OFFICE WEST VIRGINIA SECRETARY OF STATE

RESTRICTED ACCESS

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

NUMBER: 318.02
DATE: 30 April 2021
SUBJECT: EMPLOYEE WORK STOPPAGE

POLICY DIRECTIVE

FILED

2021 APR 16 P 1:59

OFFICE WEST VIRGINIA SECRETARY OF STATE

RESTRICTED ACCESS

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

NUMBER: 318.04

DATE: 30 April 2021

SUBJECT: CONTINUITY OF OPERATIONS PLAN (COOP)

POLICY DIRECTIVE

FILED

2021 APR 16 P 2:00

OFFICE WEST VIRGINIA SECRETARY OF STATE

GENERAL DISTRIBUTION

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

NUMBER: 328.00

DATE: 30 April 2021

SUBJECT: ACCESS TO COURTS AND COUNSEL

POLICY DIRECTIVE

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

4/22/2021 3:57:48 PM

Office of West Virginia Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Hearing Aid Dealers TITLE-SERIES: 8-01

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

RULE NAME: Rule Governing the West Virginia Board of Hearing Aid Dealers

CITE STATUTORY AUTHORITY: §30-26-3,§30-26-14,§30-26.15

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) §64-9

Section 4 Passed On 3/23/2021 12:00:00 AM

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

April 22, 2021

This rule shall terminate and have no further force or effect from the following date:

April 22, 2031

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

Yes

Kendra D Zamora – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/22/2021 4:16:36 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Landscape Architects TITLE-SERIES: 9-01

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

RULE NAME: Registration of Landscape Architects

CITE STATUTORY AUTHORITY: §30-22-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) §64-9

Section 5 Passed On 3/23/2021 12:00:00 AM

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

April 22, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2031

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

Yes
Kendra D Zamora -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/22/2021 4:29:48 PM
Office of West Virginia Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Landscape Architects TITLE-SERIES: 9-04

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

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

CITE STATUTORY AUTHORITY: §30-1-22 §30-22-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) §64-9

Section 5 Passed On 3/23/2021 12:00:00 AM

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

April 22, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

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

Yes
Kendra D Zamora -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/16/2021 4:39:32 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Motor Vehicles TITLE-SERIES: 91-04

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

RULE NAME: EXAMINATION AND ISSUANCE OF DRIVERS LICENSE

CITE STATUTORY AUTHORITY: W. Va. Code §§17A-2-9, 17B-2-7, 17B-2-15 and 17E-1-18

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB2400

Section §64-8-2 Passed On 4/15/2021 12:00:00 AM

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

April 19, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

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

Yes

Ronald David Johnson Jr Mba -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/19/2021 12:22:59 PM
Office of West Virginia Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Real Estate Commission TITLE-SERIES: 174-01

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

RULE NAME: LICENSING REAL ESTATE BROKERS, ASSOCIATE BROKERS, AND SALESPERSONS AND THE CONDUCT OF BROKERAGE BUSINESS

CITE STATUTORY AUTHORITY: §30-40-8

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB182

Section §64-9-14 Passed On 3/31/2021 12:00:00 AM

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

July 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

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

Yes

Jerry A Forren -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/16/2021 12:03:33 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Rehabilitation Services TITLE-SERIES: 198-01

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

RULE NAME: Ron Yost Personal Assistance Services Board

CITE STATUTORY AUTHORITY: W. Va. Code §18-10L-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 216

Section §64-10-5 Passed On 3/11/2021 12:00:00 AM

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

April 16, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

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

Yes

Tracy J Carr -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/19/2021 2:49:36 PM
Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Risk And Insurance Management TITLE-SERIES: 115-02

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

RULE NAME: Public Entities Insurance Program

CITE STATUTORY AUTHORITY: W. Va. Code §§29-12-5.

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 126

Section 2021(RS) Passed On 3/11/2021 12:00:00 AM

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

May 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

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

Yes

Misty Peal -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/16/2021 3:34:04 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Risk And Insurance Management TITLE-SERIES: 115-05

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

RULE NAME: Procedure for Providing Written Notification of Claims of Potential Liability to the State or its Employees

CITE STATUTORY AUTHORITY: W. Va. Code §29-12-5

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 126

Section 2021(RS) Passed On 3/11/2021 12:00:00 AM

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

March 11, 2021

This rule shall terminate and have no further force or effect from the following date:

March 11, 2021

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

Yes

Misty Peal -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/21/2021 3:08:12 PM
Office of West Virginia Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Risk And Insurance Management TITLE-SERIES: 115-07

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: W. Va. Code 29-12D-2(a)(6)

RULE NAME: 115-07 Patient Injury Compensation Fund

PLEASE SELECT A SUNSET PROVISION OPTION:

[ ] EXTEND THE SUNSET DATE OF THE RULE.

0 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[X] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/19/2021 2:01:49 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Waste Management Division Of Water And Waste Management TITLE-SERIES: 33-20

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

RULE NAME: HAZARDOUS WASTE MANAGEMENT SYSTEM

CITE STATUTORY AUTHORITY: W. Va. Code § 22-18-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB2382

Section §64-3-1 Passed On 4/7/2021 12:00:00 AM

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

July 1, 2021

This rule shall terminate and have no further force or effect from the following date:

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

Yes
Jason E Wandling -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/22/2021 1:25:20 PM
Office of West Virginia Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Water Resources Division Of Water And Waste Management TITLE-SERIES: 47-02

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

RULE NAME: Requirements Governing Water Quality Standards

CITE STATUTORY AUTHORITY: W. Va. Code §§ 22-11-4(a)(16); 22-11-7b

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 2382

Section §64-3-1(h) Passed On 4/7/2021 12:00:00 AM

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

May 22, 2021

This rule shall terminate and have no further force or effect from the following date:

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

Yes
Jason E Wandling -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/16/2021 12:57 PM
Office of West Virginia
Secretary Of State

PROCEDURAL

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

AGENCY: Health And Human Resources TITLE-SERIES: 69-16

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

RULE NAME: Purchasing Procedures

CITE STATUTORY AUTHORITY: 5A-1-12

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

May 17, 2021

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

Yes

April L Robertson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/21/2021 10:38:23 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Underground Facilities Damage Prevention Board TITLE-SERIES: 214-02

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

RULE NAME: RULES OF PROCEDURE FOR COMPLAINTS AND CONTESTED CASES BEFORE THE WEST VIRGINIA UNDERGROUND FACILITIES DAMAGE PREVENTION BOARD

CITE STATUTORY AUTHORITY: W.Va. Code §24C-1-2a and W.Va. Code §24C-1-9(e)(1)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/21/2021 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Carrie Clendening

ADDRESS: 206 Berkeley St

Charleston, WV 25302

EMAIL: carrie.clendening@wv811.com

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)

Orders Report

Docket Number	Agency	Respondent	Date Rendered
21-1C-02044	**Insurance Commission**	Indy Health Insurance Company, Inc.	4/19/2021
20-85-W	**Medicine, West Virginia Board Of**	Mahmood Tabatabai, MD	4/13/2021

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 12-21

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"), 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, perform and exercise 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, made effective on March 24, 2020, designated Essential Businesses and Operations, as defined therein, which could operate largely unfettered during the COVID-19 pandemic, and required non-essential businesses to cease activities within the state except for certain basic operations to maintain the business and 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, 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, and various executive orders have been issued to date to accomplish this and to do so 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, it is appropriate at this time to formally terminate as moot certain of the various executive orders that have been issued to date, as well as to clarify and restate in one document the previous termination of certain of the various executive orders that have been issued to date in response to the COVID-19 pandemic; and

WHEREAS, additionally, West Virginia's public health experts have advised that the termination of certain executive orders relating to remaining limitations relating to the State's response to the COVID-19 pandemic, is appropriate at this time; and

WHEREAS, West Virginia's public health experts have advised and recommended against, however, the termination of certain executive orders issued relating to the State's response to the COVID-19 pandemic, including, among others, executive orders mandating that plans and policies be put in place to ensure hospital and other health care center capacity to respond in the event of adverse changes in public health conditions or surge in COVID-19 cases, mandating that individuals aged 9 and over, with certain exceptions, wear an adequate face covering when in confined, indoor public spaces, in order to mitigate the spread of COVID-19, and prohibiting travel sports teams and travel leagues from bringing players or spectators together in a county that is in the "Red" color category on the County Alert System, as COVID-19 case rates may change each county's color category from time to time; and

WHEREAS, there are a number of additional executive orders suspending regulatory statutes that would have hindered this State's response to the COVID-19 pandemic or otherwise were issued to respond to the COVID-19 pandemic and its effects that were and continue to be necessary to remain in place to most effectively respond to COVID-19 in this State; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that:

1. The following executive orders issued to respond to the COVID-19 pandemic either have previously been expressly terminated or wholly effected or otherwise rendered moot by the occurrence of events contemplated therein or by subsequent executive orders terminating, superseding, or rendering moot the terms or provisions thereof, and are hereby, to the extent not previously explicitly stated, formally terminated and of no further effect, or are hereby

terminated and of no further effect, provided that the terms and provisions set forth in the following sections of this Order shall control as between the same or similar substantive matters addressed in such previous executive orders and in the following sections of this Order:

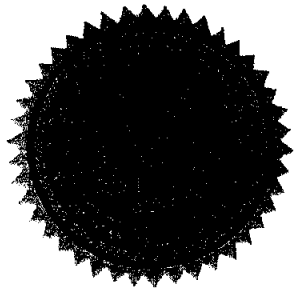
Executive Order 2-20, Executive Order 3-20, Executive Order 4-20, Executive Order 5-20, Executive Order 6-20, Executive Order 8-20, Executive Order 9-20, Executive Order 12-20, Executive Order 14-20, Executive Order 15-20, Executive Order 16-20, Executive Order 18-20, Executive Order 20-20, Executive Order 21-20, Executive Order 22-20, Executive Order 23-20, Executive Order 24-20, Executive Order 25-20, Executive Order 27-20, Executive Order 29-20, Executive Order 32-20, Executive Order 33-20, Executive Order 34-20, Executive Order 35-20, Executive Order 36-20, Executive Order 37-20, Executive Order 38-20, Executive Order 39-20, Executive Order 40-20, Executive Order 41-20, Executive Order 42-20, Executive Order 43-20, Executive Order 44-20, Executive Order 45-20, Executive Order 46-20, Executive Order 49-20, Executive Order 50-20, Executive Order 51-20, Executive Order 52-20, Executive Order 53-20, Executive Order 55-20, Executive Order 56-20, Executive Order 57-20, Executive Order 58-20, Executive Order 59-20, Executive Order 60-20, Executive Order 61-20, Executive Order 62-20, Executive Order 64-20, Executive Order 65-20, Executive Order 67-20, Executive Order 68-20, Executive Order 69-20, Executive Order 70-20, Executive Order 71-20, Executive Order 74-20, Executive Order 75-20, Executive Order 76-20, Executive Order 78-20, Executive Order 80-20, Executive Order 81-20, Executive Order 1-21, Executive Order 2-21, Executive Order 3-21, Executive Order 4-21, Executive Order 5-21, Executive Order 6-21, Executive Order 7-21, Executive Order 8-21, and Executive Order 9-21; provided that the termination of each executive order listed above, with the exception of those already formally terminated, Executive Order 4-20, and Executive Order 57-20 shall be effective as of 12:01 AM on April 20, 2021, and that the termination of Executive Order 4-20 and Executive Order 57-20 shall be effective as of 12:01 AM on June 1, 2021.

2. The following executive orders shall remain in effect until terminated by subsequent executive order:
    a. Executive Order 7-20 (suspending regulatory provisions);
    b. Executive Order 10-20 (suspending regulatory provisions);
    c. Executive Order 11-20 (suspending regulatory provisions);
    d. Executive Order 13-20 (relating to tax filing dates);
    e. Executive Order 17-20 (suspending regulatory provisions);
    f. Executive Order 19-20 (relating to tax redemption dates);
    g. Executive Order 26-20 (suspending regulatory provisions);
    h. Executive Order 28-20 (providing for a plan to be in place at hospitals and ambulatory surgical centers regarding capacity in the event of any adverse change in public health conditions or surge in COVID-19);
    i. Executive Order 30-20 (providing for health care facilities to have adequate and appropriate personal protective equipment and to be prepared to contribute as necessary in the event of any adverse change in public health conditions or surge in COVID-19 cases);
    j. Executive Order 31-20 (suspending regulatory provisions);
    k. Executive Order 54-20 (suspending regulatory provisions);
    l. Executive Order 63-20 (suspending regulatory provisions);
    m. Executive Order 66-20 (suspending regulatory provisions);
    n. Executive Order 72-20 (suspending regulatory provisions);
    o. Executive Order 73-20 (suspending regulatory provisions);
    p. Executive Order 77-20 (mandating masks be worn by individuals aged 9 and over, with certain exceptions, when in confined, indoor public spaces);
    q. Executive Order 79-20 (relating to testing at nursing homes);
    r. Executive Order 82-20 (establishing the COVID-19 Joint Interagency Task Force for vaccination efforts in this State);
    s. Executive Order 83-20 (suspending regulatory provisions);
    t. Executive Order 10-21 (relating to in-person instruction in the schools of this State); and

u. Executive Order 11-21 (relating to unemployment benefits).

3. Section 1 through Section 6 of Executive Order 10-20 are hereby terminated and without further effect, and Section 7 (relating to the ability of registered nurses and advance practice registered nurses licensed in another state to practice in West Virginia), Section 8 (relating to a renewal period requirement for registered nurses and advance practice registered nurses), and Section 11 (relating to continuing education requirements for registered nurses and advance practice registered nurses) of such Executive Order 10-20 are hereby amended to leave the enforcement thereof in the discretion of the West Virginia Board of Examiners for Registered Professional Nurses.
4. Section 1 through Section 5 of Executive Order 11-20 (relating to regulation of respiratory care professionals) are hereby amended to leave the enforcement thereof in the discretion of the West Virginia Board of Respiratory Care.
5. Executive Order 77-20 is hereby amended by the addition of one further exception to the mandate to wear an adequate face covering when in confined, indoor spaces, by further excepting persons from wearing face coverings when actively engaged in physical activity where the wearing of such face covering would substantially hinder one's ability to engage in such activity, such as when actively engaged in sport or using an exercise machine in an indoor facility; provided that when present but not actively engaged in such activity (e.g., when sitting on the bench in sport or when transitioning between exercise machines in a fitness center), such persons should wear such face covering.
6. As previously provided in Executive Order 8-21, travel sports teams and travel leagues remain prohibited from bringing players or spectators together in a county that is in the "Red" color category on the County Alert System, as COVID-19 case rates may change each county's color category from time to time. For the purposes of this Order, "travel sports teams" means teams that typically travel, often long distances and/or out of state, to games, competitions, and/or tournaments, and "travel leagues" means leagues that typically encourage or involve travel by teams and players, often long distance and/or out of state, to games, competitions, and/or tournaments.

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 April, 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 APR 19 A 10:55

OFFICE WEST VIRGINIA SECRETARY OF STATE

OTHER

April 19, 2021

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **April 16, 2021**.

LETTERS OF INTENT RECEIVED

April 16, 2021 – Raleigh General Hospital, Beckley, Raleigh County, CON File #21-1-12068-H, for the development of cardiac surgery services; capital expenditure: $1,150,000.

April 16, 2021 – Stonewall Jackson Memorial Hospital Company, Weston, Lewis County, CON File #21-7-12069-H, for the relocation of the hospital and construction of a new 29 bed acute care hospital; capital expenditure: $55,950,000.

April 16, 2021 – Pleasant Valley Hospital, Inc., Point Pleasant, Mason County, CON File #21-2-12070-P, for the development of an ambulatory care center through the relocation of Pomeroy Therapy Center from 518 East Main Street, Pomeroy, Ohio, to 106 Gander Lane, Mason, West Virginia; capital expenditure: $50,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

April 16, 2021 - Prestera Center for Mental Health Services, Inc., Huntington, Cabell County, CON File #21-2/3-12065-P, for the provision of primary care services at its Huntington and Charleston campuses; capital expenditure: $11,800.

PROJECTS EXEMPT FROM REVIEW

April 14, 2021 – Mountain State Counseling Services, LLC, Beckley, Raleigh County, CON File #21-1-12062-X, for the development of a licensed behavioral health clinic at 508 New Hope Road, Suite 208, Princeton, Mercer County.

April 14, 2021 - Parkersburg Addiction Recovery, LLC d/b/a Peer Solutions, Parkersburg, Wood County, CON File #21-5-12063-X, for the development of a behavioral health facility at 1829 7th Street, Parkersburg, Wood County.

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