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Administrative Law Division

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Coal Mine Health and Safety

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RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Natural Resources (58-10)	Purchasing Rule Procedural	§20-1-7(2), 20-1-7(31)	Written Comments Only November 5, 2022 5:00pm Wendy L. Green 324 4th Avenue Room 341 So. Charleston, WV 25303 dnrcomments@wv.gov

EMERGENCY RULES FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE OF HEARING
Treasurer (112-20, amendment)	Jumpstart Savings Program	§18-30A-6, §18-30A-16	ERD by November 11, 2022	June 20, 2022
Optometry (14-12, amendment)	Optometric Telehealth Practice	§30-1-23, 30-8-1 et. seq.	ERD by November 15, 2022	July 29, 2022
Insurance Commission (114-103, amendment)	Bail Bondsmen In Criminal Cases	§33-2-10, 51-10-8	ERD by November 15, 2022	August 8, 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
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TITLE	114	INSURANCE COMMISSION
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TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY 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
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/12/2022	7/1/2022		7/27/2022	Approved 9/15/2022			
Acupuncture (32-05)	Advertising by Licensed Acupuncturists Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/11/2022 Filed 9/28/2022			
Acupuncture (32-06)	Standards of Practice of Acupuncture by Licensed Acupuncturists Legislative	6/30/2022	7/30/2022		7/30/2022	Modified & Approved 9/11/2022 Filed 9/28/2022			
Acupuncture (32-09)	Continuing Education Requirements Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/11/2022 Filed 9/28/2022			
Administration (148-01)	Purchasing Legislative	6/28/2022	7/28/2022	6/13/2022 Approved 6/13/2022	7/28/2022	Approved 9/11/2022			
Agriculture (61-02)	WV Apiary Rule Legislative	6/2/2022	7/2/2022		7/18/2022	Modified & Approved 10/2/22 Filed 10/3/2022			
Agriculture (61-08B)	Schedule of Charges for Inspection Services: Fruit Legislative	4/12/2022	5/11/2022		5/12/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Agriculture (61-14A)	Noxious Weeds Rule Legislative	3/30/2022 Hearing Notice 5/5/2022	4/29/2022 Hearing Date 6/9/2022		6/14/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	6/14/2022	7/14/2022		7/21/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Agriculture (61-30)	Hemp Products Legislative	6/28/2022	7/28/2022		7/28/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Agriculture (61-31)	Livestock Care Standards Legislative	6/2/2022	7/2/2022		7/18/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	4/18/2022	5/18/2022		5/18/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Agriculture (61-38)	Farmers Markets Legislative	6/24/2022	7/24/2022		7/25/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/1/2022	7/5/2022		7/21/2022	Approved 9/11/2022			
Air Quality (45-30)	Requirements for Operating Permits Legislative	6/1/2022	7/5/2022		7/21/2022	Authorized as Modifed w/ certain Amendments 10/3/2022			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/1/2022	7/5/2022		7/21/2022	Approved 9/11/2022			
Air Quallity (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/1/2022	7/5/2022		7/21/2022	Modified & Approved 9/11/2022 Filed 9/16/2022			
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	Modified & Approved 9/11/2022			
Athletic Commission (177-02)	Regulation of Mixed Martial Arts Legislative	6/7/2022	7/8/2022		7/27/2022	Modified & Approved 9/11/2022			
Auditor (155-03)	Standards for Voluntary Payroll Deductions Legislative	6/27/2022	7/27/2022		7/29/2022	Approved 9/11/2022			
Auditor (155-10)	Rules for Electronic Filing of Forfeiture Data for Law Enforcement Agencies Procedural	6/27/2022	7/27/2022					8/29/2022	9/29/2022
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						

THE ABOVE FILING EXPIRED 10/4/2022

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Approved 9/11/2022			
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	Approved 9/11/2022			
Community & Techncial College Education (135-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	6/13/2022	7/15/2022		7/21/2022	Approved 9/11/2022			
Conservation Agency (63-01)	Operation of WV State Conservation Committee and Conservation Districts Legislative	5/2/2022	6/16/2022		7/12/2022	Modified & Approved 9/11/2022 Filed 9/20/2022			
Conservation Agency (63-04)	Conservation District Accounting and Auditing Standards Legislative	5/2/2022	6/16/2022		7/12/2022	Modified & Approved 9/11/2022 Filed 9/20/2022			
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	Modified & Approved 9/28/2022 Filed 10/4/2022			
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	Modified & Approved 9/15/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-016)	Regulations for the Education of Students with Exceptionalities (Policy 2419) Legislative Exempt	4/14/2022	5/16/2022						
Education (126-035)	Instructional Resources (Policy 2445.40) Legislative Exempt	7/14/2022	8/15/2022					9/15/2022	10/17/2022
Education (126-172)	Handbook on Planning School Facilities (Policy 6200) Legislative Exempt	7/14/2022	8/15/2022					9/15/2022	10/17/2022
Emergency Management (170-06)	Purchasing Policy Procedural	9/23/2022	10/24/2022						
Emergency Management (170-07)	National Flood Insurance Program Legislative	6/29/2022	7/28/2022		7/29/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
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	Approved 9/28/2022			
Financial Institutions, Div. of (106-23)	Rule Pertaining to Money Transmission Services Legislative	6/3/2022	7/5/2022		7/27/2022	Modified & Approved 9/11/2022 Filed 9/19/2022			
Fire Commission (87-03)	Hazardous Substance Emergency Response Training Programs Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
Fire Commission (87-05, repeal)	Certification of Home Inspectors Legislative	6/29/2022	7/29/2022		7/29/2022	Approved 9/28/2022			
Fire Commission (87-08)	Volunteer Firefighters' Training, Equipment, and Operating Standards Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
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	Modified & Approved 10/2/2022 Filed 10/4/2022			
Funeral Service Examiners (6-02)	Crematory Requirements Legislative	6/27/2022	7/27/2022		7/27/2022	Modified & Approved 10/2/2022 Filed 10/4/2022			
Funeral Service Examiners (6-07)	Fee Schedule Legislative	6/27/2022	7/27/2022	7/27/2022 Approved 8/11/2022	7/27/2022	Modified & Approved 9/28/2022 Filed 10/4/2022			
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 2nd Comment Period Withdrawn 9/1/2022	Modified & Approved 9/28/2022 Filed 10/4/2022			
Health (64-73)	Basic Public Health Service Standards for Local Boards of Health Legislative	6/27/2022	7/27/2022		7/28/2022	Modified & Approved 9/28/2022			
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	Modified & Approved 9/28/2022			
Health (64-110)	Medical Cannabis Program – Growers/Processors Legislative	6/22/2022	7/22/2022		7/22/2022	Approved 9/28/2022			
Health (64-112)	Medical Cannabis Program – Dispensaries Legislative	6/22/2022	7/22/2022		7/22/2022	Approved 9/28/2022			
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	Modified & Approved 9/28/2022 Filed 10/4/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health Care Authority (65-34)	Uniform Bill Database Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/4/2022			
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	Approved 9/11/2022			
Higher Education Policy Commission (133-32)	Tuition and Fee Policy Legislative	6/13/2022	7/13/2022		7/29/2022	Approved 9/11/2022			
Higher Education Policy Commission (133-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	6/13/2022	7/13/2022		7/29/2022	Approved 9/11/2022			
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	Modified & Approved 10/2/2022 Filed 10/3/2022			
Highways (157-03, repeal)	Construction and Reconstruction of State Roads Legislative	6/10/2022	7/11/2022		7/21/2022	Approved 9/28/2022			
Human Services (78-01)	Child Care Centers Licensing Legislative	6/24/2022	7/25/2022		7/27/2022	Modified & Approved 10/3/2022			
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	Approved 9/28/2022			
Human Services (78-18)	Family Child Care Facility Licensing Legislative	6/23/2022	7/25/2022		7/27/2022	Approved 9/28/2022			
Human Services (78-19)	Family Child Care Home Registration Legislative	6/23/2022	7/25/2022		7/27/2022	Modified & Approved 10/3/2022			
Human Services (78-20)	Informal and Relative Family Child Care Home Legislative	6/23/2022	7/25/2022		7/27/2022	Modified & Approved 10/3/2022			
Human Services (78-21)	Out of School Time Child Care Legislative	6/23/2022	7/25/2022		7/27/2022	Modified & Approved 10/3/2022			
Human Services (78-25, repeal)	Goals for Foster Children Legislative	8/9/2022	9/8/2022		9/20/2022	Approved 9/28/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-28)	Deemed Head Start Child Care Center Licenses Legislative	6/23/2022	7/22/2022		7/27/2022	Approved 9/28/2022			
Insurance Comm. (114-11B)	Suitability in Annuity Transactions Legislative	6/2/2022	7/5/2022		7/19/2022	Approved 9/11/2022			
Insurance Comm. (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/2/2022	7/5/2022		7/19/2022	Modified & Approved 9/11/2022 Filed 9/20/2022			
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	7/7/2022	8/8/2022	7/1/2022 Approved 8/11/2022 Amendement 10/4/2022 ERD by 11/15/2022	8/17/2022	Authorized as Modified w/certain Amendments 10/3/2022 Filed 10/4/2022			
Labor (42-19)	WV Board of Manufactured Housing Construction and Safety Legislative	6/23/2022	7/25/2022		7/26/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
Labor (42-32)	Supervision of Plumbing Work Legislative	6/29/2022	7/29/2022		7/29/2022	Approved 9/14/2022			
Labor (42-34)	Regulation of HVAC Work Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	6/30/2022	7/30/2022		7/30/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Lottery Comm. (179-09)	WV Lottery Sports Wagering Rule Legislative	6/2/2022	7/3/2022		7/21/2022	Approved 9/11/2022			
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	Approved 9/11/2022			
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	Approved 9/11/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-08)	Collaborative Pharmacy Practice Legislative	6/29/2022	7/29/2022	7/29/2022 Approved 8/11/2022	7/29/2022	Approved 9/11/2022			
Medicine (11-16)	Prohibiting Sexual Misconduct by Health Care Practitioners Legislative	6/24/2022	7/25/2022		7/28/2022	Approved 9/11/2022			
Mining and Reclamation (38-03)	Rules for Quarrying and Reclamation Legislative	4/6/2022	5/11/2022		5/26/2022	Modified & Approved 9/28/2022 Filed 10/6/2022			
Motor Vehicles (91-01)	Administrative Due Process Legislative	6/29/2022	7/29/2022		7/30/2022	Approved 9/11/2022			
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/28/2022	7/28/2022		7/30/2022	Modified & Approved 9/11/2022 Filed 9/16/2022			
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	Modified & Approved 9/11/2022 Filed 9/16/2022			
Natural Resources (58-10)	Purchasing Rule Procedural	10/6/2022	11/5/2022						
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/28/2022	7/27/2022		7/29/2022	Authorized w/Certain Amendments &Approved 9/11/2022			
Natural Resources (58-27)	Special Motorboating Regulations Legislative	6/28/2022	7/27/2022		7/29/2022	Approved 9/11/2022			
Optometry (14-12)	Optometric Telehealth Practice Legislative	6/29/2022	7/29/2022	8/25/2022 Admendment 10/4/2022 ERD by 11/15/2022	7/30/2022	Modified & Approved 9/16/2022 Filed 9/28/2022			
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	Approved 9/11/2022			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/28/2022			
Pharmacy (15-02)	Rules for the Uniform Controlled Substances Act Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022			
Pharmacy (15-19)	Inspections Legislative	2/3/2022	3/7/2022	1/6/2022 Approved 1/7/2022	4/4/2022	Modified & Approved 9/28/2022			
Pharmacy (15-20)	Donated Drug Repository Program Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022			
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						
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	Approved 9/11/2022			
Registered Professional Nurses (19-07)	Advanced Practice Registered Nurse Licensure Requirements Legislative	5/16/2022	6/15/2022		7/26/2022	Modified & Approved 9/11/2022			
Registered Professional Nurses (19-08)	Limited Prescriptive Authority in Nurses in Advanced Practice Legislative	5/16/2022	6/15/2022		7/26/2022	Modified & Approved 9/11/2022			
Registered Professional Nurses (19-11)	Continuing Education and Competence Legislative	5/17/2022	6/15/2022		7/26/2022	Modified & Approved 9/11/2022			
Registered Professional Nurses (19-12)	Fees for Services Rendered by the Board Legislative	5/17/2022	6/16/2022		7/26/2022	Modified & Approved 9/11/2022			
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	Modified & Approved 9/11/2022			
Registered Professional Nurses (19-16)	Telehealth Practice; Requirements; Definitions Legislative	5/16/2022	6/15/2022		7/26/2022	Approved 9/12/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secondary School Activities Comm. (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	9/15/2022	10/17/2022						
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative Exempt	9/15/2022	10/17/2022						
Secretary of State (153-13)	Early Voting In-Person Satellite Precincts Legislative	6/30/2022	7/31/2022		8/1/2022	Modified & Approved 9/11/2022			
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/27/2022	7/28/2022		7/29/2022	Modified & Approved 9/11/2022			
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	Modified & Approved 9/11/2022			
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	Modified & Approved 9/28/2022			
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	Modified & Approved 9/28/2022			
Tax (110-13X)	WV Film Industry Investment Act Legislative	6/3/2022	7/3/2022		7/26/2022	Modified & Approved 9/11/2022 Filed 9/26/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-28)	Municipal Sales and Use Tax Administration Legislative	6/3/2022	7/3/2022		7/26/2022	Modified & Approved 9/11/2022 Filed 9/26/2022			
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/27/2022	7/27/2022		7/29/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
Treasurer (112-15)	WV College & Jumpstart Savings Programs Bd. Of Trustees Bylaws Procedural	7/12/2022	8/11/2022					8/26/2022	9/26/2022
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 Amendment 9/30/2022 ERD by 11/11/22	7/22/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
Waste Management, Div. of Water & Waste Mgmt. (33-10)	Recycling Assistance Grant Program Legislative	6/29/2022	7/29/2022		7/29/2022	Approved 9/28/2022			
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	Modified & Approved 9/28/2022			

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 8/1/2023	10/14/2021	10/15/2021	Authorized w/Certain Amendments & Approved 9/15/2022			
Agriculture 61-23D	Inspection of Nontraditional, Domesticated Animals 8/1/2023	11/15/2021	11/15/2021	Modified & Approved 9/11/2022			
Community & Technical College Education 135-12	Capital Project Management 6/8/2023	6/13/2022	6/13/2022				
Community & Technical College Education 135-55	Human Resources Administration 7/9/2023	6/13/2022	6/13/2022				
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence 6/30/2023	6/28/2022	7/29/2022	Approved 9/28/2022			
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	6/22/2022	Modified & Approved 9/11/2022			
Health Care Authority 65-06	Cooperative Agreement Approval and Compliance 4/1/2024	10/5/2022	10/5/2022				
Health Care Authority 65-13	Financial Disclosure Rule 8/1/2023	8/19/2022	8/24/2022	Approved 9/28/2022			
Higher Education Policy Commission 133-12	Capital Project Management 6/4/2023		6/14/2022	Approved 6/12/2022			
Higher Education Policy Commission 133-42	West Virginia Higher Education Grant Program 8/5/2022		6/14/2022 Emergency 8/2/2022 Effective 8/2/2022	Approved 6/12/2022			
Higher Education Policy Commission 133-55	Human Resources Administration 6/4/2023		6/14/2022	Approved 6/12/2022			
Highways 157-02	Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance 4/6/2023	12/17/2021	7/21/2022				

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
Labor 42-35	Registration of Service Persons and Service Agencies 3/30/2023	11/30/2021	11/30/2021	Modified & Approved 9/11/2022 Filed 9/15/2022			
Labor 42-36	Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions 3/30/2023	11/29/2021	11/30/2021	Modified & Approved 9/11/2022 Filed 9/15/2022			
Natural Resources 58-11	Hunting, Fishing, and Other Outfitters and Guides 5/7/2023	11/30/2021	11/30/2021	Authorized as Modified w/Certain Amendments & Approved 9/11/2022 Filed 9/29/2022			
Natural Resources 58-64	Miscellaneous Permits and Licenses 5/7/2023	11/30/2021	11/30/2021	Authorized as Modified w/Certain Amendments & Approved 9/11/2022 Filed 9/29/2022			
Psychologists 17-06	Code of Conduct 7/1/2023	2/3/2022	9/7/2022	Approved 9/28/2022			
Tax 110-13DD	Farm-To-Food Bank Tax Credit 8/1/2023	3/23/2022	3/25/2022	Approved 9/11/2022			
Tax 110-22	Property Transfer Tax 8/1/2023	3/23/2022	3/25/2022	Approved 9/11/2022			
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	Approved 9/11/2022			

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
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10/3/2022 3:34:59 PM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

Legislative

AGENCY: Agriculture

RULE TYPE: Legislative TITLE-SERIES: 61-02

RULE NAME: West Virginia Apiary Rule

CITE AUTHORITY: §19-13-3, §19-13-4

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

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

WEST VIRGINIA SECRETARY OF STATE MAC WARNER ADMINISTRATIVE LAW DIVISION

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2022 OCT -4 P 1:21

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

EXPIRATION OF FILING OF LEGISLATIVE EXEMPT RULE

AGENCY: Coal Mine Health and Safety

TITLE NUMBER: 36 SERIES NUMBER OF RULE PROPOSED: 23

TITLE OF RULE PROPOSED: Surface Construction Operations Within the Coal Mining Industry of the State of WV

THE ABOVE RULE EXPIRED October 4, 2022 DUE TO THE AGENCY NOT FINAL FILING AFTER THE CONCLUSION OF THE HEARING/PUBLIC COMMENT PERIOD WITHIN SIX MONTHS AFTER THE CLOSE OF THE PUBLIC COMMENT AS REQUIRED BY W. VA. CODE §29A-3-8. IF THE AGENCY WANTS TO CONTINUE THE RULE MAKING PROCESS ON THIS RULE, THE ENTIRE RULE INCLUDING ASSOCIATED FORMS MUST RESUBMITTED WITH THE SECRETARY OF STATE FOR ANOTHER HEARING/PUBLIC COMMENT PERIOD.

Maureen Lewis

DIRECTOR, ADMINISTRATIV LAW DIVISION

WEST VIRGINIA SECRETARY OF STATE

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10/4/2022 11:32:46 AM

Office of West Virginia
Secretary Of State

Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Dentistry WV Board of

RULE TYPE: Legislative TITLE-SERIES: 5-15

RULE NAME: Dental Recovery Networks

CITE AUTHORITY: §30-4-6

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

Susan Combs -- 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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10/5/2022 11:15:24 AM

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Commission

RULE TYPE: Legislative TITLE-SERIES: 87-03

RULE NAME: Hazardous Substance Emergency Response Training Programs

CITE AUTHORITY: W. Va. Code 15A-11-4

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

Brandolyn N Felton-Ernest -- 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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10/5/2022 12:01:38 PM

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Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Commission

RULE TYPE: Legislative TITLE-SERIES: 87-08

RULE NAME: Volunteer Firefighters' Training, Equipment, and Operating Standards

CITE AUTHORITY: W. Va. Code 15A-11-9

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

Brandolyn N Felton-Ernest -- 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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10/5/2022 12:03:48 PM

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Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Marshal

RULE TYPE: Legislative TITLE-SERIES: 103-01

RULE NAME: Certification of Electrical Inspectors

CITE AUTHORITY: W. Va. Code 29-3C-4

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

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

WEST VIRGINIA SECRETARY OF STATE

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10/5/2022 12:44:34 PM

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Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Marshal

RULE TYPE: Legislative TITLE-SERIES: 103-03

RULE NAME: Supervision of Fire Protection Work

CITE AUTHORITY: W. Va. Code 29-3D-4

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

Brandolyn N Felton-Ernest -- 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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10/5/2022 12:53:38 PM

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Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Marshal

RULE TYPE: Legislative TITLE-SERIES: 103-05

RULE NAME: Electrician Licensing Rules

CITE AUTHORITY: W. Va. Code 29-3B-5

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

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

Yes

Brandolyn N Felton-Ernest -- 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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10/5/2022 11:34:22 AM
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Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Marshal

RULE TYPE: Legislative TITLE-SERIES: 103-07

RULE NAME: Certification of Home Inspectors

CITE AUTHORITY: W. Va. Code 15A-10-5(a), (b), (c)

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

Brandolyn N Felton-Ernest -- 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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10/4/2022 2:37:20 PM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Funeral Service Examiners

RULE TYPE: Legislative TITLE-SERIES: 6-01

RULE NAME: FUNERAL DIRECTOR, EMBALMER, APPRENTICE, COURTESY CARD HOLDERS AND FUNERAL ESTABLISHMENT REQUIREMENTS

CITE AUTHORITY: §30-6-6

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

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

WEST VIRGINIA SECRETARY OF STATE

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10/4/2022 2:42:28 PM

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Secretary Of State

Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Funeral Service Examiners

RULE TYPE: Legislative TITLE-SERIES: 6-02

RULE NAME: CREMATORY REQUIREMENTS

CITE AUTHORITY: §30-6-6

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

Grady M Bowyer -- 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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10/4/2022 4:10:52 PM

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Funeral Service Examiners

RULE TYPE: Legislative TITLE-SERIES: 6-07

RULE NAME: FEE SCHEDULE

CITE AUTHORITY: §30-6-6

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

Grady M Bowyer -- 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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10/4/2022 12:47:33 PM
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Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health

RULE TYPE: Legislative TITLE-SERIES: 64-26

RULE NAME: Procedures Pertaining to the Dangerousness Assessment Advisory Board

CITE AUTHORITY: 27-6A-2(h)

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

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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10/5/2022 10:45:08 AM
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NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Health Care Authority TITLE-SERIES: 65-06

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 16-29B-28

RULE NAME: 65-06 Cooperative Agreement Approval and Compliance

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 [X] INCORPORATED BY REFERENCE [X]

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

This rule implements the provisions of the cooperative agreement approval and compliance requirements of W. Va. Code 16-29B-28.

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

It is necessary to continue the regulation and supervision of the existing cooperative agreement between two hospitals to supplant the state and federal antitrust laws.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The Health Care Authority may set assess an annual fee not to exceed $75,000 for the supervision of any cooperative agreement approved pursuant to W. Va. Code 16-28B-28.

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

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10/5/2022 11:04:31 AM

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

AGENCY: Health Care Authority TITLE-SERIES: 65-06

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

RULE NAME: 65-06 Cooperative Agreement Approval and Compliance

PRIMARY CONTACT

NAME: April 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-28

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:

Continued supervision and regulatory oversight of the existing cooperative agreement between two hospitals is required to ensure compliance with state and federal antitrust laws.

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:

Legislative

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/4/2022 12:51:42 PM

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Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health Care Authority

RULE TYPE: Legislative TITLE-SERIES: 65-34

RULE NAME: Uniform Bill Database

CITE AUTHORITY: 16-29B-24

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/4/2022 12:50:38 PM

Office of West Virginia
Secretary Of State

Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health And Human Resources

RULE TYPE: Legislative TITLE-SERIES: 69-19

RULE NAME: Core Behavioral Health Crisis Services System

CITE AUTHORITY: 16-42-6

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/3/2022 11:59:17 AM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Highways

RULE TYPE: Legislative TITLE-SERIES: 157-02

RULE NAME: Disposal, Lease, and Management of Real Property and Appurtenant Structures and Relocation Assistance

CITE AUTHORITY: W.Va. Code §§17-2A-8, 17, 19, and 20

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/4/2022 11:29:27 AM

Office of West Virginia
Secretary Of State

Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission

RULE TYPE: Legislative TITLE-SERIES: 114-103

RULE NAME: BAIL BONDSMEN IN CRIMINAL CASES

CITE AUTHORITY: W. Va. Code §§33-2-10 and 51-10-8

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/6/2022 2:07:55 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Mining And Reclamation

RULE TYPE: Legislative TITLE-SERIES: 38-03

RULE NAME: RULES FOR QUARRYING AND RECLAMATION

CITE AUTHORITY: W. Va. Code §§22-1-3 and 22-4-1 et seq

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/6/2022 2:15:34 PM

Office of West Virginia
Secretary Of State

Procedural

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Natural Resources TITLE-SERIES: 58-10

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

RULE NAME: Purchasing Rule

CITE STATUTORY AUTHORITY: §§20-1-7(2) and 20-1-7(31)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/05/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Wendy L. Greene

ADDRESS: 324 4th Avenue

Room 341

EMAIL: dnrcomments@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)

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
10/4/2022 4:27:11 PM

Office of West Virginia
Secretary Of State

Emergency

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Insurance Commission TITLE-SERIES: 114-103

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: BAIL BONDSMEN IN CRIMINAL CASES

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code §§33-2-10 and 51-10-8

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:

Not applicable.

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 07/01/2022

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

None.

PRIMARY CONTACT:

NAME: Erin K Hunter

ADDRESS: 900 Pennsylvania Ave 9th Floor

EMAIL: erin.k.hunter@wv.gov

PHONE NUMBER: 304-414-8487

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/4/2022 8:35:57 AM

Office of West Virginia
Secretary Of State

NOTICE OF AN EMERGENCY AMENDMENT TO 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:

WV Code §30-1-26

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 08/25/2022

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

This is the first amendment to match the language that was passed by the LRRC in September, the Board's 14-12 rule, Optometric Telehealth Practice.

PRIMARY CONTACT:

NAME: Pamela Carper

ADDRESS: 179 Summers Street #231

179 Summers Street, #231

EMAIL: wvbdopt@frontier.com

PHONE NUMBER: 304-558-5901

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

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9/30/2022 3:21:09 PM

Office of West Virginia
Secretary Of State

Emergency

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Treasurer

TITLE-SERIES: 112-20

RULE TYPE: Legislative

Amendment to Existing Rule: No

RULE NAME: Jumpstart Savings Program

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

§18-30A-6, §18-30A-16

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:

§18-30A-16 requires the board to promulgate legislative or emergency rules prior to commencement of the program.

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 05/20/2022

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

8/4/2022

PRIMARY CONTACT:

NAME: James G Fuerhoff

ADDRESS: 1900 Kanawha Boulevard East Rm E 145

Charleston, WV 25305

EMAIL: james.fuerhoff@wvsto.com

PHONE NUMBER: 304-341-0744

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2022 OCT -3 A 10: 24

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

LRMRC

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

October 02, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Greenlief
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: WV Apiary Law, 61-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

FILED

2022 OCT -3 P 4: 41

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

October 03, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins
DEP - Air Quality
WV Department if Environmental Protection, DAQ
601 57th Street, SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Requirements for Operating Permits, 45-30

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency ____
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Legislative Rule Making Review Committee

Casto 3264

CSR # 45 CSR 30 Date: 10/3/22

Chairman Foster of the Legislative Rule Making Review Committee moved to amend the rule as modified on page 41, section 8, subsection 8.4, by striking "150%" and inserting in lieu thereof "110%"

AND

On page 41, section 8, by striking out the text of section 8.6 in its entirety and inserting in lieu thereof the following text:

"8.6. The Secretary shall transition the base fee components under subdivision 8.1.a in accordance with the following, which shall apply when the rule becomes effective.

8.6.a. The Permitted Source Base Fee (PSBF) is $ 5000.

8.6.b. The Deferred Source Base Fee (DSBF) is $ 0.

8.6.c. These base fee components shall remain in effect until revised or superseded."

Adopted

Rejected

LRMRC

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

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2022 OCT -4 A 8:24
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Crime, Delinquency, and Correction
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Protocol for Law Enforcement Response to Domestic Violence, 149-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
   - (B) as modified by the agency _____
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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: WV Board of Dentistry
Dental Examiners, WV Board of
PO Box 1447
Crab Orchard, WV 25827

From: Legislative Rule-Making Review Committee

Proposed Rule: Dental Recovery Networks, 5-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
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2022 OCT -3 P 4: 41

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Chance Chaoman
DEP Environmental Protection, Secretary's Office
601 57th St. SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Reclamation of Solar and Wind Electricity Generation Facilities, 60-11

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Commission, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Hazardous Substance Emergency Response Training Programs, 87-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Commission, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Certification of Home Inspectors, 87-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Legislative Rule-Making Review Committee

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September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Commission, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Volunteer Firefighters' Training, Equipment, and Operating Standards, 87-08

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Marshal, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Certification of Electrical Inspectors, 103-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Marshal, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Supervision of Fire Protection Work, 103-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Marshal, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Electrician Licensing Rules, 103-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Marshal, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Certification of Home Inspectors, 103-07

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   - (A) as originally filed ____
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FILED

2022 OCT -3 A 11:18

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

October 02, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: WV Board of Funeral Service Examiners
Funeral Service Examiners, WV Board of
179 Summers Street, Suite 319
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements, 6-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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SECRETARY OF STATE

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October 02, 2022

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To: Mac Warner, Secretary of State, State Register

To: WV Board of Funeral Service Examiners
Funeral Service Examiners, WV Board of
179 Summers Street, Suite 319
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Crematory Requirements, 6-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   - (A) as originally filed ____
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September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: WV Board of Funeral Service Examiners
Funeral Service Examiners, WV Board of
179 Summers Street, Suite 319
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Fee Schedule, 6-07

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health and Human Resources, WV Department of Health
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Procedures Pertaining to the Dangerousness Assessment Advisory Board, 64-26

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Adair Sankoff, Director

September 28, 2022

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To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health and Human Resources, WV Department of Health
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Standards for Local Boards of Health, 64-73

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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September 28, 2022

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To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health and Human Resources, WV Department of Health
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Medical Examiner Requirements for Postmortem Inquiries, 64-84

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health and Human Resources, WV Department of Health
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Medical Cannabis Program - Grower/Processors, 64-110

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health and Human Resources, WV Department of Health
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Medical Cannabis Program - Dispensaries, 64-112

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health and Human Resources, WV Department of Health Care Authority
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Financial Disclosure Rule, 65-13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
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September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health Care Authority, WV
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Uniform Bill Database, 65-34

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Health and Human Resources

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health and Human Resources, WV Department of
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Core Behavioral Health Crisis Services System, 69-19

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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Senator Dave Sypolt, Co-Chair
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October 02, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Rita Pauley
Highways, WV Division of
Capital Complex, Building 5, Room 110
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance, 157-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE
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Senator Dave Sypolt, Co-Chair
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OFFICE OF WEST VIRGINIA
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September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Rita Pauley
Highways, WV Division of
Capital Complex, Building 5, Room 110
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Construction and Reconstruction of State Roads, 157-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
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Legislative Rule-Making Review Committee

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Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

October 03, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Cammie Chapman
Health and Human Resources, WV Department of
One Davis Square, Suite 100 E
Charleston, WV 25301

Human Services

From: Legislative Rule-Making Review Committee

Proposed Rule: Child Care Centers Licensing, 78-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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Adair Sankoff, Director

September 28, 2022

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To: Mac Warner, Secretary of State, State Register

To: Cammie Chapman
Health and Human Resources, WV Department of
One Davis Square, Suite 100 E
Charleston, WV 25301

Human Services

From: Legislative Rule-Making Review Committee

Proposed Rule: 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 West Virginia, 78-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Cammie Chapman
Health and Human Resources, WV Department of Human Services
One Davis Square, Suite 100 E
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Family Child Care Facility Licensing, 78-18

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: X
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To: Mac Warner, Secretary of State, State Register

To: Cammie Chapman
Health and Human Resources, WV Department of Human Services
One Davis Square, Suite 100 E
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Family Child Care Home Registration, 78-19

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: ____
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To: Mac Warner, Secretary of State, State Register

To: Cammie Chapman
Health and Human Resources, WV Department of Human Services
One Davis Square, Suite 100 E
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Informal and Relative Family Child Care Home Registration, 78-20

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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(A) as originally filed ____

(B) as modified by the agency X

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To: Mac Warner, Secretary of State, State Register

To: Cammie Chapman
Health and Human Resources, WV Department of Human Services
One Davis Square, Suite 100 E
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Out Of School Time Child Care Center Licensing, 78-21

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:

(A) as originally filed ____

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5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health and Human Resources, WV Department of Human Services
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Goals for Foster Children, 78-25

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ___X___
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Cammie Chapman
Health and Human Resources, WV Department of Human Services
One Davis Square, Suite 100 E
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Deemed Head Start Child Care Center Licenses, 78-28

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   (A) as originally filed ___X___
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

October 03, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Erin K. Hunter
Insurance Commission, WV
900 Pennsylvania Ave.
9th Floor
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Bail Bondsmen in Criminal Cases, 114-103

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
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Legislative Rule Making Review Committee

Childs 7949

CSR # 114 CSR 103 Date: 10/3/2022

Delegates Graves on the Legislative Rule Making Review Committee moved to amend the rule on page 1, section 2, by striking from the text of section 2.4.1 the words "also referred to as "surety bondsmen.""";

On page 1, section 2, by striking from the text of section 2.4.2 the words "also referred to as "professional bondsmen.""";

On page 2, section 2, by striking out the text of section 2.9 in its entirety and inserting in lieu thereof the following text: "2.9. "Professional bondsman" means any person who has been approved and licensed by the Commissioner, and who pledges cash, an irrevocable letter of credit, an annuity purchased through an insurance company licensed and in good standing in this State, a bond issued by an insurance company licensed and in good standing in this State, or real estate with the Commissioner as security for bail bonds written in connection with a judicial proceeding, and charges, receives or is promised money or other things of value in exchange for his or her services.";

On page 2, section 2, by striking out the text of section 2.10 in its entirety and inserting in lieu thereof the following text: "2.10. "Securities" or "approved securities" means cash, an irrevocable letter of credit, an annuity purchased through an insurance company licensed and in good standing in this State, a bond issued by an insurance company licensed and in good standing in this State, a qualified power of attorney issued by an insurer pursuant to a producer

underwriting agreement, or real estate located in this State that is unencumbered in, at least, the amount of minimum financial responsibility required as set forth in this rule.";

On page 2, section 2, by striking out the text of section 2.11 in its entirety and inserting in lieu thereof the following text:

"2.11. "Surety bondsman" means a person who:

2.11.1. Has been approved and licensed by the Commissioner as an insurance producer with a property and casualty line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer through a qualified power of attorney in connection with judicial proceedings and charges, receives or is promised money or other things of value in exchange for his or her services; or

2.11.2. Posts approved security by providing the Commissioner with a qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement and being approved and licensed by the Commissioner as an insurance producer with a limited lines surety line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer in connection with judicial proceedings and charges, receives or is promised money or other things of value in exchange for his or her services."

And,

On page 3, section 3, by striking from the text of section 3.2.1.b the words "is a licensed insurance producer with a property and casualty line of authority, and".

LRMRC

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Charles S Sturey
DEP - Mining and Reclamation
601 57th Street
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Rules For Quarrying and Reclamation
, 38-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
2310 Kanawha Boulevard East
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure and Practice of Pharmacy, 15-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
2310 Kanawha Boulevard East
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Rule of the Board of Pharmacy for the Uniform Controlled Substances Act, 15-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
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Senator Dave Sypolt, Co-Chair
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Adair Sankoff, Director

LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
2310 Kanawha Boulevard East
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Board of Pharmacy Rules for Registration of Pharmacy Technicians, 15-07

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
2310 Kanawha Boulevard East
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulations Governing Pharmacy Permits, 15-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield
Pharmacy, WV Board of
2310 Kanawha Blvd. E
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia Board of Pharamacy Inspections, 15-19

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
2310 Kanawha Boulevard East
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Donated Drug Repository Program, 15-20

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Kathy Lynch
Psychologists, WV Board of
PO Box 3955
Charleston, WV 25539

From: Legislative Rule-Making Review Committee

Proposed Rule: Code of Conduct, 17-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Shallon Oglesby
State Police, WV
725 Jefferson Road
South Charleston, WV 25309

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia State Police Professional Standards Investigations, 81-10

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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725 Jefferson Road
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

LRMRC

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Morton
Tax Department, WV State
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes, 110-01J

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Rogers
DEP - Water and Waste Management
WV Department if Environmental Protection
601 57th Street, SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Recycling Assistance Grant Program, 33-10

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
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Legislative Rule-Making Review Committee

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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 28, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins
DEP - Water and Waste Management
WV Department if Environmental Protection
601 57th Street, SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Reclamation of Abadoned and Dilapidated Properties Grant Program, 33-13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:

   (A) as originally filed _____

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Orders Report

Docket Number	Agency	Respondent	Date Rendered
22-FINCON-02395	Insurance Commission	American Service Insurance Company, Inc.	10/4/2022
21-55-W	Medicine, West Virginia Board Of	Jamil Ahmed, MD	9/26/2022
21-132-W	Medicine, West Virginia Board Of	Christopher Cory Robert Shaw, MD	10/3/2022
20-88-H, 22-01-H	Medicine, West Virginia Board Of	Bassem Ragheb George, MD	9/26/2022

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2019-1863-CONS	Crystal Spurlock	Department Of Health And Human Resources	9/8/2022
		William R. Sharpe, Jr. Hospital	9/8/2022
2022-0880-KanED	Sarah Kendall	Kanawha County Board Of Education	9/8/2022
2022-0652-DHHR	Toni Renee Nething	Department Of Health And Human Resources	9/8/2022
		Bureau For Children And Families	9/8/2022
		Division Of Personnel	9/8/2022
2022-0739-DHS	Rebecca Morris Rabel	Department of Homeland Security	9/8/2022
		Huttonsville Correctional Center and Jail	9/8/2022
		Division Of Personnel	9/8/2022
2022-0834-WayED	Andrea Kilgore	Wayne County Board Of Education	9/13/2022
2023-0177-DHS	Alan Edward Roark	Department of Homeland Security	9/13/2022
		Beckley Correctional Center and Jail	9/13/2022
2023-0178-DHS	Alan Edward Roark	Department of Homeland Security	9/13/2022
		Beckley Correctional Center and Jail	9/13/2022
2022-0403-KanED	John Williams	Kanawha County Board Of Education	9/14/2022
2020-0046-DOT	Jeremy Melton	Division Of Highways	9/15/2022
2022-0607-DHHR	Janet Cunningham	Department Of Health And Human Resources	9/20/2022
2022-0763-BVCTC	John Powell	Bridgevalley Community and Technical College	9/21/2022
2022-0610-WooED	Joseph Holland	Wood County Board Of Education	9/22/2022
2022-0816-MrnED	Joseph R. Toothman	Marion County Board Of Education	9/23/2022
2022-0179-DOT	Clinton T. Drainer	Division Of Highways	9/27/2022
2022-0365-DOT	Amanda Nicole Justus	Division Of Highways	9/27/2022
2022-0306-DOC	Kimberly Ellen Gibson	Division Of Rehabilitation Services	9/29/2022
		Division Of Personnel	9/29/2022

10/6/2022 1:16:19 PM

2022-0209-DOA	Elizabeth Cooper	Department of Administration	9/30/2022
		Purchasing Division	9/30/2022
		Division Of Personnel	9/30/2022
2022-0618-DHHR	Lisa Jane Good	Department Of Health And Human Resources	9/30/2022
		Bureau For Child Support Enforcement	9/30/2022
2022-0888-HanED	Ronald Powell	Hancock County Board Of Education	9/30/2022

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 7-22

By the Governor

WHEREAS, a State of Emergency was declared on the March 16, 2022, 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, W. Va. Code § 15-5-6 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, in order to aid the Nation's response to the COVID-19 pandemic, the federal government granted additional funds to the State and its counties and municipalities for water, sewer, and other infrastructure development through the American Rescue Plan Act, utilization and expenditure of said funds being required to be paid out in accordance with strict timing requirements; and

WHEREAS, much of this additional funding for water, sewer, and other infrastructure development projects is processed through the Water Development Authority, and the significant increase in volume of projects and funding has resulted in the need to hire additional technical staff to timely process applications for funding for water, sewer, and other infrastructure projects throughout the State; and

WHEREAS, there has been a statutory regulation identified by the West Virginia Division of Personnel and the Water Development Authority that is preventing the State from most timely utilizing and expending said funds to effectively respond to and recover from the emergency through the expenditure of federal funds made available for the completion of infrastructure development projects throughout the State;

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of W. Va. Code § 15-5-6, hereby **DECLARE** and **ORDER** that, the following statutory regulation is to be suspended for the duration of the State of Emergency for the sole purpose of exempting the Water Development Authority from Division of Personnel requirements:

1. The application of Division of Personnel hiring and employment procedures to employees of the Water Development Authority (W. Va. Code § 29-6-3 and § 22C-1-6) that may be hired on or after the effective date of this Order, in order to treat those employees of the Water Development Authority as exempt under W.Va. Code § 29-6-4(c). The Division of Personnel may issue additional guidance as necessary.

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

DONE at the Capitol in the City of Charleston, State of West Virginia, this Fifth Day of October, in the Year of our Lord, Two Thousand Twenty-Two in the One Hundred Sixtieth Year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

FILED
WV SECRETARY OF STATE
OCTOBER 03, 2022 12:00 PM

Other

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

October 3, 2022

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **September 30, 2022**.

LETTER OF INTENT RECEIVED

September 26, 2022 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #22-3-12504-P, for the development of an ambulatory health care facility to be located at 2345 Chesterfield Avenue, Charleston, Kanawha County, West Virginia; capital expenditure: $300,000.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

September 26, 2022 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #22-4-12493-A, for the acquisition of Greenbrier VMC, LLC, a CHS affiliate, which owns and operates Greenbrier Valley Medical Center in Ronceverte, Greenbrier County, West Virginia; capital expenditure: $86,235,000.

September 26, 2022 - Select Physical Therapy Holdings, Inc., Mechanicsburg, Pennsylvania, CON File #22-6/7-12494-A, for the acquisition of the controlling interest in Morgantown Physical Therapy Associates, Inc. dba HealthWorks Rehab and Fitness from Monongalia Health System, Inc., Morgantown, Monongalia County, West Virginia; capital expenditure: $169,220.00.

PROJECTS DETERMINED NOT REVIEWABLE

September 28, 2022 - Affect Therapeutics, New York, New York, CON File #22-12-12485-X, for the development of a licensed Level 1 outpatient behavioral health treatment facility providing services via telehealth in the State of West Virginia; no capital expenditure.

September 28, 2022 - City of St. Albans, St. Albans, Kanawha County, West Virginia, CON File #22-3-12488-X, for the reopening of Hansford Respite Care Center, located at 500 Washington Street, St. Albans, Kanawha County, West Virginia; no capital expenditure.

PROJECTS EXEMPT FROM REVIEW

September 30, 2022 - Beautiful Minds Counseling Center, LLC, Princeton, Mercer County, West Virginia, CON File #22-1-12479-X, for the development of a licensed behavioral health center to be located at 200 George St., Suite 6, Beckley, Raleigh County, West Virginia.

September 30, 2022 - Beautiful Minds Counseling Center, LLC, Princeton, Mercer County, West Virginia, CON File #22-1-12491-X, for the development of a licensed behavioral health center providing behavioral health and substance abuse counseling, case management and peer support , to be located at 479 New Hope Road, Princeton, Mercer County, West Virginia.

September 30, 2022 - Family Option Providers, LLC, Marlton, New Jersey, CON File #22-10-12495-X, for the provision of the conversion of their Wheeling location at 237 Kruger Street, Wheeling to the current (Family Options Providers, LLC) FOP License. They currently provide MAT at the current location and would like to expand it by adding counseling to their existing patients in Wheeling.

September 30, 2022 - CHANGE, Inc., Newell, Hancock County, West Virginia, CON File #22-10/11-12496-X, for the Family Medical Care Community Health Center Mobile Medical Van, which will be housed at 1151 Washington Street, Newell, Hancock County, West Virginia and will provide medical services at scheduled locations throughout the Northern Panhandle of WV and Jefferson County in Ohio.

September 30, 2022 - Lily's Place Family Center, Huntington, Cabell County, West Virginia, CON File #22-2-12500-X, for the expansion of their children's services through an added location of their behavioral health center to be known as Lily's Place Children's Center located at 114 7th Avenue, Huntington, Cabell County, West Virginia.

September 30, 2022 - Safe Hands, LLC Youth Congregate Living Facility, South Charleston, Kanawha County, West Virginia, CON File #22-3-12502-X, for the provision of one operational out-of-home placement facility located at 1010 2nd Avenue, Charleston, Kanawha County, West Virginia.

September 30, 2022 - Shenandoah Valley Medical System, Inc., Martinsburg, Berkeley County, West Virginia, CON File #22-9-12505-X, for the provision of the establishment of a school-based clinic in Morgan County, West Virginia to be located at Widmyer Elementary School, 128 Widmyer Circle, Berkeley Springs, Morgan County, West Virginia.

September 30, 2022 - The Developmental Advantage, LLC, Charleston, Kanawha County, West Virginia, CON File #22-3-12506-X, for the provision of providing services to the Children with Serious Emotional Disorder Waiver (CSEDW) Program to be located at 888 Oakwood Road, Suite 300, Box #2, Charleston, Kanawha County, West Virginia.

Other

CERTIFICATE OF NEED APPROVAL ISSUED

September 27, 2022 - Lotus Recovery Center of Berkeley Springs, Wilmington, Delaware, CON File #22-9-12465-H, for the addition of 26 acute care psychiatric beds, which will be located at 187 S. Green Street, Berkeley Springs, Morgan County, West Virginia; capital expenditure: $1,200,000.

NOTICE OF CONDITIONAL SUBSTANTIAL COMPLIANCE

The following project has been implemented in conditional substantial compliance pending the submission of final cost figures:

September 27, 2022 - Pocahontas Memorial Hospital, Buckeye, Pocahontas County, West Virginia, CON File #22-4-12352-P, for the development of an outpatient rehabilitation therapy center in Richwood, Nicholas County, West Virginia; capital expenditure: $75,000.

Further information may be obtained on any of the above-referenced projects by contactingTimothy Adkins, Interim Director, Certificate of Need Division.

FILED
WV SECRETARY OF STATE
OCTOBER 03, 2022 02:06 PM

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

Bill J. Crouch
Cabinet Secretary

Rae J. Bates
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

October 3, 2022

NEWS ITEM

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

September 23, 2022 - Fayette Physician Network, Inc., d/b/a WVUHS Medical Group, Morgantown, Monongalia County, West Virginia, CON File #22-11-12490-P, for the development of an ambulatory health care facility in Hancock County through the acquisition of a physician practice; capital expenditure: $622,000.

September 29, 2022 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, West Virginia, CON File #22-4-12493-A, for the acquisition of Greenbrier VMC, LLC, a CHS affiliate which owns and operates Greenbrier Valley Medical Center in Ronceverte, Greenbrier County, West Virginia; capital expenditure: $86,235,000.

September 29, 2022 - Select Physical Therapy Holdings, Inc., Mechanicsburg, Pennsylvania, CON File #22-6/7-12494-A, for the acquisition of the controlling interest in Morgantown Physical Therapy Associates, Inc. dba HealthWorks Rehab and Fitness from Monongalia Health System, Inc., Morgantown, Monongalia County, West Virginia; capital expenditure: $169,220.00.

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 **September 30, 2022.**

On or before **October 31, 2022**, any affected person has the right to request that the Authority hold a public hearing on the projects 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.

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

Other

If no public hearing is requested, the file closing date will be **November 4, 2022**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, 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 Decisions will be issued on or before **November 29, 2022.**

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

October 3, 2022
Date

Timothy E. Adkins, Interim Director, Certificate of Need
Health Care Authority

FILED
WV SECRETARY OF STATE
OCTOBER 04, 2022 11:23 AM

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

MEMORANDUM

TO: Interested Parties

FROM: Christopher W. Thomas, EIT
Drinking Water Treatment Revolving Fund

DATE: October 3, 2022

SUBJECT: Categorical Exclusion Decision (CE)
Town of Franklin – Water System Improvements Project

A copy of the Town of Franklin Water System Improvements Project Categorical Exclusion Decision (CE) is enclosed for your records.

The review process concluded that the proposed action is consistent with the categories of actions eligible for categorical exclusion. This means that environmental information documents and environmental assessments or environmental impact statements **will not** be required for this project and the project is authorized to proceed forward.

This decision is based upon a careful review of supporting documents provided by the applicant and other documentation available to the West Virginia Bureau of Public Health (WVBPH). These documents are on file with the WVBPH, Office of Environmental Health Services (OEHS), Environmental Engineering Division (EED), and are available for review upon request.

Comments on this decision may be submitted for consideration to WVBPH/OEHS/EED, attention Christopher Thomas, 350 Capitol Street, Room 313 Charleston, WV 25301-3713; or you may fax your comments to (304) 558-0691 or e-mail christopher.w.thomas@wv.gov.

Enclosures

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981 / Fax: (304) 558-0691

Other

Distribution List (via email):
Pamela Waybright, Town of Franklin
West Virginia Development Office
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
West Virginia Department of Environmental Protection
Division of Culture & History
U.S. Fish and Wildlife Service
Department of the Army
State Register Publication
Fred Hypes, P.E., Dunn Engineers, Inc.
OEHS Kearneysville District Office

CATEGORICAL EXCLUSION DECISION

Date: October 3, 2022

TO: ALL INTERESTED PARTIES

In accordance with the Environmental Protection Agency (EPA) regulations for complying with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190), a review has been performed on a request for a categorical exclusion for the environmental review requirements under NEPA, for the proposed action described below:

Town of Franklin Water System Improvements Project
Pendleton County, WV
WVIJDC Project #: **2019W-1845**
SRF Project #: **21DWTRFA001**

(Official Project Name and Number)

Town of Franklin
305 High Street
Franklin, WV 26807

(Project Applicant)

Town of Franklin, Pendleton County, West Virginia

(Project Location, City, County, State)

$ 2,272,318

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 3,472,318

(Estimated Total Project Cost)

Other

PROJECT SUMMARY FOR CATEGORICAL EXCLUSION

PROPOSED ACTION:

The Town of Franklin's (Town) Water System Improvements Project proposes upgrades at the existing water treatment plant (WTP), Hanover Tank, and Morton Tank. At the WTP, the clearwell will undergo structural repairs, the secondary raw water intake pump station will be upgraded, and two (2) new 40,000-gallon clearwells will be installed. The WTP's backwash tank, spring box, plant instrumentation, the existing filter and its controls, and backwash pump controls will be replaced. The WTP building's roof, dehumidification, and lighting will also be replaced. Additionally, the project will install a telemetry system, a new generator, and an automatic transfer switch. At the Hanover Tank, the tank will be repainted and sandblasted, the altitude valve will be replaced, and the access road will be upgraded. Telemetry will be installed at the Morton Tank. Finally, a vacuum trailer will be purchased to allow for easier maintenance.

ENVIRONMENTAL BENEFITS:

The proposed WTP improvements will rehabilitate or replace aging components to ensure proper operation. Structural concerns at the existing clearwell will be repaired. Additionally, the existing secondary raw water intake is not currently operational. The proposed improvements at the Hanover and Morton tanks will allow for improved control, while also safeguarding the Hanover tank from further deterioration.

In 2018, the WV Bureau for Public Health conducted a sanitary survey of the Town's water system. The sanitary survey noted rust and deterioration on the exterior surfaces of the Hanover and Morton tanks and five (5) monitoring violations. The Town is pursuing a separate project to address problem areas within the distribution system.

CATEGORICAL EXCLUSION CRITERIA:

EPA regulation 40 CFR 6.106(d) permits the use of categorical exclusions from substantive environmental requirements of the National Environmental Policy Act (NEPA) for:

1. Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or construction of ancillary facilities; or
2. Other actions specifically allowed in program specific subparts of this regulation.
   Criteria which would prevent the use of a categorical exclusion are found in 40 CFR §6.107(e) summarized as follows:
3. The action may have a significant effect on the quality of the human environment, or
4. The action may affect cultural resource areas, endangered or threatened species, environ-mentally important natural resource, or other identified resource areas of concern; or
5. The action is not cost-effective or may cause public controversy.

ANALYSIS:

The proposed project meets the criteria for categorical exclusion. It involves rehabilitation and repairs at the Hanover Tank and installation of telemetry at the Morton Tank. The project also involves replacement, upgrades, and/or rehabilitation of existing WTP equipment. All proposed components will be constructed located on previously disturbed soil at or adjacent to existing facilities. All work is expected to have no adverse environmental impact.

ENERGY EFFICIENCY AND CLIMATE CHANGE EFFECTS

This project is not expected to impact the unaccounted water amount or significantly improve efficiency. However, high efficiency pumps, variable frequency drives (VFDs), and new telemetry will be installed to allow for increased operational flexibility, monitoring, and control. Efficiencies may be further realized upon completion of this project and any future phase(s) within the distribution system. Due to the scope of the project involving solely the replacement and rehabilitation of the water distribution system, it can be concluded that there will be no net effect on climate change.

FLOODPLAIN MANAGEMENT ANALYSIS

All above-grade infrastructure improvements included in Town of Franklin's Water System Improvements project are located above the 100-year floodplain plus 3 feet at existing facilities that are not subject to flooding. All controls at the WTP are situated 3 feet above the floor elevation. These above-grade improvements include:

- Upgrading the secondary raw water intake pump station, backwash tank, backwash pump controls, spring box and filter, and its controls
- Repairing the concrete sediment basin and the structural concerns at existing clearwell
- Replacing the WTP building's roof, lighting, and dehumidification
- Replacing plant instrumentation, emergency generator, and automatic transfer switch
- Storage tank rehabilitation and improvements at two (2) existing water storage tank sites (Hanover and Morton tanks).

REVOCATION:

This conclusion can be revoked if additional and/or future information indicates any of the following:

1. The proposed action no longer meets the defined category due to changes in the proposed action;
2. Serious local or environmental issues now exist; and/or
3. Federal, state or local laws may be violated.

Other

DOCUMENTATION:

1. Town of Franklin Water System Improvements Preliminary Engineering Report dated March 23, 2020, as prepared by Fred Hypes, PE, of Dunn Engineers, Inc.
2. Categorical Exclusion Checklist as prepared by Fred Hypes, PE, Dunn Engineers, Inc.
3. Email on floodplain dated March 28, 2022, from Fred Hypes, PE, Dunn Engineers, Inc.
4. Final SHIPO Clearance letter dated September 20, 2022 as prepared by Susan M. Pierce

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WV SECRETARY OF STATE
OCTOBER 03, 2022 04:31 PM

WEST VIRGINIA Department of Health & Human Resources
BUREAU FOR PUBLIC HEALTH
Office of Medical Cannabis

September 30, 2022

TECHNICAL ADVISORY GUIDANCE

INFORMATION REQUIRES IMMEDIATE ATTENTION

To: All West Virginia Medical Cannabis Licensees

From: West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Medical Cannabis

Effective Date: October 1, 2022

RE: Office of Medical Cannabis Employee Admittance to Medical Cannabis Facilities

The West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Medical Cannabis (OMC) is issuing this technical advisory to provide updated guidance on admitting entrance of OMC staff to medical cannabis facilities.

- OMC employee identification cards with photos are an acceptable proof of identification (ID) for entrance.
- OMC staff acting in an official capacity are to be provided immediate entrance and access to all areas of a medical cannabis facility upon arrival and proof of ID.
- OMC staff acting in an official capacity should not be required to sign in as part of their admittance.

350 Capitol Street, Rm 523 ♦ Charleston, WV 25301 ♦ 304.356.5090 ♦ fax 304.558.0035 ♦ omc.wv.gov
email ♦ medcanwv@wv.gov