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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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- Bureau for Social Services

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RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Coal Mine Health and Safety (36-23)	Surface Construction Operations Within the Coal Mining Industry of the State of WV Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only April 4, 2022, 5:00 pm Mallory Yates Hicks 106 Dee Drive Charleston, WV 25311 Mallory.k.yates@wv.gov

NO 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
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TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
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TITLE	36	COAL MINE HEALTH AND SAFETY
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TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
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TITLE	78	HUMAN SERVICES
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TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
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TITLE	114	INSURANCE COMMISSION
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TITLE	133	HIGHER EDUCATION POLICY COMMISSION
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TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
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TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-01A)	Feeding of Untreated Garbage to Swine Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-05)	Commercial Feed Legislative	6/25/2021	7/24/2021	7/27/2021 Approved 8/9/2021	7/26/2021	Modified & Approved 12/9/2021 Filed 1/3/2022	Bundled SB334		
Agriculture (61-07, Repeal)	Enrichment of Flour and Bread Law Regulations Legislative	6/28/2021	7/28/2021		7/28/2021	Modified & Approved 8/19/2021 Filed 8/31/2021	Bundled SB334		
Agriculture (61-08C, Repeal)	Fruits and Vegetables Certification of Potatoes for Seeding Purposes Legislative	6/28/2021	7/28/2021		7/28/2021	Approved 8/19/2021	Bundled SB334		
Agriculture (61-10)	Fresh Food Act Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/15/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-11B)	Auctioneers Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-30)	Hemp Products Legislative	6/28/2021	7/28/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/15/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-31)	Livestock Care Standards Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021	Modified w/Certain Amendments & Approved 12/13/2021 Filed 1/3/2022	Bundled SB334		
Agriculture (61-33)	Rural Rehabilitation Program Legislative	6/24/2021	7/24/2021		7/27/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-38)	Farmers Markets Legislative	6/24/2021	7/24/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-39)	Seed Certification Legislative	6/28/2021	7/28/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 10/6/2021	Bundled SB334		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021	Bundled SB279		
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021	Bundled SB279		
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/2/2021	7/6/2021		7/16/2021	Modified & Approved 8/20/2021 Filed 8/26/2021	Bundled SB279		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021	Bundled SB279		
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/1/2021	7/1/2021		7/27/2021	Modified & Approved 12/8/2021 Filed 12/20/2021	Bundled SB312		
Alcohol Beverage Control Comm. – Beer (176-01)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/1/2021	7/1/2021		7/28/2021	Modified & Approved 12/8/2021 Filed 12/20/2021	Bundled SB312		
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	7/30/2021	8/30/2021		9/13/2021	Modified & Approved 12/9/2021 Filed 1/3/2022	Bundled SB334		
Chiropractic Examiners (4-09)	Chiropractic Telehealth Practice Legislative	6/9/2021	7/9/2021	6/8/2021 Effective 7/20/2021	7/13/2021	Modified & Approved 12/9/2021 Filed 12/15/2021	Bundled SB334		
Coal Mine Health and Safety (36-23)	Surface Construction Operations Within the Coal Mining Industry of the State of WV Legislative Exempt	2/17/2022	4/4/2022						
Community & Technical College Ed (135-08)	WV Invests Grant Program Legislative	10/8/2021	11/9/2021		11/10/2021	Approved 12/5/2021	HB4291		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Contractor Licensing Board (28-02)	Contractor Licensing Act Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/9/2021	Bundled SB334		
Counseling (27-01)	Licensing Rule Legislative	6/30/2021	7/29/2021		7/29/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-02)	Licensed Professional Counselor Fees Rule Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-14)	Telehealth and Interstate Telehealth Registration for Licensed Professional Counselors and Licensed Marriage and Family Therapists Legislative	12/6/2021	1/14/2022	1/10/2022 Approved 1/13/2022	1/26/2022				
Crime, Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/28/2021	7/28/2021	6/28/2021 Effective 8/9/2021	7/29/2021	Modified & Approved 9/12/2021 Filed 9/23/2021	Bundled HB4141		
Dentistry (5-01)	Rule for the WV Board of Dentistry Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021	Bundled SB334		
Dentistry (5-02)	Formation and Approval of Professional Limited Liability Companies Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021	Bundled SB334		
Dentistry (5-06)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021	Bundled SB334		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dentistry (5-11)	Continuing Education Requirements Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021	Bundled SB334		
Dentistry (5-12)	Administration of Anesthesia by Dentists Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021	Bundled SB334		
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021	Bundled SB334		
Dentistry (5-16)	Teledentistry Legislative	6/17/2021	7/17/2021	6/17/2021 Amendment 7/26/2021 Effective 9/6/2021 Amendment 12/13/2021 Effective 1/24/2022	7/26/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Education (126-015)	Reg. and English Language Proficiency Standards for English Learners and Alternate English Language Proficiency Standards for English Learners and Significant Cognitive Disabilities (Policy 2417) Legislative Exempt	2/10/2022	3/11/2022						
Education (126-042)	Assuring Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/9/2021	1/10/2022					2/10/2022	7/1/2022
Education (126-044CC)	WV College and Career-Readiness Standards for Science (Policy 2520.3C) Legislative Exempt	6/9/2021	7/12/2021					8/16/2021	7/1/2022
Education (126-044M)	WV College- and Career-Readiness Programs of Study/Standards for Career Technical Ed. (Policy 2520.13) Legislative Exempt	12/9/2021	1/10/2022					2/10/2022	7/1/2022
Education (126-141)	County Board of Education Relations with County Staff and School Employees (Policy 5300) Legislative Exempt	1/13/2022	2/14/2022						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-185)	Intercounty Transfer Arrangements (Policy 7200) Legislative Exempt	12/9/2021	1/10/2022					2/10/2022	7/1/2022
Environmental Protection, Secretary's Office (60-10)	Purchasing Procedure Procedural	8/19/2021	9/20/2021						
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	3/22/2021	4/22/2021		5/12/2021	Modified & Approved 12/8/2021 Filed 12/16/2021	Bundled HB4114		
Fire Commission (87-01)	Fire Code Legislative	6/28/2021	7/28/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 1/7/2022	Bundled HB4141		
Fire Commission (87-04)	State Building Code Legislative	6/23/2021	7/26/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/13/2021 Filed 1/7/2022	Bundled HB4141		
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	4/12/2021	5/31/2021	3/30/2021 Effective 5/11/2021	6/23/2021	Modified & Approved 9/12/2021 Filed 9/21/2021	Bundled HB4141		
Fire Commission (87-11)	Specialized Membership Legislative	6/22/2021	7/23/2021		7/30/2021	Approved 9/12/2021	Bundled HB4141		
Fire Commission (87-12)	Junior Firefighters Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Approved 9/12/2021	Bundled HB4141		
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021	Bundled HB4141		
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/23/2021	7/26/2021		7/27/2021	Approved 9/12/2021	Bundled HB4141		
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/25/2021	7/27/2021		7/28/2021	Approved 9/12/2021	Bundled HB4141		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Funeral Service Examiners (6-07)	Fee Schedule Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/23/2021	Bundled SB334		
Health (64-10)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/14/2021	Bundled HB4126		
Health (64-12)	Hospital Licensure Legislative	6/22/2021	7/22/2021	5/20/2021 Effective 7/1/2021	7/23/2021	Modified & Approved 12/9/2021 Filed 12/14/2021	Bundled HB4126		
Health (64-26)	Procedures Pertaining to the Dangerousness Assessment Advisory Board Legislative	2/4/2022	3/7/2022	2/4/2022 Approved 2/4/2022					
Health (64-42)	Childhood Lead Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021	Bundled HB4126		
Health (64-43)	Food Manufacturing Facilities Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/14/2021	Bundled HB4126		
Health (64-47)	Sewage Treatment and Collection System Design Standards Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021	Bundled HB4126		
Health (64-48)	Emergency Medical Services Legislative	7/29/2021	8/30/2021	7/1/2021 Approved 7/1/2021	9/10/2021	Modified & Approved 12/9/2021 Filed 12/15/2021	Bundled HB4126		
Health (64-57)	Clinical Laboratory Practitioner Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021	Bundled HB4126		
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021	Bundled HB4126		
Health (64-97)	Maternal Risk Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021	Bundled HB4126		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health & Human Resources (69-17)	Syringe Services Program Licensure Legislative	7/15/2021	8/16/2021	7/15/2021 Effective 8/26/2021 Amendment 8/27/2021 Effective 10/8/2021	8/27/2021	Approved 12/9/2021	Bundled HB4126		
Health Care Authority (65-32)	Certificate of Need Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/20/2021	Bundled HB4126		
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 8/19/2021	Bundled SB312		
Insurance Comm. (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/1/2021	7/1/2021		7/27/2021	Approved 12/8/2021	Bundled SB312		
Insurance Comm. (114-102)	Term and Universal Life Insurance Reserve Financing Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 9/12/2021	Bundled SB312		
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	6/1/2021	7/1/2021		7/9/2021	Modified & Approved 8/19/2021 Filed 8/24/2021	Bundled SB312		
Labor (42-09)	Child Labor Rule Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021	Bundled HB4242		
Lottery Comm. (179-01)	WV Lottery State Lottery Rules Legislative	5/28/2021	6/29/2021		7/7/2021	Modified & Approved 9/12/2021 Filed 9/27/2021	Bundled SB312		
Lottery Comm. (179-05)	WV Limited Video Lottery Rule Legislative	6/1/2021	7/1/2021		7/8/2021	Modified & Approved 9/12/2021 Filed 9/27/2021	Bundled SB312		
Massage Therapy Licensure Bd. (194-01)	General Provisions Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021	Bundled SB334		
Medical Imaging & Radiation Tech. Bd. Of Examiners (18-06)	Practice of Radiologic Technology Interpretive	12/2/2021	1/7/2022					1/24/2022	3/1/2022

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians, Podiatric Physicians and Surgeons Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021	Bundled SB334		
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021 2nd Filed 11/2/2021	Bundled SB334		
Medicine (11-05)	Bd. Of Medicine Rule for Dispersing of Prescription Drugs by Practitioners Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021	Bundled SB334		
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021	Bundled SB334		
Medicine (11-10)	Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021	Bundled SB334		
Medicine (11-11)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021	Bundled SB334		
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021	Bundled SB334		
Medicine (11-15)	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physicians Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/16/2021	Bundled SB371		
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	5/7/2021	6/7/2021	5/7/2021 Approved 6/7/2021 Amendment 8/24/2021 Effective 10/5/2021	6/11/2021	Modified & Approved 8/18/2021 Filed 8/24/2021	Bundled HB4242		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety and Training (56-11, repeal)	Rule Governing First-Aid Training of Shaft and Slope Employees Legislative	5/7/2021	6/7/2021		6/11/2021	Approved 8/18/2021	Bundled HB4242		
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/25/2021	7/26/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/24/2021	Bundled HB4242		
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/25/2021	7/26/2021	6/24/2021 Effective 8/5/2021	7/27/2021	Modified & Approved 8/19/2021 Filed 8/30/2021	Bundled SB330		
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/29/2021	7/29/2021		7/29/2021	Authorized with certain amendments 9/15/2021 Filed 9/22/2021 2nd Filed 1/18/2022	Bundled SB330		
Motor Vehicles (91-09)	Collection of Tax on the Sale of a Vehicle Legislative	6/11/2021	7/12/2021		7/20/2021	Modified & Approved 8/19/2021 Filed 8/30/2021	Bundled SB330		
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021	Bundled HB4242		
Natural Resources (58-27)	Special Motorboating Regulations Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021	Bundled HB4242		
Natural Resources (58-38)	Public Shooting Ranges Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021	Bundled HB4242		
Natural Resources (58-49)	General Hunting Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021	Bundled HB4242		
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	6/30/2021	7/29/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/29/2021	Bundled HB4242		
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021	Bundled HB4242		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Office of Technology (163-02)	Chief Information Officer Review Legislative	6/23/2021	7/23/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021	Bundled HB4114		
Office of Technology (163-03)	Cyber Reporting Legislative	6/15/2021	7/15/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021	Bundled HB4114		
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021	Bundled SB334		
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021 Filed 9/29/2021	Bundled SB334		
Osteopathic Medicine (24-07)	Practitioner Requirements for Controlled Substances Licensure and Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021	Bundled SB334		
Osteopathic Medicine (24-10)	Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/15/2021 2/16/2022	Bundled SB371		
Personnel (143-01)	Administrative Rule of the WV Division of Personnel Legislative	5/28/2021	6/30/2021	1/4/2022 Approved 1/7/2022 Withdrawn 2/1/2022	7/29/2021	Modified & Approved 8/18/2021 Filed 8/24/2021	Bundled HB4114		
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021	Bundled SB334		
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021	Bundled SB334		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/14/2021	7/15/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/29/2021	Bundled SB334		
Pharmacy (15-19)	Inspections Legislative	2/3/2022	3/7/2022	1/6/2022 Approved 1/7/2022					
Racing Commission (178-01)	Thoroughbred Racing Legislative	5/28/2021	6/28/2021		7/28/2021	Modified & Approved 12/8/2021 Filed 12/8/2021	Bundled SB312		
Real Estate Appraiser Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/21/2021	Bundled SB334		
Real Estate Appraiser Licensing and Certification Bd. (190-03)	Renewal of Licensure or Certification Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/21/2021	Bundled SB334		
Real Estate Appraiser Licensing and Certification Bd. (190-05)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/21/2021	Bundled SB334		
Registered Professional Nurses (19-16)	Telehealth Practice Legislative	6/30/2021 7/30/2021	7/30/2021 8/29/2021	7/2/2021 Withdrawn 7/8/2021 7/29/2021 Effective 9/9/2021	8/31/2021	Authorized w/Certain Amendments & Approved 12/8/2021	Bundled SB371		
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	9/29/2021	11/1/2021		12/15/2021	Approved 1/10/2022	SB499		
Sec. of WV DHHR, and WV Insurance Commissioner (114A-01)	All-Payer Claims Database – Data Submission Requirements Legislative	6/30/2021	7/30/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/9/2021 Filed 12/27/2021	Bundled HB4126		
Sec. of WV DHHR, and WV Insurance Commissioner (114A-02, repeal)	All-Payer Claims Database – Privacy and Security Requirements Legislative	6/30/2021	7/30/2021		7/30/2021	Approved 12/9/2021	Bundled HB4126		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/25/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334		
Secretary of State (153-30)	Use of Digital Signatures Legislative	6/24/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334		
Secretary of State (153-43)	Regulation of Political Party Headquarters Finances Legislative	6/24/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334		
Secretary of State (153-45)	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative	6/24/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334		
Secretary of State (153-48)	Real Property Electronic Recording Standards and Regulations Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 12/8/2021	Bundled SB334		
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021	Modified & Approved 12/9/2021 Filed 12/20/2021	Bundled SB334		
Social Work Examiners (25-05)	Continuing Education for Social Workers and Providers Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/20/2021	Bundled SB334		
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	4/28/2021	6/4/2021	4/27/2021 Effective 6/8/2021	6/9/2021	Modified & Approved 12/9/2021 Filed 12/16/2021	Bundled SB334		
State Police (81-03)	Career Progression Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/18/2021 Filed 1/10/2022	Bundled HB4141		
Tax (110-01J)	Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes Legislative	6/4/2021	7/7/2021	6/8/2021 Effective 7/20/2021	7/30/2021	Recommend Rejection 1/9/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-13KK)	WV Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/4/2021	7/7/2021		7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021	Bundled SB312		
Tax (110-15F)	Sales Tax Holiday Legislative	5/11/2021	6/11/2021	5/7/2021 Amendment 6/3/2021 Approved 6/7/2021	6/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021	Bundled SB312		
Tax (110-15L)	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative	6/2/2021	7/7/2021	6/2/2021 Effective 7/14/2021	7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021	Bundled SB312		
Tax (110-15M)	Vendor Absorption or Assumption of Sales and Use Tax Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021	Bundled SB312		
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021	Bundled SB312		
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	2/7/2022	3/9/2022						
Tax (110-24)	Corporation Net Income Tax Legislative	6/2/2021	7/7/2021		7/27/2021	Modified & Approved 9/12/2021 Filed 9/21/2021	Bundled SB312		
Transportation (217-01)	Employment Procedures Legislative	6/30/2021	7/30/2021	11/19/2021 Effective 12/31/2021	7/30/2021	Modified & Approved 12/8/2021 Filed 1/3/2022	Bundled SB330		
Treasurer (112-02)	Substitute Checks-Exceptional Items Fund Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021	Bundled SB334		
Treasurer (112-10)	Reporting Debt Legislative	6/28/2021	7/29/2021		7/29/2021	Approved 8/19/2021	Bundled SB334		
Treasurer (112-12)	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021	Bundled SB334		
Treasurer (112-13)	Procedures for Providing Services to Political Subdivisions Legislative	6/25/2021	7/26/2021		7/29/2021	Approved 8/20/2021	Bundled SB334		
Treasurer (112-18)	Hope Scholarship Program Legislative	2/9/2022	3/11/2022	2/9/2022 ERD by 3/23/2022					

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer (112-19)	WV Hope Scholarship Board Procedures and Bylaws Procedural	2/10/2022	3/14/2022						
Waste Management, Div. of Water & Waste Mgmt. (33-01B)	Requirements for the Management of Coal Combustion Residuals Legislative	6/25/2021	7/26/2021		7/30/2021	Approved 12/8/2021	Bundled SB279		
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	6/4/2021	7/19/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/28/2021	Bundled SB279		
Water Resources, Div. of Water & Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/23/2021	7/23/2021		7/30/2021	Approved 12/8/2021	Bundled SB279		
Water Resources, Div. of Water & Waste Mgmt. (47-30B)	Administrative Proceedings and Civil Penalty Assessment Legislative	9/14/2021	10/15/2021	8/19/2021 Effective 9/30/2021	10/19/2021	Approved 12/8/2021	Bundled SB279		
Workers Compensation (85-13)	Procedural Rules for the Industrial Council Procedural	12/3/2021	1/4/2022						

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Administration 148-06	Parking 3/1/2023	10/14/2021	10/15/2021				
Agriculture 61-23D	Inspection of Nontraditional, Domesticated Animals 4/22/2023	11/15/2021	11/15/2021				
Athletic Commission 177-02	Regulation of Mixed Martial Arts 6/1/2023	1/27/2022	1/27/2022				
Auditor 155-08	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body 7/1/2022	5/13/2021	1/3/2022	Modified & Approved 1/9/2022 Filed 1/10/2022	Bundled SB334		
Community & Technical College Education 135-35	Correspondence, Business, Occupational, and Trade Schools 7/19/2022	4/5/2021	4/27/2021	Approved 9/14/2021	HB4291		
Community & Technical College Education 135-52	Annual Reauthorization of Degree-Granting Institutions 7/19/2022	4/6/2021	4/27/2021	Approved 9/14/2021	HB4291		
Dangerous Wild Animal Board 74-01	Dangerous Wild Animals 6/5/2022	4/5/2021	4/5/2021	Approved 8/18/2021	Bundled SB334		
Health 64-103	Expedited Paratner Therapy 6/1/2022	5/10/2021	5/10/2021	Approved 9/12/2021	Bundled HB4126		
Health and Human Resources 69-11	Medication-Assisted treatment – Opioid Treatment Programs 6/1/2022	5/10/2021	5/10/2021	Approved 9/14/2021	Bundled HB4126		
Health and Human Resources 69-13	Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State 3/22/2023	12/3/2021					
Higher Education Policy Commission 133-48	Research Trust Fund 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Higher Education Policy Commission 133-52	Annual Reauthorization of Degree-Granting Institutions 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Highways 157-02	Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance 4/6/2023	12/17/2021					
Highways 157-12	Employment Procedures 4/13/2023	12/16/2021					

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20

AGENCY/SERIES NUMBER	RULE/SUNSET DATE	REQUEST	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022	3/31/2021	3/31/2021	Approved 8/19/2021	Bundled SB312		
Labor 42-35	Registration of Service Persons and Service Agencies 3/30/2023	11/30/2021	11/30/2021				
Labor 42-36	Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions 3/30/2023	11/29/2021	11/30/2021				
Natural Resources 58-11	Hunting, Fishing, and Other Outfitters and Guides 5/7/2023	11/30/2021	11/30/2021				
Natural Resources 58-64	Miscellaneous Permits and Licenses 5/7/2023	11/30/2021	11/30/2021				
Psychologists 17-06	Code of Ethics 7/1/2023	2/3/2022					
Public Service Commission 150-37	Rules Governing the Occupancy of Customer-Provided Conduit 8/1/2022	5/6/2021	8/6/2021	Modified & Approved 8/19/2021 Filed 8/24/2021	Bundled SB334		
Racing Commission 178-05	Pari-Mutuel Wagering 8/1/2022	4/26/2021	4/30/2021	Approved 8/18/2021	Bundled SB312		
Registererd Professional Nurses 19-08	Limited Prescriptive Authority for Nurses in Advanced Practice 5/15/2022	3/17/2021	5/10/2021	Approved 12/8/2021	Bundled SB334		
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					
Secretary of State 153-03	Voter Registration at the Division of Motor Vehicles 5/23/2022	5/10/2021	5/10/2021	Approved 12/8/2021	Bundled SB334		
Secretary of State 153-05	Voter Registration List Maintenance by the Secretary of State 5/23/2022	5/10/2021	5/10/2021	Approved 12/8/2021	Bundled SB334		
Treasurer 112-04	Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies 6/1/2022	5/5/2021	5/6/2021	Approved 8/19/2021	Bundled SB334		
Treasurer 112-06	Selection of State Depositories for Disbursement Accounts through Competitive Bidding 6/1/2022	5/6/2021	5/6/2021	Approved 8/19/2021	Bundled SB334		

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Treasurer 112-07	Selection of State Depositories for Receipt Accounts 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021	Bundled SB334		
Treasurer 112-08	Procedures for Processing Payments from the State Treasury 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021	Bundled SB334		

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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2/17/2022 12:03:00 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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2022 FEB 11 P 1:33
OFFICIAL WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-23

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Surface Construction Operations Within the Coal Mining Industry of the State of West Virginia

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 04/04/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: mallory.k.yates@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

GENERAL DISTRIBUTION

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
138.00	14 February 2022	Employee Performance Appraisals
453.06	14 February 2022	G.O.A.L.S. Substance Abuse Treatment Units

West Virginia Secretary of State Mac Warner Administrative Law Division	DO NOT MARK IN THIS BOX FILED 2022 FEB 14 P 2:19 OFFICE OF WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

Changes to Social Services Manual

Agency: Department of Health and Human Resources

Bureau: Bureau for Social Services

Rule: 78 - 5

Change Rule: CAS-CS-PI-22-7

Revision to Existing Manual: ☒ Yes ☐ No

Child Protective Services Policy

Summary of Changes:

Changes to safety planning with the release of a new safety plan for child welfare as seen in Section 4 and other technical edits. Effective February 11, 2022.

Two Copies Enclosed:
Please file one and return a stamped copy to:

Amanda Spencer, LSW
Health and Human Resource Specialist, Senior
350 Capitol Street, Room 691
Charleston, WV 25301-3704

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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2/16/2022 10:18:52 AM
Office of West Virginia Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Osteopathic Medicine

RULE TYPE: Legislative TITLE-SERIES: 24-10

RULE NAME: Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants

CITE AUTHORITY: W. Va. Code § 30-1-26(b)

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

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

Yes

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered

None Received This Week

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 1-22

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, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Order 11-21 suspended certain statutory provisions related to requiring the Commissioner of WorkForce West Virginia to collect non-fraudulent unemployment overpayments, including those distributed with Federal grant moneys intended to address employment relief during the COVID-19 pandemic; and

WHEREAS, at this time, it is appropriate to reinstate such statutory provisions; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that effective as of 12:01 AM, Eastern Daylight Time, on February 17, 2022, Executive Order 11-21 shall be terminated and without further effect.

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

GOVERNOR

By the Governor

SECRETARY OF STATE

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FEBRUARY 15, 2022 04:41 PM

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Bill J. Crouch
Cabinet Secretary

Ayne Amjad, MD, MPH
Commissioner & State Health Officer

OTHER

MEMORANDUM

To: Interested Parties

From: Stephanie D. Hickerson, P. E. SDH
Drinking Water Treatment Revolving Fund

Date: February 15, 2022

Subject: New Haven PSD
Contract 18 Waterline Extension
Environmental Review (FONSI)
DWTRF Project Number: **18DWTFB007**
Fayette County

Please find enclosed the New Haven PSD's Contract 18 Waterline Extension Project Finding of No Significant Impact **(FONSI).**

The review process indicated significant environmental impacts would not result from the proposed action. Consequently, a preliminary decision not to prepare an Environmental Impact Statement has been made.

This action is based on a careful review of the Environmental Information Document and other supporting data. These documents are on file in the West Virginia Bureau for Public Health, Environmental Engineering Division, and are available for public review upon request.

Comments supporting or disagreeing with this preliminary decision may be submitted for consideration to Christopher Thomas, at 350 Capitol Street, Room 313, Charleston, West Virginia 25301-3713. You may also FAX your comments to (304) 558-0691. After evaluating the comments received, the Bureau will make a decision no sooner than thirty (30) calendar days from the date of this FONSI. No administrative action will be taken with respect to this proposal during this time frame.

SDH:cwt

Distribution List (via email):

New Haven PSD
Jeremiah Tuggle, T&L
Lesley Taylor, Region IV P&DC
Division of Culture & History
U.S. Fish and Wildlife Service
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
Natural Resources Conservation Service

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981

FINDINGS OF NO SIGNIFICANT IMPACT

February 15, 2022

TO: ALL INTERESTED PARTIES

In accordance with the state regulations found in Title 64, Series 49, "Drinking Water Treatment Revolving Fund", the Bureau for Public Health, Environmental Engineering Division, has performed an environmental review on the proposed project described below and on the attached environmental assessment:

New Haven PSD
84 Jarett Court
Fayetteville, WV 25840-5441
WVIJDC Project #: **2018W-1761**
SRF Project #: 18DWTRFB007

Contract 18 Water Extension Project

(Official Project Name and Number)

New Haven PSD
84 Jarett Court
Fayetteville, WV 25840-5441

(Project Applicant)

New Haven Public Service District
Fayette County, WV

(Project Location, City, County, State)

$ 4,331,763

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 4,620,265

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the

New Haven PSD Contract 18 Water Extension Project

WV IJDC Project No.: **2018W-1761/** SRF Project No.: **18DWTFB007**

I. PROPOSED PROJECT:

The New Haven PSD Contract 18 project will extend water service to approximately 67 new customers in the Sunday Road, Confluence and Elliot Cutoff Road areas as well as installation of connectors to Springtown Road and Cliffy. The project includes approximately 6.2 miles (32,512 linear feet) of 2-inch to 8-inch distribution line, 31 gate valves, 19 fire hydrants, and other appurtenances.

II. PURPOSE AND NEED:

This project is necessary to meet the needs of the service area. These needs include health, safety, and a reliable source of potable drinking water. Residents in project area currently receive water from private wells with limited quantities and poor quality. Water samples were taken in area with 18/40 coliform positive and 6/40 had E. Coli. There is also no fire protection in these areas. Many residents have expressed interest in receiving public water service. There is also a couple of locations where there are long single feed lines that increase the head loss and increase probability that a line break will impact service to customers.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

The residents in the project area are currently served primarily by private wells that some have tested positive for contamination. The PSD has lines in the vicinity of the area that can provide adequate water to the residents.

IV. EVALUATION OF ALTERNATIVES:

The only other alternative discussed was the "no action" alternative which wouldn't address the current situation most effectively.

V. DESCRIPTION OF EXISTING ENVIRONMENT:

Through the use of an Environmental Screening Checklist the following environmental factors have been addressed (references have been provided as appropriate) and it has been determined this project has no significant impact on any of these elements:

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Culture and History regarding the New Haven PSD Water Extension Project, Contracts 18 and 19, dated August 9, 2019 states: "In our opinion, the proposed project will have no effect on archaeological historic properties. No further consultation is necessary. Finally, the report notes the presence of site 46-FA-378 adjacent to but currently outside of the proposed waterline corridor on County Route 3/4 Saturday Road/Minter Road. As currently defined, the project will have no effect on this resource."

OTHER

2. **National Historic Preservation Act of 1966** – No impact on historical sites, reference above.

3. **Clean Air Act, Pub. L. 84-159** – An email from Jeremiah Tuggle, PE with Thompson and Litton on May 13, 2021 states "General construction equipment emissions will occur during construction. Motor operated construction equipment will generate emissions. Burning of logs, stumps, roots, cuttings, and/or other material on the site will not be permitted. Dust generated as a result of construction activities will be mitigated by implementing general Best Management Practices (BMP's) for dust control, such as limiting the amount of exposed bare soil, sprinkling water on bare dry soil, seeding, and/or mulching. Therefore, short-term air quality effects will be experienced during construction. However, there are no long-term air quality effects anticipated."

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service regarding the New Haven PSD Contracts 18 and 19 Waterline Extension Project, dated October 19, 2018, states "Two federally listed species could occur in the project area: the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB)." Also stated, "The Service does not anticipate that this project is likely to adversely affect the Indiana bat …." and " This proposed project is not located within any of these radii around known hibernacula or roost trees and will not affect any known NLEB hibernacula, therefore any take of NLEB associated with this project is exempted under the 4 (d) rule and no conservation measures are required."

   A letter from the West Virginia Division of Natural Resources regarding the New Haven PSD Contracts 18 and 19 Waterline Extension Project, dated June 13, 2018, states "We have no known records of any RTE species or sensitive habitats within the majority of the project sites; however, portions of the project are within habitat buffers for endangered bats. The South Miller Ridge and Hawver Road sites are within buffers for the Virginia big-eared bat. The Whispering Pines site is within buffers for the Virginia big-eared and Indiana bats."

5. **Protection of Wetlands** – An email from Jeremiah Tuggle, PE with Thompson and Litton on May 13, 2021 states "Following a review of the wetlands delineated in the project area; no impacts to wetlands are anticipated for Contract 18 and/or Contract 19. However, wetlands and ponds in close proximity to the project areas are illustrated on the plans to ensure the Contractor utilizes caution when working in those areas."

6. **Fish and Wildlife Coordination Act** – Reference item #4.

7. **Wild and Scenic River Act** – A letter from the WV Division of Natural Resources – dated August 28, 2018 – states that "A segment of the Bluestone River in Summers County is the only river holding Wild and Scenic designation in the State."

8. **Farmland Protection Policy** – A letter from the USDA Natural Resources Conservation Service regarding the New Haven PSD's Contract 18 Waterline Extension Project, dated August 14, 2020, states "Based on a review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project does

not impact prime or other important farmland, and therefore is not subject to Farmland Protection Policy Act."

9. **Flood Plain Management** – An email from Jeremiah Tuggle, PE with Thompson and Litton on May 13, 2021 with regards to above ground infrastructure states "Although there are multiple proposed water line stream crossings; based on the WV Flood Tool, all infrastructure will be at an elevation of the 100 year floodplain plus three feet."

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved February 2, 2022).

11. **Environmental Justice** – Executive Order 12898 requires federally funded activities to identify and address disproportionately high and adverse human health effects of the activities on minority and low-income populations. This project has no impact on environmental justice.

12. **Lead Paint Abatement** – An email from Jeremiah Tuggle, PE with Thompson and Litton on May 13, 2021 states "There is no lead paint associated with the project."

VI. CLIMATE CHANGE/ENERGY EFFICIENCY:

A greenhouse gas evaluation was conducted. For this project, we will assume that there is no net change in the release of greenhouse gases due to this being a waterline extension project. The proposed project will not include any electrical equipment other than some telemetry equipment, everything else will consist of pipe and associated appurtenances.

VII. ENVIRONMENTAL CONSEQUENCES & MITIGATING MEASURES:

Noise and air pollution will result from the proposed construction activities. Dust generated as a result of construction activities will be mitigated by implementing general Best Management Practices (BMP's) for dust control, such as limiting the amount of exposed bare soil, sprinkling water on bare dry soil, seeding, and/or mulching. Therefore, short-term air quality effects will be experienced during construction.

Protection of wetlands near the project site will be achieved as described above.

VIII. PUBLIC PARTICIPATION:

The project has been advertised in the local newspaper on 8/6/2015 and has also been discussed at public board meeting since then.

IX. DOCUMENTATION:

References used to complete this Environmental Assessment are noted in **Section V**.

Statutory Checklist

OTHER

All DWTRF funded projects must comply with the following environmental statutes and executive orders.

Project Sponsor: New Haven PSD **Phone:** 304-574-2649

Address: 84 Jarrett Court Fayetteville, WV 25840-5441

Public Water System: New Haven PSD **County:** Fayette

Project: Water System Improvements Project

Statutory or Regulatory Compliance	Affected By Project?		Compliance?		Mitigating Measures Required?		Mitigating Measures Complete?	References (must be included for each statute)
	Yes	No	Yes	No	Yes	No	Date or NA	
Archeological & Historic Preservation Act of 1974		X	X			X	NA	WV Div. Cult/Hist
National Historic Preservation Act of 1966		X	X			X	NA	WV Div. Cult/Hist
Clean Air Act, Pub. L. 84-159, as amended	X		X		X		Follow best practices to minimize impact during construction	Engineer's Statement
Coastal Barrier Resources Act								NA
Coastal Zone Management								NA
Endangered Species Act		X	X			X	NA	US Fish & Wildlife, WVDNR
Protection of Wetlands		X	X			X	Follow best practices to avoid impact during construction	Engineer's Statement
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVDNR
Farmland Protection Policy		X	X			X	NA	NRCS
Floodplain Management		X	X			X	N/A	Engineer's Statement
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	WVBPH
Lead Paint Abatement on Water Tanks		X	X			X	NA	Engineer's Statement

Prepared By: Christopher W. Thomas, EIT **Title:** Technical Analyst

Signature: Christopher W. Thomas **Date:** 2/15/2022 **Telephone:** 304-356-4325

Address: WVBPH, 350 Capitol Street, Room 313, Charleston, WV 25301

FILED
WV SECRETARY OF STATE
FEBRUARY 15, 2022 04:42 PM

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Bill J. Crouch
Cabinet Secretary

Ayne Amjad, MD, MPH
Commissioner & State Health Officer

OTHER

MEMORANDUM

To: Interested Parties

From: Stephanie D. Hickerson, P. E. SDH
Drinking Water Treatment Revolving Fund

Date: February 15, 2022

Subject: New Haven PSD
Contract 19 Waterline Extension
Environmental Review (FONSI)
DWTRF Project Number: **18DWTFB008**
Fayette County

Please find enclosed the New Haven PSD's Contract 19 Waterline Extension Project Finding of No Significant Impact **(FONSI).**

The review process indicated significant environmental impacts would not result from the proposed action. Consequently, a preliminary decision not to prepare an Environmental Impact Statement has been made.

This action is based on a careful review of the Environmental Information Document and other supporting data. These documents are on file in the West Virginia Bureau for Public Health, Environmental Engineering Division, and are available for public review upon request.

Comments supporting or disagreeing with this preliminary decision may be submitted for consideration to Christopher Thomas, at 350 Capitol Street, Room 313, Charleston, West Virginia 25301-3713. You may also FAX your comments to (304) 558-0691. After evaluating the comments received, the Bureau will make a decision no sooner than thirty (30) calendar days from the date of this FONSI. No administrative action will be taken with respect to this proposal during this time frame.

SDH:cwt

Distribution List (via email):

New Haven PSD
Jeremiah Tuggle, T&L
Lesley Taylor, Region IV P&DC
Division of Culture & History
U.S. Fish and Wildlife Service
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
Natural Resources Conservation Service

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981

FINDINGS OF NO SIGNIFICANT IMPACT

February 15, 2022

TO: ALL INTERESTED PARTIES

In accordance with the state regulations found in Title 64, Series 49, "Drinking Water Treatment Revolving Fund", the Bureau for Public Health, Environmental Engineering Division, has performed an environmental review on the proposed project described below and on the attached environmental assessment:

New Haven PSD
84 Jarett Court
Fayetteville, WV 25840-5441
WVIJDC Project #: **2018W-1760**
SRF Project #: 18DWTRFB008

Contract 19 Water Extension Project

(Official Project Name and Number)

New Haven PSD
84 Jarett Court
Fayetteville, WV 25840-5441

(Project Applicant)

New Haven Public Service District
Fayette County, WV

(Project Location, City, County, State)

$ 5,176,839

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 7,048,013

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
New Haven PSD Contract 19 Water Extension Project
WV IJDC Project No.: **2018W-1760/** SRF Project No.: **18DWTFB008**

OTHER

I. PROPOSED PROJECT:

The New Haven PSD Contract No. 19 Extension Project consists of the following extensions: Ramsey/Hawver, Cane Branch, South Miller Ridge/Arrowwood/Dotson Ridge/ Dodson Ridge. There are 75 potential customers of which the PSD has 67 signed new user agreements for water service. The project includes approximately 10.5 miles (55,451 feet) of 2-inch to 8-inch distribution line, 67 meters, 26 fire hydrants, 1 pressure reducing station, various valves and other appurtenances.

II. PURPOSE AND NEED:

This project is necessary to meet the needs of the service area. These needs include health, safety, and a reliable source of potable drinking water. Residents in project area currently get water from private wells with limited quantities and poor quality. Water samples were taken in area with some testing positive for coliform and E. Coli. There is also no fire protection in these areas. Many residents have expressed interest in receiving public water service.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

The residents in the project area are currently served primarily by private wells that some have tested positive for contamination.

IV. EVALUATION OF ALTERNATIVES:

The only other alternative discussed was the "no action" alternative which wouldn't address the current situation most effectively.

V. DESCRIPTION OF EXISTING ENVIRONMENT:

Through the use of an Environmental Screening Checklist the following environmental factors have been addressed (references have been provided as appropriate) and it has been determined this project has no significant impact on any of these elements:

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Culture and History regarding the New Haven PSD Water Extension Project, Contracts 18 and 19, dated August 9, 2019 states: "In our opinion, the proposed project will have no effect on archaeological historic properties. No further consultation is necessary. Finally, the report notes the presence of site 46-FA-378 adjacent to but currently outside of the proposed waterline corridor on County Route 3/4 Saturday Road/Minter Road. As currently defined, the project will have no effect on this resource."

2. **National Historic Preservation Act of 1966** – No impact on historical sites, reference above.

3. **Clean Air Act, Pub. L. 84-159** – An email from Jeremiah Tuggle, PE with Thompson and Litton on May 13, 2021 states "General construction equipment emissions will occur during construction. Motor operated construction equipment will generate emissions. Burning of logs, stumps, roots, cuttings, and/or other material on the site will not be permitted. Dust generated as a result of construction activities will be mitigated by implementing general Best Management Practices (BMP's) for dust control, such as limiting the amount of exposed bare soil, sprinkling water on bare dry soil, seeding, and/or mulching. Therefore, short-term air quality effects will be experienced during construction. However, there are no long-term air quality effects anticipated."

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service regarding the New Haven PSD Contracts 18 and 19 Waterline Extension Project, dated October 19, 2018, states "Two federally listed species could occur in the project area: the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB)." Also stated, "The Service does not anticipate that this project is likely to adversely affect the Indiana bat ...." and " This proposed project is not located within any of these radii around known hibernacula or roost trees and will not affect any known NLEB hibernacula, therefore any take of NLEB associated with this project is exempted under the 4 (d) rule and no conservation measures are required."

   A letter from the West Virginia Division of Natural Resources regarding the New Haven PSD Contracts 18 and 19 Waterline Extension Project, dated June 13, 2018, states "We have no known records of any RTE species or sensitive habitats within the majority of the project sites; however, portions of the project are within habitat buffers for endangered bats. The South Miller Ridge and Hawver Road sites are within buffers for the Virginia big-eared bat. The Whispering Pines site is within buffers for the Virginia big-eared and Indiana bats."

5. **Protection of Wetlands** – An email from Jeremiah Tuggle, PE with Thompson and Litton on May 13, 2021 states "Following a review of the wetlands delineated in the project area; no impacts to wetlands are anticipated for Contract 18 and/or Contract 19. However, wetlands and ponds in close proximity to the project areas are illustrated on the plans to ensure the Contractor utilizes caution when working in those areas."

6. **Fish and Wildlife Coordination Act** – Reference item #4.

7. **Wild and Scenic River Act** – A letter from the WV Division of Natural Resources – dated August 28, 2018 – states that "A segment of the Bluestone River in Summers County is the only river holding Wild and Scenic designation in the State."

8. **Farmland Protection Policy** – A letter from the USDA Natural Resources Conservation Service regarding the New Haven PSD Contract 19 Waterline Extension Project, dated August 14, 2020, states "Based on a review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project does not impact prime or other important farmland, and therefore is not subject to Farmland Protection Policy Act."

9. **Flood Plain Management** – An email from Jeremiah Tuggle, PE with Thompson and Litton on May 13, 2021 with regards to above ground infrastructure states "Although there are multiple proposed water line stream crossings; based on the WV Flood Tool, all infrastructure will be at an elevation of the 100 year floodplain plus three feet."

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved February 2, 2022).

11. **Environmental Justice** – Executive Order 12898 requires federally funded activities to identify and address disproportionately high and adverse human health effects of the activities on minority and low-income populations. This project has no impact on environmental justice.

1. **Lead Paint Abatement** – An email from Jeremiah Tuggle, PE with Thompson and Litton on May 13, 2021 states "There is no lead paint associated with the project."

VI. CLIMATE CHANGE/ENERGY EFFICIENCY:

A greenhouse gas evaluation was conducted. For this project, we will assume that there is no net change in the release of greenhouse gases due to this being a waterline extension project. The proposed project will not include any electrical equipment other than some telemetry equipment, everything else will consist of pipe and associated appurtenances.

VII. ENVIRONMENTAL CONSEQUENCES & MITIGATING MEASURES:

Noise and air pollution will result from the proposed construction activities. Dust generated as a result of construction activities will be mitigated by implementing general Best Management Practices (BMP's) for dust control, such as limiting the amount of exposed bare soil, sprinkling water on bare dry soil, seeding, and/or mulching. Therefore, short-term air quality effects will be experienced during construction.

Protection of wetlands near the project site will be achieved as described above.

VIII. PUBLIC PARTICIPATION:

The project has been advertised in the local newspaper on 8/6/2015 and has also been discussed at public board meeting since then.

IX. DOCUMENTATION:

References used to complete this Environmental Assessment are noted in **Section V**.

Statutory Checklist

OTHER

All DWTRF funded projects must comply with the following environmental statutes and executive orders.

Project Sponsor: New Haven PSD **Phone:** 304-574-2649

Address: 84 Jarrett Court Fayetteville, WV 25840-5441

Public Water System: New Haven PSD **County:** Fayette

Project: Water System Improvements Project

Statutory or Regulatory Compliance	Affected By Project?		Compliance?		Mitigating Measures Required?		Mitigating Measures Complete?	References (must be included for each statute)
	Yes	No	Yes	No	Yes	No	Date or NA	
Archeological & Historic Preservation Act of 1974		X	X			X	NA	WV Div. Cult/Hist
National Historic Preservation Act of 1966		X	X			X	NA	WV Div. Cult/Hist
Clean Air Act, Pub. L. 84-159, as amended	X		X		X		Follow best practices to minimize impact during construction	Engineer's Statement
Coastal Barrier Resources Act								NA
Coastal Zone Management								NA
Endangered Species Act		X	X			X	NA	US Fish & Wildlife, WVDNR
Protection of Wetlands		X	X			X	Follow best practices to avoid impact during construction	Engineer's Statement
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVDNR
Farmland Protection Policy		X	X			X	NA	NRCS
Floodplain Management		X	X			X	N/A	Engineer's Statement
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	WVBPH
Lead Paint Abatement on Water Tanks		X	X			X	NA	Engineer's Statement

Prepared By: Christopher W. Thomas, EIT **Title:** Technical Analyst

Signature: Christopher W. Thomas **Date:** 2/15/2022 **Telephone:** 304-356-4325

Address: WVBPH, 350 Capitol Street, Room 313, Charleston, WV 25301

FILED
WV SECRETARY OF STATE
FEBRUARY 14, 2022 11:06 AM

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

February 14, 2022

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **February 11, 2022.**

LETTER OF INTENT RECEIVED

February 9, 2022 - Diversified Assessment & Therapy Services, Kenova, Wayne County, CON File #22-6/7-12355-BH, for the provision of IDD and CSED Waiver services in Braxton, Taylor and Lewis counties; no capital expenditure.

CERTIFICATE OF NEED APPLICATION RECEIVED

February 11, 2022 - Pocahontas Memorial Hospital, Buckeye, Pocahontas County, CON File #22-4-12352-P, for the development of an outpatient rehabilitation therapy center in Richwood, Nicholas County; capital expenditure: $75,000.

ORDER WITHDRAWING CERTIFICATE OF NEED APPLICATION ISSUED

February 11, 2022 - Cavalier Mobile X-Ray Co., Youngstown, Ohio, CON File #21-WV-12143-P, for the expansion of Cavalier Mobile X-Ray Co.'s mobile diagnostic imaging services to all counties in West Virginia; capital expenditure: $143,000.

PROJECT EXEMPT FROM REVIEW

February 8, 2022 - The Renovo Center LLC, Charles Town, Jefferson County, CON File #22-9-12354-X, for the development of an additional licensed behavioral health center to be located at the Berkeley Day Report Center, 520 South Raleigh Street, Martinsburg, Berkeley County, West Virginia 25401.

NOTICE OF SUBSTANTIAL COMPLIANCE

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

February 11, 2022 - Oak Hill Clinic Corp. d/b/a Plateau Medical Group, Franklin, Tennessee, CON File #21-4-12270-P, for the operation of an existing ambulatory care center, owned and operated by Plateau Medical Group, located at 211 W. Maple Avenue, Suite A, Fayetteville, Fayette County, and the expansion of this existing location through the lease of additional adjacent office space at 131 W. Maple Avenue, Fayetteville; capital expenditure: $367,277.42.

OTHER

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

FILED

2022 FEB 16 P 2:43 OTHER

WEST VIRGINIA
SECRETARY OF STATE

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

February 16, 2022

NEWS ITEM

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

February 15, 2022 - Pocahontas Memorial Hospital, Buckeye, Pocahontas County, CON File #22-4-12352-P, for the development of an outpatient rehabilitation therapy center in Richwood, Nicholas County; capital expenditure: $75,000.

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

The review cycle begins on **February 15, 2022**.

On or before **March 17, 2022**, any affected person has the right to request that the Authority hold a public hearing on the project as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **March 22, 2022**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the application.

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case file of the project, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decision will be issued on or before **April 18, 2022**.

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

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

2/16/22
Date

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