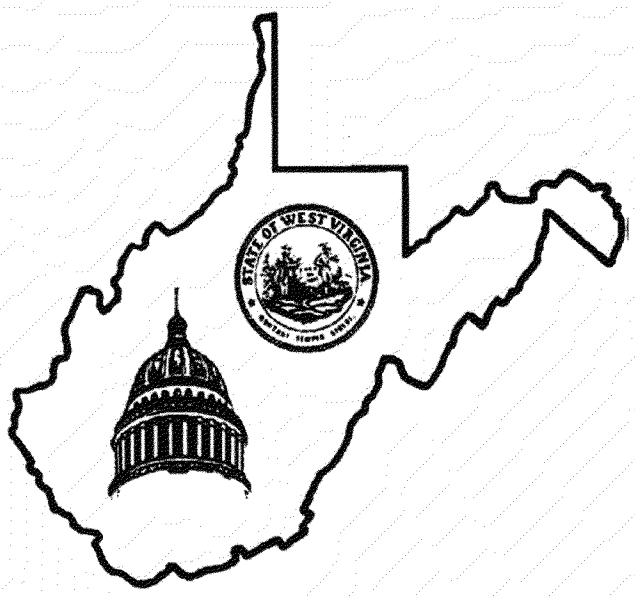

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NO CHRONOLOGICAL INDEX, VOLUME XL ISSUE 27			
RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

NO EMERGENCY RULES FILED THIS WEEK				
AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE	COMMENT END DATE

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
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TITLE	25	SOCIAL WORK EXAMINERS
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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	53	PUBLIC ENERGY AUTHORITY
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
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TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
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TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
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TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
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TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	220	MULTIMODAL TRANSPORTATION FACILITIES

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	5/10/2023	6/30/2023						
Acupuncture (32-03)	Application for Licensure to Practice Acupunture Legislative	6/28/2023	7/28/2023						
Administration (148-03) Sunset Provision	State Owned Vehicles Legislative				10/25/2022				
Agriculture (61-04B)	Frozen Desserts and Imitation Frozen Desserts Legislative	6/28/2023	7/28/2023						
Agriculture (61-12A)	Certified Pesticide Applicator Rules Legislative	6/28/2023	7/28/2023						
Agriculture (61-12B)	Licensing of Pesticide Business Legislative	6/28/2023	7/28/2023						
Agriculture (61-23B)	WV Shellfish Legislative	6/28/2023	7/28/2023						
Agriculture (61-30)	Hemp Products Legislative	6/28/2023	7/28/2023	6/28/2023 ERD by 8/9/2023					
Agriculture (61-37) Sunset Provision	Agritourism Legislative				12/15/2022				
Air Quality (45-01)	Alternative Emission Limitations During Startup and Shutdown Operations Legislative	5/31/2023	7/6/2023						
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	5/31/2023	7/6/2023						
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	5/31/2023	7/6/2023						
Air Quality (45-05)	Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas Legislative	5/31/2023	7/6/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	5/31/2023	7/6/2023						
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	5/31/2023	7/6/2023						
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/31/2023	7/6/2023						
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	5/31/2023	7/6/2023						
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	5/31/2023	7/6/2023						
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	5/31/2023	7/6/2023						
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/31/2023	7/6/2023						
Air Quality (45-44, repeal)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	5/31/2023	7/6/2023						
Auditor (155-11)	Rules for Electronic Filing of Legal Notices for State Agencies Procedural	6/14/2023	7/14/2023						
Barbers and Cosmetologists (3-01)	Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Nail Technicians, Aestheticians, and Hair Stylists Legislative	4/12/2023	5/31/2023		6/14/2023				
Barbers and Cosmetologists (3-15)	Application For Waiver Of Initial Licensing Fees For Certain Individuals Legislative	4/7/2023	5/15/2023		6/14/2023				
Barbers and Cosmetologists (3-16)	Cosmetology Apprenticeship Legislative	4/10/2023	5/31/2023		6/14/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health and Safety (36-44)	Rule Governing Mine Rescue Requirements Legislative Exempt	6/28/2023	7/28/2023						
Coal Mine Health and Safety (36-59)	Supervision of Underground Apprentices in Areas Other Than the Working Section Legislative Exempt	6/28/2023	7/28/2023						
Community and Technical College Education (135-06)	Performance Indicators Legislative	6/21/2023	7/24/2023						
Community and Technical College Education (135-19)	Guidelines for the Offering of Early Enrollment Courses for High School Students Legislative	6/21/2023	7/24/2023	6/21/2023 Approved 6/30/2023					
Community and Technical College Education (135-20)	Initial Authorization of Degree-Granting Institutions Legislative	6/21/2023	7/24/2023						
Community and Technical College Education (135-32)	Tuition and Fees Legislative	6/21/2023	7/24/2023						
Community and Technical College Education (135-49)	Accountability System Legislative	6/21/2023	7/24/2023						
Contractor Licensing Board (28-01)	Board Organization and Meeting Procedures; Hearing Procedures Procedural	6/1/2023	7/3/2023						
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Legislative	6/23/2023	7/24/2023						
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/26/2023	7/26/2023						
Crime Delinquency and Correction (149-10)	Sexual Assault Forensic Examinations Legislative	6/28/2023	7/28/2023						
Dentistry (5-10)	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative	4/19/2023	5/22/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dietitians (31-01)	Licensure And Renewal Requirements Legislative	3/14/2023	4/14/2023		4/25/2023				
Dietitians (31-05)	Continuing Professional Education Requirements Legislative	3/14/2023	4/14/2023		4/25/2023				
Dietitians (31-07)	Telehealth Practice; Requirements; Definitions	6/21/2023	7/21/2023						
Economic Development, WV Dept. of (145-19)	Rule Governing the Operations of Motorsports Complexes and Events Legislative	6/28/2023	7/28/2023						
Education (126-044BB)	West Virginia College-and Career-Readiness Standards for Mathematics (Policy 2520.2B) Legislative Exempt	4/13/2023	5/15/2023						
Education (126-161)	Regulations for Alternative Certification Programs for the Education of Teachers (Policy 5901) Legislative Exempt	5/11/2023	6/12/2023						
Education (126-176)	School Closings or Consolidations (Policy 6204) Legislative Exempt	5/11/2023	6/12/2023						
Election Commission (146-01)	Corporate and Membership Organization Political Activity Legislative	6/28/2023	7/28/2023						
Election Commission (146-07)	Application and Approval Process for Secretary of State Expenditures from the County Assistance Voting Equipment Fund Legislative	6/27/2023	7/27/2023						
Emergency Management (170-02)	Industrial Accident Rapid Response Rule (170-02)	6/26/2023	7/26/2023						
Environmental Protection Secretarys's Office (60-12)	Administration of Drinking Water Treatment Revolving Fund and Safe Drinking Water Set-Asides Legislative	6/28/2023	7/28/2023	6/29/2023 ERD by 8/10/2023					
Ethics Commission (158-12)	Lobbying Legislative	5/16/2023	6/16/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Family Protection Services Board (191-02)	Domestic Violence Program Licensure Standards Legislative	5/30/2023	6/29/2023						
Fire Commission (87-01)	Fire Code Legislative	6/16/2023	7/17/2023						
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/23/2023	7/24/2023						
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/23/2023	7/24/2023						
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/23/2023	7/24/2023						
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/23/2023	7/24/2023						
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/23/2023	7/24/2023						
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Bldg Code Officials, Bldg Code Inspectors and Plans Examiners Legislative	6/23/2023	7/24/2023						
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/23/2023	7/24/2023						
Forestry (22-02)	Sediment Control During Commercial Timber-Harvesting Operations-Licensing Legislative	6/26/2023	7/27/2023						
Forestry (22-03)	Sediment Control During Timber-Harvesting Operations-Logger Certification Legislative	6/26/2023	7/27/2023						
Health (64-04)	Public Water Systems Operators Legislative	5/17/2023	6/16/2023						
Health (64-05)	Wastewater Systems and Operators Legislative	5/17/2023	6/16/2023						
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/5/2023	7/5/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-12)	Hospital Licensure Legislative	6/5/2023	7/5/2023						
Health (64-14) Sunset Provision	Assisted Living Facilities Legislative				2/16/2023				
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	5/17/2023	6/16/2023						
Health (64-30)	Fees for Permits Legislative	5/17/2023	6/16/2023						
Health (64-51)	Fees for Services Legislative	5/17/2023	6/16/2023						
Health (64-84)	Medical Examiner Requirements for Postmortem Inquires Legislative	5/17/2023	6/16/2023						
Health (64-91) Sunset Provision	Newborn Screening System Legislative				2/16/2023				
Health (64-116)	Distribution of Funds from Emergency Medical Services Salary Enhancement Fund Legislative	5/17/2023	6/16/2023	5/18/2023 Approved 5/18/2023					
Health (64-123, formerly 69-10)	West Virginia Clearance for Access: Registry and Employment Screening Legislative	6/9/2023	7/10/2023						
Health and Human Resources (69-08) Sunset Provision	Chronic Pain Management Clinic Licensure Legislative				2/16/2023				
Health and Human Resources (69-12) Sunset Provision	Medication Assisted Treatment-Office-Based Medication-Assisted Treatment Legislative				2/16/2023				
Health Care Authority (65-06) Sunset Provision	Cooperative Agreement Approval and Compliance Legislative				10/5/2022				
Health Care Authority (65-32)	Certificate of Need Legislative	5/17/2023	6/16/2023						

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-05)	Empolying and Evaluating Presidents Legislative	6/21/2023	7/21/2023						
Higher Education Policy Commission (133-06)	Higher Education Adult-Part Time Student (HEAPS) Grant Program Legislative	6/21/2023	7/21/2023						
Higher Education Policy Commission (133-07)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	6/21/2023	7/21/2023						
Higher Education Policy Commission (133-19)	Guidelines for College Courses for High School Students Legislative	6/21/2023	7/21/2023	6/21/2023 Approved 6/27/2023					
Higher Education Policy Commission (133-28)	WV Engineering, Science and Technology Scholarship Program Legislative	6/21/2023	7/21/2023						
Higher Education Policy Commission (133-42)	WV Higher Education Grant Program Legislative	6/21/2023	7/21/2023						
Higher Education Policy Commission (133-58)	Nursing Scholarship Program Legislative	6/21/2023	7/21/2023						
Highways (157-01)	Rules Relating Generally to Various Functions of the Commissioner of Highways Procedural	6/21/2023	7/21/2023						
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/22/2023	7/24/2023						
Highways (157-05)	Traffic and Safety Rules Legislative	6/15/2023	7/17/2023						
Human Services (67-01, formerly 69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/6/2023	7/6/2023						
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	5/30/2023	6/29/2023						
Insurance Comm. (114-27) Sunset Provision	Aids Regulations Legislative				3/29/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/2/2023	7/5/2023						
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	6/2/2023	7/5/2023						
Labor (42-08)	Minimum Wage, Maximum Hours, and Overtime Compensation Legislative	5/4/2023	6/5/2023		6/6/2023				
Labor (42-21A)	Licensing of Elevator Mechanics, Accessibility Technicians, and Limited Technicians and Registration of Elevator Mechanic Apprentices Legislative	6/23/2023	7/26/2023						
Massage Therapy Licensure Bd. (194-01)	General Provision Legislative	6/27/2023	7/27/2023						
Massage Therapy Licensure Bd. (194-04)	Schedule of Fees Legislative	6/28/2023	7/28/2023	6/27/2023 ERD by 8/8/2023					
Massage Therapy Licensure Bd. (194-07)	Establishment Licensure Legislative	6/28/2023	7/28/2023	6/27/2023 ERD by 8/8/2023					
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-01)	West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/21/2023	7/22/2023						
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/21/2023	7/21/2023						
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/21/2023	7/21/2023						
Medicine (11-12) Sunset Provision	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative				11/21/2022				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety and Training (56-01)	Procedure and Practice Before the Office of Miners' Health, Safety and Training Procedural	6/21/2023	7/21/2023						
Miners Health Safety and Training (56-02)	Rule Governing Safety Provisions for Clearing Crews Legislative	6/21/2023	7/21/2023						
Miners Health Safety and Training (56-04)	Rule Governing Protective Clothing and Equipment Legislative	6/21/2023	7/21/2023						
Miners Health Safety and Training (56-10)	Rule Governing Reporting Requirements for Independent Contractors Legislative	6/21/2023	7/21/2023						
Miners Health Safety and Training (56-12)	Rule Governing Assessing Health and Safety Violation Penalties Legislative	6/21/2023	7/21/2023						
Miners Health Safety and Training (56-13)	Drug Testing of Mine Inspectors and Mine Safety Inspectors Interpretive	6/21/2023	7/21/2023						
Miners Health Safety and Training (56-14)	Rule Pertaining to the Office of Miners' Health, Safety and Training Application Process for the WV Innovative Mine Safety Technology Tax Credit Act Legislative	6/21/2023	7/21/2023						
Miners Health Safety and Training (56-17)	Rule Governing Organization and Implementation Procedures for Control of Coal Dust, Rock Dust Standards Procedural	6/21/2023	7/21/2023						
Miners Health Safety and Training (56-18)	Rule for Governing the Program for the Sharing of Information Between Employers Legislative	6/21/2023	7/21/2023						
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/21/2023	7/21/2023						
Motor Vehicles (91-03)	Motor Vehicle Titling and Registration Legislative	6/23/2023	7/23/2023	6/27/2023 ERD by 8/8/2023					
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/23/2023	7/23/2023						
Motor Vehicles (91-10)	Handicapped Parking Permits Legislative	6/6/2023	7/7/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Multimodal Transportation Facilities (220-01)	Valuation of Used Rolling Stock and Equipment Legislative	6/28/2023	7/28/2023						
Natural Resources (58-11)	Hunting, Fishing, and Other Outfitters and Guides Legislative	6/26/2023	7/27/2023						
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/26/2023	7/27/2023						
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/26/2023	7/27/2023						
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/26/2023	7/26/2023	6/26/2023 ERD by 8/7/2023					
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	5/8/2023	6/8/2023		6/9/2023				
Optometry (14-01)	Rules of the WV Board of Optometry Legislative	6/28/2023	7/27/2023						
Optometry (14-06)	Interview Evaluation Legislative	6/28/2023	7/28/2023						
Optometry (14-10)	Continuing Education Legislative	6/27/2023	7/27/2023						
Optometry (14-11)	Injectable Pharmaceuticals by Injection Certificate Legislative	6/28/2023	7/28/2023						
Optometry (14-13)	Opthalmic Laser Utilization Certificate Legislative	6/28/2023	7/28/2023						
Optometry (14-14)	Eyelid Procedures Legislative	6/28/2023	7/27/2023						
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/26/2023	7/27/2023						
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/26/2023	7/27/2023						
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/28/2023	7/28/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-03)	Continuing Education for Licensure for Pharmacists Legislative	6/27/2023	7/27/2023						
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/27/2023	7/27/2023						
Pharmacy (15-12)	Immunizations Administered by Pharmacists, Pharmacy Interns, and Pharmacy Technicians Legislative	6/27/2023	7/27/2023	6/27/2023 Approved 6/29/2023					
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/29/2023	7/28/2023	6/27/2023 Approved 6/29/2023					
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/27/2023	7/27/2023	6/27/2023 Approved 6/29/2023					
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/7/2023	7/7/2023						
Psychologists (17-02)	Organization and Procedures of the Board of Examiners of Psychologistss Procedural	5/9/2023	6/12/2023		6/14/2023				
Psychologists (17-04)	Disciplinary and Complaint Procedures for Psychologists Legislative	6/15/2023	7/17/2023						
Psychologists (17-05)	Contested Case Hearing Procedure Legislative	6/15/2023	7/17/2023						
Public Energy Authority (53-05)	Rule to Petition the Public Energy Authority for Approval of Decommissioning or Deconstruction Activities Related to Any Coal, Oil, or Natural Gas Fueled Power Plant Legislative	6/23/2023	7/23/2023	6/14/2023 Approved 6/27/2023					
Public Service Commission (150-25)	Rules Governing Emergency Telephone Service Legislative Exempt	4/10/2023	6/9/2023						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/5/2023	7/6/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	6/12/2023	7/14/2023						
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/12/2023	7/14/2023						
Real Estate Commission (174-03)	Real Estate Courses, Course Providers and Instructors Legislative	6/13/2023	7/14/2023						
Registered Nurses, WV Board of (19-01)	Policies, Standards and Criteria for the Evaluation, Approval and National Nursing Accreditation of Prelicensure Nursing Education Programs Legislative	6/14/2023	7/14/2023	5/31/2023 Approved 6/27/2023					
Registered Nurses, WV Board of (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/14/2023	7/14/2023						
Registered Nurses, WV Board of (19-05)	Contested Case Hearing Procedure Procedural	6/14/2023	7/14/2023						
Registered Nurses, WV Board of (19-07)	Advanced Practice Registered Nurse Licensure Requirements Legislative	6/14/2023	7/14/2023						
Registered Nurses, WV Board of (19-12)	Fees for Services Rendered by the Board Legislative	6/14/2023	7/14/2023	5/31/2023 Approved 6/27/2023					
Respiratory Care (30-09)	Student Temporary Permit - Amended Legislative	4/28/2023	6/1/2023		6/8/2023				
Secondary School Activities Commission (127-01)	Constitution (WVSSAC Series 1) Legislative Exempt	5/11/2023	6/12/2023						
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility (WVSSAC Series 2) Legislative Exempt	5/11/2023	6/12/2023						

RULE MONITOR

AGENCY/SERIES-NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secondary School Activities Commission (127-03)	Provisions Governing Contests (WVSSAC Series 3) Legislative Exempt	5/11/2023	6/12/2023						
Secondary School Activities Commission (127-04)	Provisions Governing Conduct (WVSSAC Series 4) Legislative Exempt	5/11/2023	6/12/2023						
Secretary of State (153-14)	Guidelines fo the Use of Nicknames and Other Designations on the Ballot Legislative	6/28/2023	7/28/2023						
Secretary of State (153-25, repeal)	Combined Voter Registration and Driver Licensinig Fund Legislative	6/282023	7/28/2023						
Secretary of State (153-55)	Minimum Standards for Election Administration, Infrastructure, and Security Legislative	6/27/20223	7/27/2023						
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	6/16/2023	7/16/2023						
Speech Language Pathology and Audiology (29-02)	Rule Governing Speech-Language Pathology, Audiology and Hearing Aid Dealers Assistants Legislative	6/16/2023	7/16/2023						
Speech Language Pathology and Audiology (29-03)	Contested Case Hearing Procedure Procedural	6/16/2023	7/16/2023						
Speech Language Pathology and Audiology (29-04)	Disciplinary and Complaint Procedures for Speech-Language Pathology, Audiology and Hearing Aid Dealers Procedural	6/16/2023	7/16/2023						
Speech Language Pathology and Audiology (29-05)	WV Bd. Of Examiners for Speech-Lanuage Pathology, Audiology, or Hearing Aid Dealers Code of Ethics Legislative	6/16/2023	7/16/2023						
State Police (81-08)	WV State Police Member Grievance Procedure Legislative	6/23/2023	7/23/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
State Police (81-19)	Motor Vehicle Inspection Legislative	6/23/2023	7/23/2023						
Tax (110-15K) Sunset Provision	Aircraft Operated Under A Fractional Ownership Program Legislative				3/28/2023				
Tax (110-21B) Sunset Provision	Citizen Tax Credit for Property Taxes Paid Legislative				12/30/2022				
Tax (110-21G)	Income Tax Paid at the Entity Level by Electing Pass-Through Entities Legislative	6/8/2023	7/10/2023						
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/8/2023	7/10/2023						
Tax (110-49) Sunset Provision	Administration of Tax on Purchases of Wine and Liquor Legislative				12/30/2022				
Tax (110-99)	Privilege Tax on Sales of Hemp-Derived Cannabinoid and Kratom Products Legislative	6/8/2023	7/10/2023						
Tax Appeals (121-01)	Rules of Practice and Procedure Before the West Virginia Office of Tax Appeals Procedural	12/19/2022	1/23/2023					6/21/2023	7/21/2023
Treasurer (112-05)	Enforcement of the Unifrom Unclaimed Property Act Legislative	6/27/2023	7/27/2023						
Treasurer (112-20)	Jumpstart Savings Program Legislative	6/9/2023	7/10/2023						
Waste Mgmt. Division of Water and Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/12/2023	7/18/2023						
Water Resources Division of Water and Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/12/2023	7/18/2023						

FILED

2023 JUN 30 A 10: 35

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

EMERGENCY

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Community And Technical College Education

RULE: 135 CSR 19. Dual Enrollment Pilot Program

STATUTORY AUTHORITY: W. Va. Code § 18B-14-4

DATE FILED AS AN EMERGENCY RULE: 6/21/2023

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

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

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

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

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

Additional notes or comments (if any): This Emergency Rule is required to comply with HB 2005 (2023).

Donald Kersey, General Counsel
WV Secretary of State's Office

Orders Report

Docket Number	Agency	Respondent	Date Rendered
21-2-12269-P	Health Care Authority	Hospice of Huntington, Inc.	4/26/2023
21-2-12269-P	Health Care Authority	d/b/a Tri-State LifeCare	4/26/2023
22-6-12526-A/E	Health Care Authority	West Virginia University Hospiitals, Inc.	4/26/2023
22-3-12446-H	Health Care Authority	Boone Memorial Hospital, Inc.	4/26/2023
23-1-12665-P	Health Care Authority	Princeton Community Hospital	6/14/2023
23-8/9-12615-Z	Health Care Authority	West Virginia Home Health, LLC	6/14/2023
23-9-12710-X	Health Care Authority	Berkeley Medical Center	6/14/2023
23-5-12684-X	Health Care Authority	REM West Virginia	6/14/2023
23-3-12686-X	Health Care Authority	Synergy Health, Inc.	6/14/2023
22-10-12384-H	Health Care Authority	Orchard Park Hospital, LLC	5/24/2023
21-8-12167-P	Health Care Authority	Potomac Valley Hospital	6/14/2023
23-7-12659-X	Health Care Authority	Stonewall Jackson Memorial Hospital Company	4/26/2023
23-3-12667-P	Health Care Authority	Charleston Area Medical Center, Inc.	5/26/2023
23-3-12666-A	Health Care Authority	Charleston Area Medical Center, Inc.	5/26/2023
21-1-12385-A	Health Care Authority	West Virginia United Health Care System, Inc.	4/26/2023
21-1-12385-A	Health Care Authority	d/b/a West Virginia University Health System	4/26/2023
22-11-12490-P	Health Care Authority	Fayette Physician Network, Inc.	5/10/2023
23-6-12678-X	Health Care Authority	West Virginia University Hospital, Inc.	5/10/2023
23-2-12674-X	Health Care Authority	Logan Pediatrics, Inc.	5/10/2023
22-1-12444-H	Health Care Authority	Appalachian Regional Healthcare, Inc.	5/10/2023
22-1-12444-H	Health Care Authority	d/b/a Beckley ARH Hospital	5/10/2023
22-4-12592-P	Health Care Authority	Raleigh General Hospital	4/26/2023
23-3-12669-X	Health Care Authority	Boone Memorial Hospital	4/26/2023
23-12-12688-A	Health Care Authority	Option Care Health, Inc.	6/28/2023

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2023-07	A County School Superintendent asks whether he may accept payment from a private company that manufactures electric school buses for food, lodging, and travel expenses related to his service as a panel member at the company's conference.

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 2-23

By the Governor

EXCUTIVE ORDER

WHEREAS, West Virginia Code §11B-2-20(e) authorizes monies to be borrowed from the Revenue Shortfall Reserve Fund when revenues will be inadequate to make timely payments of the State's obligations, by and pursuant to executive order, to be repaid, without interest, and redeposited to the credit of the Fund within ninety days of such withdrawal; and

WHEREAS, the revenues the State is in receipt of at the very outset of the new fiscal year will be inadequate to make timely payments of the State's obligations, necessitating that monies must be borrowed from the Revenue Shortfall Reserve Fund; and

WHEREAS, the amount to be borrowed does not exceed the amount necessary to make timely payments of the State's obligations and the amount to be borrowed does not exceed one and one-half percent of the general revenue estimate for fiscal year Two Thousand Twenty-Four; and

WHEREAS, the exercise of this authority is necessary and appropriate to preserve the financial integrity of the State in furtherance of the best interests of its citizens; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me as Governor by the Constitution and the laws of this State, do hereby **ORDER** the transfer of Seventy Million Dollars ($70,00,000), on July 1, 2023, from the Revenue Shortfall Reserve Fund to the balance of the General Revenue Fund in order to make timely payments of the State's obligations.

[*Signature Page Follows*]

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 Thirtieth Day of June, in the Year of our Lord, Two Thousand Twenty-Three in the One Hundred Sixty-First Year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

FILED
WV SECRETARY OF STATE
JULY 05, 2023 08:36 AM

OTHER

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

July 5, 2023

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **June 30, 2023**.

LETTER OF INTENT RECEIVED

June 26, 2023- Stonewall Jackson Memorial Hospital Company d/b/a Stonewall Jackson Memorial Hospital, CON File #23-6-12724, for the development of an ambulatory health care facility at 215 West Main Street Bridgeport, Harrison County, West Virginia; capital expenditure, $16,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

June 26, 2023- Village Caregiving, LLC, Barboursville, Cabell County, West Virginia, CON File #23-12-12717-PC, to develop and provide In-Home Personal Care Services in Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming Counties, West Virginia; capital expenditure, $1,500.

PROJECTS EXEMPT FROM REVIEW

June 28, 2023- Mountain Care Network, LLC, CON File #23-3-12719-X, for the development of behavioral health services and office-based medication assisted treatment (OBMAT) services to be located at 1206 Quarrier Street, Charleston, Kanawha County, West Virginia.

June 28, 2023- Community Care of West Virginia, Inc., CON File #23-7-12716-X, for an additional location of the Federal Qualified Health Center/Licensed Behavioral Health Center to be located at 235 Skidmore Lane, Sutton, Braxton County, West Virginia.

June 28, 2023- Community Care of West Virginia, Inc., CON File #23-7-12685-X, for an additional location of the Federal Qualified Health Center/Licensed Behavioral Health Center to be located at 133 Staunton Drive, Weston, Lewis County, West Virginia.

June 28, 2023- WomenCare, Inc. d/b/a FamilyCare Health Centers, CON File #23-3-12718-X, for the acquisition of the operations of Thomas, Hunter, and Associates, which will cease operating a medical practice and will continue to operate a community health center that will provide office-based obstetrical and gynecological care located at 830 Pennsylvania Avenue, Suite 402, Charleston, Kanawha County, West Virginia.

CERTIFICATE OF NEED APPROVAL ISSUED

June 26, 2023- Princeton Community Hospital, Princeton, Mercer County, WV, CON File #23-1-12665-P, for the development of an ambulatory health care facility in Mercer County, WV. Capital Expenditure $108,000.00.

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

FILED
WV SECRETARY OF STATE
JULY 05, 2023 02:29 PM

OTHER

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

Jeffrey H. Coben, MD
Interim Cabinet Secretary

Stacy L. Pridemore
Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

July 5, 2023

NEWS ITEM

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

June 29, 2023 - West Virginia Home Health, LLC, CON File #23-8/9-12713-Z, to expand the services area from its existing home health agency from Berkeley and Jefferson Counties to Morgan, Hampshire and Mineral Counties in WV. Capital Expenditure $60,380.

June 29, 2023 - Village Caregiving, LLC, Con File #23-12-12717-PC, Danville, Boone County, West Virginia, CON File #23-2/3-12689-PC, to provide In-Home Personal Care Services in Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming Counties in WV. Capital Expenditure $1,500.

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 **June 30, 2023**

On or before **July 31, 2023**, 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.

If no public hearing is requested, the file closing date will be **August 4, 2023**. 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 project 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 Decision will be issued on or before **August 29, 2023.**

A press release will be issued after the Decision is made. Anyone wishing to be directly notified of the Decision should submit a written request to Timothy E. Adkins, Interim Director, Certificate of Need, West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311. 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.

July 5, 2023
Date

Timothy E. Adkins/ef
Timothy E Adkins, Interim Director
Certificate of Need
West Virginia Health Care Authority

FILED
WV SECRETARY OF STATE
JUNE 30, 2023 02:03 PM

Dave Hardy
Secretary of Revenue

STATE TAX DIVISION

Matthew Irby
State Tax Commissioner

OTHER

Notice of this determination will be filed in the West Virginia Register.

Issued: June 27, 2023

Matthew Irby
State Tax Commissioner

ADMINISTRATIVE NOTICE 2023-02

ADMINISTRATION OF WEST VIRGINIA TAX LAW WITH REFERENCE TO THE BALANCE IN THE OIL AND GAS ABANDONED WELL PLUGGING FUND AS OF JUNE 1, 2023, AND NOTIFICATION OF THE RATE OF TAX IMPOSED IN W. VA. CODE §11-13A-3A(B)(2) FOR TAXABLE YEAR 2024

The creation of the Oil and Gas Abandoned Well Plugging Fund is set forth in W. Va. Code §22-6-29a. This fund is to be used by the Secretary of the Department of Environmental Protection to plug abandoned oil and gas wells where there is no responsible operator, and to reclaim the property disturbed by the plugging.

After county and municipal distributions have been made in accordance with W. Va. Code §11-13A-5a, the remaining severance tax imposed in W. Va. Code §11-13A-3a(b)(2) is deposited into the Oil and Gas Abandoned Well Plugging Fund pursuant to W. Va. Code §11-13A-3a(e). This tax is imposed upon producers of all wells which produced either:

1. An average between 5,000 and 60,000 cubic feet of natural gas per day during the calendar year immediately preceding the first day of the taxable year, or,
2. An average between one-half and 10 barrels of oil per day during the calendar year immediately preceding the first day of the taxable year.

The severance tax imposed in W. Va. Code §11-13A-3a(b)(2) does not apply to horizontal wells targeting shale formations.

Pursuant to W. Va. Code §11-13A-3a(e), the State Tax Commissioner is required to issue an annual Administrative Notice by July 1 indicating the balance in the Oil and Gas Abandoned Well Plugging Fund as of the immediately preceding June 1. This subsection also provides that the rate of tax imposed in W. Va. Code §11-13A-3a(b)(2) changes from 2.5% to 0% of the gross value of the natural gas or oil produced for the following taxable year when the balance of the Oil and Gas Abandoned Well Plugging Fund equals or exceeds $6 million.

As of June 1, 2023, the balance in the Oil and Gas Abandoned Well Plugging Fund was $3,585,247.69. This amount is less than the threshold balance of $6 million, therefore the rate of tax imposed in W. Va. Code §11-13A-3a(b)(2) will be 2.5% of the gross value of gas or oil produced for taxable year 2024.

Tax Commissioner's Office, 1001 Lee Street, East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone (304) 558-0751
Fax (304) 558-8999

Dave Hardy
Secretary of Revenue

STATE TAX DIVISION

Matthew Irby
Tax Commissioner

FILED
2023 JUN 30 P 3:54
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

June 30, 2023

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Attached for filing in the State Register are tentative natural resources property valuation variable for the 2024 Tax Year that have been developed by the State Tax Department for use in determining the appraised value of coal, oil, natural gas, managed timberland and other natural resource properties for ad valorem tax purposes.

The State Tax Department will accept written public comments on all variables until August 1, 2023. Final valuation variables will be filed on or before September 1, 2023. Public comments concerning the variables should be forwarded to the following address:

West Virginia State Tax Department
Property Tax Division
Attention: Deanna Sheets
P.O. Box 2389
Charleston, WV 25328-2389

Sincerely,

Matthew R. Irby
State Tax Commissioner

Attachment

WV State Tax Division, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999