# WEST VIRGINIA REGISTER

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

Funeral Service Examiners

Health Care Authority

Medicine, WV Bd. of

Optometry

Osteopathic Medicine, WV Bd. of

Psychologists, WV Bd. of Exam.

| CHRONOLOGICAL INDEX, VOLUME XXXIX ISSUE 34 | | | |
|---|---|---|---|
| NO RULES FILED FOR PUBLIC COMMENT THIS WEEK | | | |
| **AGENCY** | **RULE/TYPE** | **AUTHORITY** | **HEARING/COMMENT PERIOD/LOCATION** |
| | | | |

| EMERGENCY RULES FILED THIS WEEK | | | | |
|---|---|---|---|---|
| **AGENCY** | **RULE/TYPE** | **AUTHORITY** | **EFFECTIVE DATE** | **DATE NOTICE OF HEARING** |
| Optometry (14-12) | Optometric Telehealth Practice | §§30-1-26, 30-8-1 et seq. | ERD by October 6, 2022 | July 29, 2022 |

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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 |
| 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. |
| TITLE | 35 | OIL AND GAS |
| TITLE | 36 | COAL MINE HEALTH AND SAFETY |
| TITLE | 38 | MINING AND RECLAMATION |
| TITLE | 42 | LABOR |
| TITLE | 45 | AIR QUALITY |
| TITLE | 47 | WATER RESOURCES, DIV. OF WATER AND WASTE MGMT. |
| TITLE | 56 | MINERS' HEALTH, SAFETY AND TRAINING |
| TITLE | 58 | NATURAL RESOURCES |
| TITLE | 60 | ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE |
| TITLE | 61 | AGRICULTURE |
| TITLE | 64 | HEALTH |
| TITLE | 65 | HEALTH CARE AUTHORITY |
| TITLE | 69 | HEALTH AND HUMAN RESOURCES |
| TITLE | 76 | SENIOR SERVICES |
| TITLE | 78 | HUMAN SERVICES |
| TITLE | 81 | STATE POLICE |
| TITLE | 87 | FIRE COMMISSION |
| TITLE | 89 | PUBLIC DEFENDER SERVICES |
| TITLE | 90 | CORRECTIONS |
| TITLE | 91 | MOTOR VEHICLES |
| TITLE | 94 | REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY |
| TITLE | 110 | TAX DEPARTMENT |
| TITLE | 112 | TREASURER |
| TITLE | 114 | INSURANCE COMMISSION |
| TITLE | 126 | EDUCATION |
| TITLE | 127 | SECONDARY SCHOOLS ACTIVITIES COMMISSION |
| TITLE | 133 | HIGHER EDUCATION POLICY COMMISSION |
| TITLE | 135 | COMMUNITY AND TECHNICAL COLLEGE EDUCATION |
| TITLE | 143 | PERSONNEL |
| TITLE | 144 | TOURISM |
| TITLE | 145 | DEVELOPMENT OFFICE |
| TITLE | 146 | STATE ELECTION COMMISSION |
| TITLE | 148 | ADMINISTRATION |
| TITLE | 149 | CRIME, DELINQUENCY AND CORRECTIONS |
| TITLE | 150 | PUBLIC SERVICE COMMISSION |
| TITLE | 153 | SECRETARY OF STATE |
| TITLE | 155 | AUDITOR |
| TITLE | 157 | HIGWAYS |
| TITLE | 164 | SCHOOL BUILDING AUTHORITY |
| TITLE | 174 | REAL ESTATE COMMISSION |
| TITLE | 175 | ALCOHOL BEVERAGE CONTROL COMMISSION |
| TITLE | 176 | ALCOHOL BEVERAGE CONTROL COMMISSION - BEER |
| TITLE | 177 | ATHLETIC COMMISSION |
| TITLE | 178 | RACING COMMISSION |
| TITLE | 179 | LOTTERY COMMISSION |
| TITLE | 190 | REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Accountancy (1-01) | Board Rules and Rules of Professional Conduct Legislative | 5/12/2022 | 7/1/2022 | | 7/27/2022 | | | | |
| Acupuncture (32-05) | Advertising by Licensed Acupuncturists Legislative | 6/29/2022 | 7/29/2022 | | 7/29/2022 | | | | |
| Acupuncture (32-06) | Standards of Practice of Acupuncture by Licensed Acupuncturists Legislative | 6/30/2022 | 7/30/2022 | | 7/30/2022 | | | | |
| Acupuncture (32-09) | Continuing Education Requirements Legislative | 6/29/2022 | 7/29/2022 | | 7/29/2022 | | | | |
| Administration (148-01) | Purchasing Legislative | 6/28/2022 | 7/28/2022 | 6/13/2022 Approved 6/13/2022 | 7/28/2022 | | | | |
| Agriculture (61-02) | WV Apiary Law Legislative | 6/2/2022 | 7/2/2022 | | 7/18/2022 | | | | |
| Agriculture (61-08B) | Schedule of Charges for Inspection Services: Fruit Legislative | 4/12/2022 | 5/11/2022 | | 5/12/2022 | | | | |
| Agriculture (61-14A) | Rules Dealing with Noxious Weeds Legislative | 3/30/2022 Hearing Notice 5/5/2022 | 4/29/2022 Hearing Date 6/9/2022 | | 6/14/2022 | | | | |
| Agriculture (61-15) | Grade "A" Pasteurized Milk Legislative | 6/14/2022 | 7/14/2022 | | 7/21/2022 | | | | |
| Agriculture (61-30) | Hemp Products Legislative | 6/28/2022 | 7/28/2022 | | 7/28/2022 | | | | |
| Agriculture (61-31) | Livestock Care Standards Legislative | 6/2/2022 | 7/2/2022 | | 7/18/2022 | | | | |
| Agriculture (61-36) | Farm to Food Bank Tax Credit Legislative | 4/18/2022 | 5/18/2022 | | 5/18/2022 | | | | |
| Agriculture (61-38) | Farmers Markets Legislative | 6/24/2022 | 7/24/2022 | | 7/25/2022 | | | | |
| Air Quality (45-16) | Standards of Performance for New Stationary Sources Legislative | 6/1/2022 | 7/5/2022 | | 7/21/2022 | | | | |
| Air Quality (45-30) | Requirements for Operating Permits Legislative | 6/1/2022 | 7/5/2022 | | 7/21/2022 | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Air Quality (45-34) | Emission Standards for Hazardous Air Pollutants Legislative | 6/1/2022 | 7/5/2022 | | 7/21/2022 | | | | |
| Air Quality (45-40) | Control of Ozone Season Nitrogen Oxides Emissions Legislative | 6/1/2022 | 7/5/2022 | | 7/21/2022 | | | | |
| Alcohol Beverage Control Comm. (175-06) | Bailment Policies and Procedures Legislative | | | | | | SB312 | 7/1/2022 | 9/28/2022 |
| Athletic Commission (177-01) | Regulation of Boxing Legislative | 6/3/2022 | 7/5/2022 | | 7/26/2022 | | | | |
| Athletic Commission (177-02) | Regulation of Mixed Martial Arts Legislative | 6/7/2022 | 7/8/2022 | | 7/27/2022 | | | | |
| Auditor (155-03) | Standards for Voluntary Payroll Deductions Legislative | 6/27/2022 | 7/27/2022 | | 7/29/2022 | | | | |
| Auditor (155-10) | Rules for Electronic Filing of Forfeiture Data for Law Enforcement Agencies Procedural | 6/27/2022 | 7/27/2022 | | | | | | |
| 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 | | | | | | |
| Coal Mine Health and Safety (36-57) | Proximity Detection Systems and Haulage Safety Generally Legislative Exempt | 8/12/2022 | 9/14/2022 | | | | | | |
| Community & Technical College Education (135-02) | Finance Legislative | 6/10/2022 | 7/13/2022 | 6/10/2022 Effective 6/10/2022 | 7/22/2022 | | | | |
| Community & Techncial College Education (135-27) | Workforce Development: Learn and Earn, Technical Program Development, and WV Advance Rapid Response Grants Legislative | 6/10/2022 | 7/13/2022 | | 7/21/2022 | | | | |
| Community & Techncial College Education (135-52) | Annual Reauthorization of Degree-Granting Institutions Legislative | 6/13/2022 | 7/15/2022 | | 7/21/2022 | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Conservation Agency (63-01) | Operation of WV State Conservation Committee and Conservation Districts Legislative | 5/2/2022 | 6/16/2022 | | 7/12/2022 | | | | |
| Conservation Agency (63-04) | Conservation District Accounting and Auditing Standards Legislative | 5/2/2022 | 6/16/2022 | | 7/12/2022 | | | | |
| 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 | | | | |
| Dentistry (5-09) | Application Procedures for Licensure or Certificate Procedural | 7/22/2022 | 8/23/2022 | | | | | | |
| Dentistry (5-15) | Dental Recovery Networks Legislative | 6/16/2022 | 7/18/2022 | | 7/22/2022 | | | | |
| Economic Development, WV Dept. of (145-15) | Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Education (126-008) | Drug-Free Workplace (Policy 1461) Legislative Exempt | 6/9/2022 | 7/11/2022 | | | | | 8/11/2022 | 9/12/2022 |
| Education (126-016) | Regulations for the Education of Students with Exceptionalities (Policy 2419) Legislative Exempt | 4/14/2022 | 5/16/2022 | | | | | | |
| Education (126-022) | Regulations for Driver Education and Student Licensing (Policy 2422.2) Legislative Exempt | 6/9/2022 | 7/11/2022 | | | | | 8/11/2022 | 9/12/2022 |
| Education (126-025A) | Standards for Basic and Specialized Health Care Procedures and Standards for the Possession and Use of Medical Cannabis by a Student (Policy 2422.7) Legislative Exempt | 6/9/2022 | 7/11/2022 | | | | | 8/11/2022 | 9/12/2022 |
| Education (126-035) | Instructional Resources (Policy 2445.40) Legislative Exempt | 7/14/2022 | 8/15/2022 | | | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Education (126-172) | Handbook on Planning School Facilities (Policy 6200) Legislative Exempt | 7/14/2022 | 8/15/2022 | | | | | | |
| Emergency Management (170-07) | National Flood Insurance Program Legislative | 6/29/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Environmental Protection, Secretary's Office (60-11) | Rules for Reclamation of Solar and Wind Electricity Generating Facilities Legislative | 6/27/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Financial Institutions, Div. of (106-23) | Rule Pertaining to Money Transmission Services Legislative | 6/3/2022 | 7/5/2022 | | 7/27/2022 | | | | |
| Fire Commission (87-03) | Hazardous Substance Emergency Response Training Programs Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Fire Commission (87-05, repeal) | Certification of Home Inspectors Legislative | 6/29/2022 | 7/29/2022 | | 7/29/2022 | | | | |
| Fire Commission (87-08) | Volunteer Firefighters' Training, Equipment, and Operating Standards Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Fire Marshal (103-01) | Certification of Electrical Inspectors Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Fire Marshal (103-03) | Supervision of Fire Protection Work Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Fire Marshal (103-05) | Electrician Licensing Rules Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Fire Marshal (103-07) | Certification of Home Inspectors Legislative | 6/29/2022 | 7/29/2022 | | 7/29/2022 | | | | |
| Funeral Service Examiners (6-01) | Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative | 6/27/2022 | 7/27/2022 | 7/27/2022 Approved 8/11/2022 | 7/27/2022 | | | | |
| Funeral Service Examiners (6-02) | Crematory Requirements Legislative | 6/27/2022 | 7/27/2022 | | 7/27/2022 | | | | |
| Funeral Service Examiners (6-07) | Fee Schedule Legislative | 6/27/2022 | 7/27/2022 | 7/27/2022 Approved 8/11/2022 | 7/27/2022 | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Health (64-26) | Procedures Pertaining to the Dangerousness Assessment Advisory Board Legislative | 2/4/2022 5/11/2022 | 3/7/2022 6/10/2022 | 2/4/2022 Approved 2/4/2022 | 3/8/2022 | | | | |
| Health (64-73) | Basic Public Health Service Standards for Local Boards of Health Legislative | 6/27/2022 | 7/27/2022 | | 7/28/2022 | | | | |
| Health (64-84) | Medical Examiner Requirements for Postmortem Inquiries Legislative | 6/23/2022 | 7/25/2022 | 6/23/2022 Effective 8/4/2022 | 7/25/2022 | | | | |
| Health (64-110) | Medical Cannabis Program – Growers/Processors Legislative | 6/22/2022 | 7/22/2022 | | 7/22/2022 | | | | |
| Health (64-112) | Medical Cannabis Program – Dispensaries Legislative | 6/22/2022 | 7/22/2022 | | 7/22/2022 | | | | |
| Health and Human Resources (69-10) | WV Clearance for Access: Registry and Employment Screening Legislative | 6/23/2022 | 7/25/2022 | | 7/25/2022 | | | | |
| Health and Human Resources (69-19) | Core Behavioral Health Crisis Services System Legislative | 6/24/2022 | 7/26/2022 | 6/24/2022 Effective 8/5/2022 | 7/27/2022 | | | | |
| Health Care Authority (65-34) | Uniform Billing Database Legislative | 6/29/2022 | 7/29/2022 | | 7/29/2022 | | | | |
| Higher Education Policy Commission (133-02) | Higher Education Finance Policy Legislative | 6/13/2022 | 7/13/2022 | 6/13/2022 Effective 6/13/2022 | 7/29/2022 | | | | |
| Higher Education Policy Commission (133-10) | Policy Regarding Program Review Procedural | 6/13/2022 | 7/13/2022 | | | | | 8/2/2022 | 9/2/2022 |
| Higher Education Policy Commission (133-11) | Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs Procedural | 6/13/2022 | 7/13/2022 | | | | | 8/2/2022 | 9/2/2022 |
| Higher Education Policy Commission (133-32) | Tuition and Fee Policy Legislative | 6/13/2022 | 7/13/2022 | | 7/29/2022 | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Higher Education Policy Commission (133-52) | Annual Reauthorization of Degree-Granting Institutions Legislative | 6/13/2022 | 7/13/2022 | | 7/29/2022 | | | | |
| Highways (157-02) | Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance Legislative | 6/8/2022 | 7/8/2022 | | 7/21/2022 | | | | |
| Highways (157-03, repeal) | Construction and Reconstruction of State Roads Legislative | 6/10/2022 | 7/11/2022 | | 7/21/2022 | | | | |
| Human Services (78-01) | Child Care Centers Licensing Legislative | 6/24/2022 | 7/25/2022 | | 7/27/2022 | | | | |
| 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 | 6/22/2022 | 7/22/2022 | | 7/27/2022 | | | | |
| Human Services (78-18) | Family Child Care Facility Licensing Legislative | 6/23/2022 | 7/25/2022 | | 7/27/2022 | | | | |
| Human Services (78-19) | Family Child Care Home Registration Legislative | 6/23/2022 | 7/25/2022 | | 7/27/2022 | | | | |
| Human Services (78-20) | Informal and Relative Family Child Care Home Legislative | 6/23/2022 | 7/25/2022 | | 7/27/2022 | | | | |
| Human Services (78-21) | Out of School Time Child Care Legislative | 6/23/2022 | 7/25/2022 | | 7/27/2022 | | | | |
| Human Services (78-25, repeal) | Goals for Foster Children Legislative | 8/9/2022 | 9/8/2022 | | | | | | |
| Human Services (78-28) | Deemed Head Start Child Care Center Licenses Legislative | 6/23/2022 | 7/22/2022 | | 7/27/2022 | | | | |
| Insurance Comm. (114-11B) | Suitability in Annuity Transactions Legislative | 6/2/2022 | 7/5/2022 | | 7/19/2022 | | | | |
| Insurance Comm. (114-99) | Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative | 6/2/2022 | 7/5/2022 | | 7/19/2022 | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Insurance Comm. (114-103) | Bail Bondsmen in Criminal Cases Legislative | 7/7/2022 | 8/8/2022 | 7/1/2022 Approved 8/11/2022 | 8/17/2022 | | | | |
| Labor (42-19) | WV Board of Manufactured Housing Construction and Safety Legislative | 6/23/2022 | 7/25/2022 | | 7/26/2022 | | | | |
| Labor (42-32) | Supervision of Plumbing Work Legislative | 6/29/2022 | 7/29/2022 | | 7/29/2022 | | | | |
| Labor (42-34) | Regulation of HVAC Work Legislative | 6/29/2022 | 7/29/2022 | | 7/29/2022 | | | | |
| Landscape Architects (9-01) | Registration of Landscape Architects Legislative | 6/30/2022 | 7/30/2022 | | 7/30/2022 | | | | |
| Lottery Comm. (179-09) | WV Lottery Sports Wagering Rule Legislative | 6/2/2022 | 7/3/2022 | | 7/21/2022 | | | | |
| Medicine (11-01A) | Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders Legislative | 6/24/2022 | 7/25/2022 | 6/24/2022 Effective 8/5/2022 | 7/27/2022 | | | | |
| Medicine (11-01B) | Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative | 6/24/2022 | 7/25/2022 | 6/24/2022 Effective 8/5/2022 | 7/27/2022 | | | | |
| Medicine (11-08) | Collaborative Pharmacy Practice Legislative | 6/29/2022 | 7/29/2022 | 7/29/2022 Approved 8/11/2022 | 7/29/2022 | | | | |
| Medicine (11-16) | Prohibiting Sexual Misconduct by Health Care Practitioners Legislative | 6/24/2022 | 7/25/2022 | | 7/28/2022 | | | | |
| Mining and Reclamation (38-03) | Rules for Quarrying and Reclamation Legislative | 4/6/2022 | 5/11/2022 | | 5/26/2022 | | | | |
| Motor Vehicles (91-01) | Administrative Due Process Legislative | 6/29/2022 | 7/29/2022 | | 7/30/2022 | | | | |
| Motor Vehicles (91-04) | Examination and Issuance of Drivers License Legislative | 6/28/2022 | 7/28/2022 | | 7/30/2022 | | | | |

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, Nonrenewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges Legislative | 6/29/2022 | 7/28/2022 | | 7/30/2022 | | | | |
| Natural Resources (58-12) | Commercial Whitewater Outfitters Legislative | 6/28/2022 | 7/27/2022 | | 7/29/2022 | | | | |
| Natural Resources (58-27) | Special Motorboating Regulations Legislative | 6/28/2022 | 7/27/2022 | | 7/29/2022 | | | | |
| Optometry (14-12) | Optometric Telehealth Practice Legislative | 6/29/2022 | 7/29/2022 | 8/25/2022 ERD by 10/6/2022 | 7/30/2022 | | | | |
| Osteopathic Medicine (24-02) | Osteopathic Physician Assistants Legislative | 6/28/2022 | 7/28/2022 | 6/28/2022 ERD by 8/9/2022 | 7/29/2022 | | | | |
| Pharmacy (15-01) | Licensure and Practice of Pharmacy Legislative | 6/29/2022 | 7/29/2022 | | 7/29/2022 | | | | |
| Pharmacy (15-02) | Rules for the Uniform Controlled Substances Act Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Pharmacy (15-07) | Registration of Pharmacy Technicians Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Pharmacy (15-15) | Regulations Governing Pharmacy Permits Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Pharmacy (15-19) | Inspections Legislative | 2/3/2022 | 3/7/2022 | 1/6/2022 Approved 1/7/2022 | 4/4/2022 | | | | |
| Pharmacy (15-20) | Donated Drug Repository Program Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Public Service Commission (150-38) | Rule for the Government of Pole Attachments Legislative Exempt | 6/16/2022 | 8/1/2022 | | | | | | |
| Public Service Commission (150-40) | Trench Sharing Rule Legislative Exempt | 6/16/2022 | 8/1/2022 | | | | | | |

## RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| 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 | 5/27/2022 | 8/27/2022 |
| Registered Professional Nurses (19-03) | Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative | 5/18/2022 | 6/16/2022 | 8/5/2022 Approved 8/11/2022 | 7/27/2022 | | | | |
| Registered Professional Nurses (19-07) | Advanced Practice Registered Nurse Licensure Requirements Legislative | 5/16/2022 | 6/15/2022 | | 7/26/2022 | | | | |
| Registered Professional Nurses (19-08) | Limited Prescriptive Authority in Nurses in Advanced Practice Legislative | 5/16/2022 | 6/15/2022 | | 7/26/2022 | | | | |
| Registered Professional Nurses (19-11) | Continuing Education and Competence Legislative | 5/17/2022 | 6/15/2022 | | 7/26/2022 | | | | |
| Registered Professional Nurses (19-12) | Fees for Services Rendered by the Board Legislative | 5/17/2022 | 6/16/2022 | | 7/26/2022 | | | | |
| Registered Professional Nurses (19-14) | Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database Legislative | 5/16/2022 | 6/15/2022 | | 7/26/2022 | | | | |
| Registered Professional Nurses (19-16) | Telehealth Practice; Requirements; Definitions Legislative | 5/16/2022 | 6/15/2022 | | 7/26/2022 | | | | |
| Secondary School Activities Comm. (127-01) | Constitution Legislative Exempt | 5/12/2022 | 6/13/2022 | | | | | 7/14/2022 | 9/12/2022 |
| Secondary School Activities Comm. (127-02) | Athletics, Provisions Governing Eligibility Legislative Exempt | 5/12/2022 | 6/13/2022 | | | | | 7/14/2022 | 9/12/2022 |
| Secondary School Activities Comm. (127-03) | Provisions Governing Contests Legislative Exempt | 5/12/2022 | 6/13/2022 | | | | | 7/14/2022 | 9/12/2022 |
| Secondary School Activities Comm. (127-05) | Band and Other Activities Legislative Exempt | 5/12/2022 | 6/13/2022 | | | | | 7/14/2022 | 9/12/2022 |
| Secretary of State (153-13) | Early Voting In-Person Satellite Precincts Legislative | 6/30/2022 | 7/31/2022 | | 8/1/2022 | | | | |

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 | 6/27/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Secretary of State (153-53) | Election Processes and Absentee Eligibility During State of Emergency | | | 3/20/2020 Effective 3/20/2020 | | | | | |
| Secretary of State (153-54) | Administrative Procedures for the Nonpublic Funding for Election Administration Fund Legislative | 6/30/2022 | 7/31/2022 | 6/2/2022 Effective 7/14/2022 | 8/1/2022 | | | | |
| Sec. of WV DHHR and WV Insurance Commissioner (114A-03) | All-Payer Claims Database – Submission Manual Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Senior Services (76-04) | WV State Plan for Aging Programs Interpretive | 3/14/2022 | 4/13/2022 | | | | | 4/14/2022 | 10/1/2022 |
| State Police (81-10) | WV State Police Professional Standards Investigations, Employee Rights, Early Identification System, Psychological Assessment and Progressive Discipline Legislative | 6/29/2022 | 7/28/2022 | | 7/29/2022 | | | | |
| Tax (110-01J) | Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes Legislative | 6/13/2022 | 7/13/2022 | 6/13/2022 Approved 7/1/2022 | 7/29/2022 | | | | |
| Tax (110-13X) | WV Film Industry Investment Act Legislative | 6/3/2022 | 7/3/2022 | | 7/26/2022 | | | | |
| Tax (110-28) | Municipal Sales and Use Tax Administration Legislative | 6/3/2022 | 7/3/2022 | | 7/26/2022 | | | | |
| Treasurer (112-05) | Enforcement of the Uniform Unclaimed Property Act Legislative | 6/27/2022 | 7/27/2022 | | 7/29/2022 | | | | |
| Treasurer (112-15) | WV College & Jumpstart Savings Programs Bd. Of Trustees Bylaws Procedural | 7/12/2022 | 8/11/2022 | | | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Treasurer (112-18) | Hope Scholarship Program Legislative | 2/9/2022 | 3/11/2022 | 2/9/2022 Effective 3/23/2022 Admendment 4/22/2022 Effective 6/3/2022 | 4/21/2022 | | | | |
| Treasurer (112-20) | Jumpstart Savings Program Legislative | 5/19/2022 | 6/20/2022 | 5/20/2022 Effective 7/1/2022 Amendment 8/4/2022 Approved 8/11/2022 | 7/22/2022 | | | | |
| Waste Management, Div. of Water & Waste Mgmt. (33-10) | Recycling Assistance Grant Program Legislative | 6/29/2022 | 7/29/2022 | | 7/29/2022 | | | | |
| Waste Management, Div. of Water & Waste Mgmt. (33-13) | Reclamation of Abandoned and Dilapidated Properties Grant Program Legislative | 6/28/2022 | 7/28/2022 | | 7/29/2022 | | | | |

**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<br>148-06 | Parking<br>8/1/2023 | 10/14/2021 | 10/15/2021 | | | | |
| Agriculture<br>61-23D | Inspection of Nontraditional, Domesticated Animals<br>8/1/2023 | 11/15/2021 | 11/15/2021 | | | | |
| Community & Technical College Education<br>135-12 | Capital Project Management<br>6/8/2023 | 6/13/2022 | 6/13/2022 | | | | |
| Community & Technical College Education<br>135-55 | Human Resources Administration<br>7/9/2023 | 6/13/2022 | 6/13/2022 | | | | |
| Crime Delinquency and Correction<br>(149-03) | Protocol for Law Enforcement Response to Domestic Violence<br>6/30/2023 | 6/28/2022 | 7/29/2022 | | | | |
| Health and Human Resources<br>69-13 | Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State<br>3/22/2023 | 12/3/2021 | 6/22/2022 | | | | |
| Health Care Authority<br>65-13 | Financial Disclosure Rule<br>8/1/2023 | 8/19/2022 | 8/24/2022 | | | | |
| Higher Education Policy Commission<br>133-12 | Capital Project Management<br>6/4/2023 | | 6/14/2022 | Approved<br>6/12/2022 | | | |
| Higher Education Policy Commission<br>133-42 | West Virginia Higher Education Grant Program<br>8/5/2022 | | 6/14/2022<br>Emergency<br>8/2/2022<br>Effective<br>8/2/2022 | Approved<br>6/12/2022 | | | |
| Higher Education Policy Commission<br>133-55 | Human Resources Administration<br>6/4/2023 | | 6/14/2022 | Approved<br>6/12/2022 | | | |
| Highways<br>157-02 | Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance<br>4/6/2023 | 12/17/2021 | | | | | |
| Labor<br>42-35 | Registration of Service Persons and Service Agencies<br>3/30/2023 | 11/30/2021 | 11/30/2021 | | | | |
| Labor<br>42-36 | Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions<br>3/30/2023 | 11/29/2021 | 11/30/2021 | | | | |

**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 |
|---|---|---|---|---|---|---|---|
| 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 | | |
| Risk and Insurance Management 115-07 | Patient Injury Compensation Fund 5/1/2022 | 4/21/2021 | | | | | |
| **THE ABOVE RULE EXPIRED MAY 1, 2022** | | | | | | | |
| Tax 110-13DD | Farm-To-Food Bank Tax Credit 8/1/2023 | 3/23/2022 | 3/25/2022 | | | | |
| Tax 110-22 | Property Transfer Tax 8/1/2023 | 3/23/2022 | 3/25/2022 | | | | |
| Tax 110-28 | Municipal Sales and Service and Use Tax Administration 8/1/2023 | 3/23/2022 | 3/25/2022 | | | | |
| Tax 110-42 | Personnel Rule for the Tax Division 8/1/2023 | 3/10/2022 | 3/25/2022 | | | | |

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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8/19/2022 2:04 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

## NOTICE OF TECHNICAL AMENDMENT

AGENCY: Health Care Authority TITLE-SERIES: 65-13

RULE TYPE: Legislative

RULE NAME: Financial Disclosure Rule

CITE STATUTORY AUTHORITY: 16-29B-8

LIST WITH DETAIL EACH SPECIFIC CHANGE MADE TO THE RULE AND WHERE IT CAN BE FOUND:

Subsection 1.5.

FILING DATE: 08/19/2022 EFFECTIVE DATE: 03/14/2018

**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.**

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8/19/2022 2:04:52 PM
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## NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Health Care Authority TITLE-SERIES: 65-13

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 16-29B-8

RULE NAME: 65-13 Financial Disclosure Rule

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

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

[ ] 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:

This rule implements the provisions of the financial reporting requirements of W. Va. Code 16-29B- 1 et seq.

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

This is an ongoing program of the Health Care Authority pursuant to W. Va. Code 16-29B-24.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

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

n/a

**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**
8/24/2022 3:20:23 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

## NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health Care Authority TITLE-SERIES: 65-13

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

RULE NAME: 65-13 Financial Disclosure Rule

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square
Suite 100 East
Charleston, WV 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-29B-8

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

16-29B-24

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? #Error

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**
8/25/2022 12:27:53 PM

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EMERGENCY

## NOTICE OF AN EMERGENCY RULE

AGENCY: Optometry

TITLE-SERIES: 14-12

RULE TYPE: Legislative

Amendment to Existing Rule: No

RULE NAME: Optometric Telehealth Practice

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

WV Code 30-1-26, 30-8-1 et.seq.

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

PRIMARY CONTACT:


NAME: Pamela Carper

ADDRESS: 179 Summers Street #231

179 Summers Street, #231

EMAIL: wvbdopt@frontier.com

PHONE NUMBER: 304-558-5901


THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

# Orders Report

| Docket Number | Agency | Respondent | Date Rendered |
|---|---|---|---|
| 2023-01, 2023-02 | Funeral Service Examiners | John Anderson | 8/18/2022 |
| N/A | Medicine, West Virginia Board Of | Michael Antonio Reynolds, MD | 8/17/2022 |
| 2022-16 | Osteopathic Medicine, WV Board of | Vicky Mays, D.O. | 8/23/2022 |
| 2021-05 | Psychologists, West Virginia Board of Examiners | Barbara Nelson, MA | 7/28/2022 |
| 2020-05 | Psychologists, West Virginia Board of Examiners | Cassie Richards-Ward, MA | 7/28/2022 |
| 2022-05, 2022-07, 2022-10 | Psychologists, West Virginia Board of Examiners | Lawrence Richmond | 8/5/2022 |

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

FILED
2022 AUG 19 A 10:52
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

**In Re:**

**WEST VIRGINIA UNIVERSITY HOSPITALS, INC.**
**CON File No. 22-6-12402-H**

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**NOTICE OF CANCELLATION OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING**

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**PLEASE TAKE NOTICE** that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that Morgantown Physical Therapy Associates dba HealthWorks Rehab and Fitness and Mon Health System, Inc. has withdrawn their request for a hearing in the above-captioned matter.

As such, **the PREHEARING CONFERENCE** scheduled for **October 4, 2022, at 1:30 p.m. and the ADMINISTRATIVE HEARING** scheduled for **October 11, 2022, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia has been **CANCELLED**.

This application concerns the construction of an addition to an existing ambulatory health care facility in Morgantown, West Virginia.

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

Date: August 18, 2022

Barbara Skeen
Barbara Skeen, Interim Executive Director



**WEST VIRGINIA**
**HEALTH CARE AUTHORITY**

**In Re:** **WEST VIRGINIA UNIVERSITY HOSPITALS, INC.**
**CON File # 22-6-12402-H**

## ORDER

On August 10, 2022, Morgantown Physical Therapy Associates dba HealthWorks Rehab and Fitness and Mon Health System, Inc., withdrew their requests for a hearing in the above-referenced matter. Accordingly, the pre-hearing scheduled for October 4, 2022, and hearing scheduled for October 11, 2022, are hereby cancelled and the administrative hearing is DISMISSED from the active docket of the West Virginia Health Care Authority.

Entered this 18th day of August 2022.

B. Allen Campbell
B. Allen Campbell
Senior Assistant Attorney General
Counsel for the WV Health Care Authority

FILED
2022 AUG 19 A 10:52
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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OTHER

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

**In Re:**

**BOONE MEMORIAL HOSPITAL**
**CON File No. 22-3-12446-H**

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**NOTICE OF HEARING**

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**PLEASE TAKE NOTICE** that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

**A HEARING** on a Motion to Dismiss Logan General Hospital, LLC DBA Logan Regional Medical Center as an "Affected Person" will be held, **September 8, 2022, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the renovation of an existing building located at 448 Smoot Avenue, Danville, Boone County, into a medical pavilion where the hospital will relocate certain existing services including an existing ambulatory care center.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 8:30 a.m. to 4:30 p.m., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Interim Executive Director, at (304) 558-7000.

Date: August 18, 2022

Barbara Skeen

Barbara Skeen, Interim Executive Director

FILED

2022 AUG 19 A 10:52

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

FILED
WV SECRETARY OF STATE
AUGUST 22, 2022 12:38 PM

OTHER

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

August 22, 2022

## *LEGAL NOTICE*

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **August 19, 2022.**

**APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW**

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

**EXPEDITED APPLICATIONS**

August 1, 2022 - Akkary Center for Weight Management & Surgical Services, LLC d/b/a Akkary Surgery Center, Morgantown, Monongalia County, CON File #21-6-12254-P, for the development of an ambulatory surgical center through the addition of general anesthesia services at its existing facility located at 1100 Fort Pierpont Drive, Morgantown; capital expenditure: $7,000.

August 12, 2022 - Berkeley Medical Center, Martinsburg, Berkeley County, CON File #22-9-12470-P, for the relocation of outpatient rehabilitation services currently located on the hospital's campus to a new site off campus, thereby creating an ambulatory health care facility; capital expenditure: $295,000.

August 15, 2022 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #22-3-12471-P, for the development of an ambulatory health care facility at Unit #2, 2851 Charleston Road, Poca, Putnam County; capital expenditure: $150,000.

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

August 15, 2022 – Review cycle begins;

September 14, 2022 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

September 19, 2022 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

October 14, 2022 – Decision on the project will be issued by the Authority.

**HEARING NOTICES**

A Hearing on a Motion to Dismiss Logan General Hospital, LLC d/b/a Logan Regional Medical Center as an "Affected Person" in the following matter:

August 18, 2022 - Boone Memorial Hospital, Inc., Madison, Boone County, CON File #22-3-12446-H, for the renovation of an existing building located at 448 Smoot Avenue, Danville, Boone County, into a medical pavilion where the hospital will relocate certain existing services including an existing ambulatory care center; capital expenditure: $14,135,572.80.

Hearing: **September 8, 2022, at 1:30 p.m.**

The hearing in the above-referenced matter will be held in the offices of the Health Care Authority, 100 Dee Drive, Charleston, West Virginia 25311-1600, unless otherwise noted.

The Administrative Hearing and Prehearing Conference have been CANCELED in the following matter:

August 18, 2022 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #22-6-12402-H, for the construction of an addition to an existing ambulatory health care facility in Morgantown, Monongalia County; capital expenditure: $30,000,000.

Prehearing Conference: **October 4, 2022, at 1:30 p.m.**
Administrative Hearing: **October 11, 2022, at 9:00 a.m.**

**HEARING ORDER ISSUED**

August 18, 2022 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #22-6-12402-H, for the construction of an addition to an existing ambulatory health care facility in Morgantown, Monongalia County; capital expenditure: $30,000,000.

## NOTICE OF PUBLIC COMMENT PERIOD

**CON Standards Public Comment**

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

- **Addition of Acute Care Beds**
- **Operating Rooms**
- **Renovation-Replacement of Acute Care Facilities & Services**

Written comments may be submitted to Tiffany Dempsey, Secretary, Health Care Authority, 100 Dee Drive, Charleston, WV 25311 or via email at Tiffany.D.Demspey@wv.gov. Comments must be received no later than 4:00 p.m. on **September 14, 2022**. Copies of the proposed Standards set forth above have been filed with the Secretary of State. The Standards will be available for viewing on the Authority's website, www.hca.wv.gov, under "News and Announcements" within the next day or two. Copies may also be obtained by contacting the Authority at (304) 558-7000

**PROJECT EXEMPT FROM REVIEW**

August 18, 2022 - Spero Health of West Virginia, LLC, Brentwood, Tennessee, CON File #22-1-12477-X, for the development of an office-based medication-assisted treatment program in or around Beckley, Raleigh County, with a proposed address of 120 Stanaford Road, Beckley, Raleigh County, West Virginia.

**AMENDED PROJECT EXEMPT FROM REVIEW**

August 16, 2022 - Clarksburg Nursing & Rehabilitation Center, LLC (CNRC), Clarksburg, Harrison County, CON File #21-1-12079-X, for the acquisition of twelve licensed nursing home beds from Golden Living Center – Riverside (Riverside). On April 26, 2021, the West Virginia Health Care Authority (Authority) received an exemption application from Mercer Nursing & Rehabilitation Center, LLC (MNRC) for the acquisition of 12 licensed nursing home beds from Riverside. On May 12, 2021, the Authority issued a letter to MNRC stating that the exemption application met the qualifications for exemption for which it applied. On August 12, 2022, the Authority received a letter on behalf of NMRC and CNRC requesting an amended letter reflecting CNRC as the recipient of the 12 licensed beds from Riverside instead of MNRC.

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

OTHER