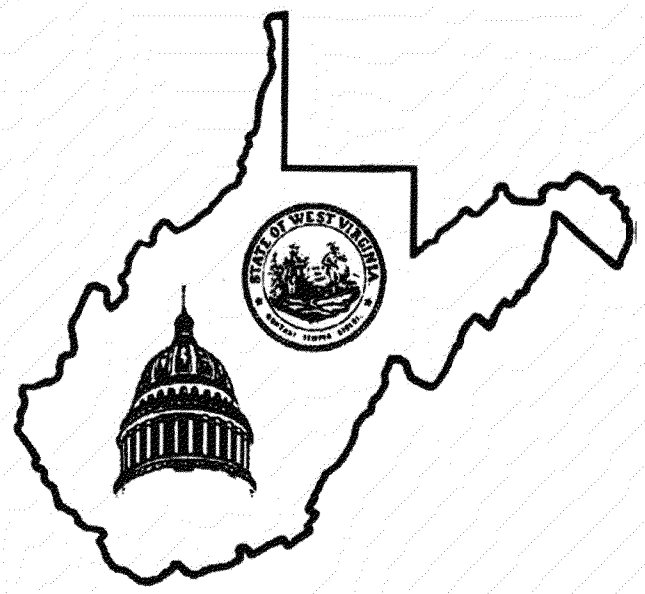

# WEST VIRGINIA REGISTER

**Published by the Office of the Secretary of State**


Volume XL

Issue 28

July 14, 2023

A Weekly Publication

Administrative Law Division



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**CONTENTS**


**Chronological Index**

**Rule Monitor**

**Notices**

a. **Legislative Rules**
b. **Interpretive Rules**
c. **Procedural Rules**
d. **Emergency Rules**
e. **LRMRC and LOCEA**

**Legislative Interims**

**Orders**

**Ethics Commission Opinions**

**Grievances Report**

**Office of Tax Appeal Decisions**

**Governor's Executive Orders**

**Attorney General Opinions**

**Other Documents or Information Filed**

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

Contractor Licensing Board

Education

Ethics Commission

Family Protection Services Board

Health

Health and Human Resources

Health Care Authority

Human Services

Insurance Commission

Motor Vehicles

Public Service Commission

Secondary School Activities Commission

Treasurer

**CHRONOLOGICAL INDEX, VOLUME XL ISSUE 28**

**RULES FILED FOR PUBLIC COMMENT THIS WEEK**

| AGENCY | RULE/TYPE | AUTHORITY | HEARING/COMMENT PERIOD/LOCATION |
|---|---|---|---|
| Education<br>(126-142) | Performance Evaluation of Professional Personnel and Athletic Coaches<br>Legislative Exempt | §§29A-3B-1, et seq | Written Comments Only:<br>August 14, 2023, 4:00pm<br>Margaret Williamson<br>WVDE School Improvement<br>Capitol Bldg. 6, Suite 500<br>1900 Kanawha Blvd., E.<br>Charleston, WV 25305<br>mgwillia@k12.wv.us |

**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 |
| TITLE | 16 | PHYSICAL THERAPY |
| TITLE | 17 | PSYCHOLOGISTS |
| TITLE | 19 | REGISTERED 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 | 53 | PUBLIC ENERGY AUTHORITY |
| 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 | 71 | HEALTH FACILITIES |
| 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 | 103 | FIRE MARSHAL |
| TITLE | 110 | TAX DEPARTMENT |
| TITLE | 112 | TREASURER |
| TITLE | 114 | INSURANCE COMMISSION |
| TITLE | 126 | EDUCATION |
| TITLE | 127 | SECONDARY SCHOOLS ACTIVITIES COMMISSION |
| TITLE | 133 | HIGHER EDUCATION POLICY COMMISSION |
| TITLE | 135 | COMMUNITY AND TECHNICAL COLLEGE EDUCATION |
| TITLE | 143 | PERSONNEL |
| TITLE | 144 | TOURISM |
| TITLE | 145 | DEVELOPMENT OFFICE |
| TITLE | 146 | STATE ELECTION COMMISSION |
| TITLE | 148 | ADMINISTRATION |
| TITLE | 149 | CRIME, DELINQUENCY AND CORRECTIONS |
| TITLE | 150 | PUBLIC SERVICE COMMISSION |
| TITLE | 153 | SECRETARY OF STATE |
| TITLE | 155 | AUDITOR |
| TITLE | 157 | HIGWAYS |
| TITLE | 164 | SCHOOL BUILDING AUTHORITY |
| TITLE | 174 | REAL ESTATE COMMISSION |
| TITLE | 175 | ALCOHOL BEVERAGE CONTROL COMMISSION |
| TITLE | 176 | ALCOHOL BEVERAGE CONTROL COMMISSION - BEER |
| TITLE | 177 | ATHLETIC COMMISSION |
| TITLE | 178 | RACING COMMISSION |
| TITLE | 179 | LOTTERY COMMISSION |
| TITLE | 190 | REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD |
| 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 | | | | | 7/10/2023 | 8/10/2023 |
| 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 | | | | | 7/12/2023 | 7/1/2024 |
| Education (126-142) | Performance Evaluation of Professional Personnel and Athletic Coaches Legislative Exempt | 7/12/2023 | 8/14/2023 | | | | | | |
| Education (126-161) | Regulations for Alternative Certification Programs for the Education of Teachers (Policy 5901) Legislative Exempt | 5/11/2023 | 6/12/2023 | | | | | 7/12/2023 | 8/14/2023 |
| Education (126-176) | School Closings or Consolidations (Policy 6204) Legislative Exempt | 5/11/2023 | 6/12/2023 | | | | | 7/12/2023 | 8/14/2023 |
| 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 | | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Ethics Commission (158-12) | Lobbying Legislative | 5/16/2023 | 6/16/2023 | | 7/7/2023 | | | | |
| Family Protection Services Board (191-02) | Domestic Violence Program Licensure Standards Legislative | 5/30/2023 | 6/29/2023 | | 7/13/2023 | | | | |
| 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 | | 7/13/2023 | | | | |
| Health (64-05) | Wastewater Systems and Operators Legislative | 5/17/2023 | 6/16/2023 | | 7/13/2023 | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Health (64-11) | Behavioral Health Centers Licensure Legislative | 6/5/2023 | 7/5/2023 | | 7/13/2023 | | | | |
| Health (64-12) | Hospital Licensure Legislative | 6/5/2023 | 7/5/2023 | | 7/13/2023 | | | | |
| 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 | | 7/13/2023 | | | | |
| 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 | | 7/13/2023 | | | | |
| Health (64-84) | Medical Examiner Requirements for Postmortem Inquires Legislative | 5/17/2023 | 6/16/2023 | | 7/13/2023 | | | | |
| 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 | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Health Care Authority (65-32) | Certificate of Need Legislative | 5/17/2023 | 6/16/2023 | | | | | | |
| 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 | | 7/13/2023 | | | | |

RULE MONITOR

| AGENCY/SERIES NUMBER | RULE | NOTICE | HEARING | EMER RULE | AGENCY APPROVED | LRMRC/LOCEA ACTION | LEGIS | FINAL FILE | EFFECTIVE |
|---|---|---|---|---|---|---|---|---|---|
| Insurance Comm. (114-27) Sunset Provision | Aids Regulations Legislative | | | | 3/29/2023 | | | | |
| Insurance Comm. (114-100) | Health Benefit Plan Network Access and Adequacy Legislative | 6/2/2023 | 7/5/2023 | | 7/12/2023 | | | | |
| Insurance Comm. (114-103) | Bail Bondsmen in Criminal Cases Legislative | 6/2/2023 | 7/5/2023 | | 7/11/2023 | | | | |
| 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 | | 7/13/2023 | | | | |

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 | 7/15/2023 |
| 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 | | | | | 7/12/2023 | 9/11/2023 |
| 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<br>Legislative | 6/12/2023 | 7/14/2023 | | | | | | |
| Real Estate Commission (174-02) | Schedule of Fees<br>Legislative | 6/12/2023 | 7/14/2023 | | | | | | |
| Real Estate Commission (174-03) | Real Estate Courses, Course Providers and Instructors<br>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<br>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<br>Legislative | 6/14/2023 | 7/14/2023 | | | | | | |
| Registered Nurses, WV Board of (19-05) | Contested Case Hearing Procedure<br>Procedural | 6/14/2023 | 7/14/2023 | | | | | | |
| Registered Nurses, WV Board of (19-07) | Advanced Practice Registered Nurse Licensure Requirements<br>Legislative | 6/14/2023 | 7/14/2023 | | | | | | |
| Registered Nurses, WV Board of (19-12) | Fees for Services Rendered by the Board<br>Legislative | 6/14/2023 | 7/14/2023 | 5/31/2023 Approved 6/27/2023 | | | | | |
| Respiratory Care (30-09) | Student Temporary Permit - Amended<br>Legislative | 4/28/2023 | 6/1/2023 | | 6/8/2023 | | | | |
| Secondary School Activities Commission (127-01) | Constitution (WVSSAC Series 1)<br>Legislative Exempt | 5/11/2023 | 6/12/2023 | | | | | 7/12/2023 | 9/11/2023 |
| Secondary School Activities Commission (127-02) | Athletics, Provisions Governing Eligibility (WVSSAC Series 2)<br>Legislative Exempt | 5/11/2023 | 6/12/2023 | | | | | 7/12/2023 | 9/11/2023 |

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 | | | | | 7/12/2023 | 9/11/2023 |
| Secondary School Activities Commission (127-04) | Provisions Governing Conduct (WVSSAC Series 4) Legislative Exempt | 5/11/2023 | 6/12/2023 | | | | | 7/12/2023 | 9/11/2023 |
| 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 | | 7/13/2023 | | | | |
| 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 | | | | | | |

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/12/2023 1:03 PM
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# Legislative

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

AGENCY: Education

TITLE-SERIES: 126-044BB

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: West Virginia College- and Career-Readiness Standards for Mathematics (2520.2B)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

July 1, 2024

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

**Yes**

**Stephanie Abraham -- 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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## NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-142

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Performance Evaluation of Professional Personnel and Athletic Coaches

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/14/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Margaret Williamson

ADDRESS: WVDE School Improvement, Capitol Bldg. 6, Suite 500

1900 Kanawha Blvd., E, Charleston, WV 25305

EMAIL: mgwillia@k12.wv.us

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)

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7/12/2023 1:23 PM

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# Legislative

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

AGENCY: Education

TITLE-SERIES: 126-161

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Regulations for Alternative Certification Programs for the Education of Teachers (5901)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

August 14, 2023

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

**Yes**

**Stephanie Abraham -- 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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7/12/2023 1:31 PM

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

AGENCY: Education

TITLE-SERIES: 126-176

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: School Closings or Consolidations (6204)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

August 14, 2023

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

**Yes**

**Stephanie Abraham -- 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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7/7/2023 11:05:47 AM

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# Legislative

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

AGENCY: Ethics Commission TITLE-SERIES: 158-12

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

RULE NAME: 158-12 Lobbying

PRIMARY CONTACT

NAME: WV Ethics Commission Attn Theresa M Kirk

ADDRESS: 210 Brooks Street
Suite 300
Charleston, WestVirginia 25301

EMAIL: theresa.m.kirk@wv.gov

PHONE NUMBER: 304-558-0664

CITE STATUTORY AUTHORITY: W. Va. Code §§ 6B-3-1, 6B-3-2, 6B-3-3, 6B-3-3a, 6B-3-3c, 6B-3-4, 6B-3-5, 6B-3-6, 6B-3-7, 6B-3-9, and 6B-3-11.

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:

W. Va. Code § 6B-2-2 states: The Commission shall propose rules for promulgation in accordance with the provisions of chapter twenty-nine-a of this code to carry out the purposes of this article. The Ethics Act requires the Ethics Commission to prescribe by Legislative Rule the information to be included in a lobbyist registration statement. W. Va. Code § 6B-3-2. W. Va. Code § 6B-3-3c authorizes the Commission to establish fees to charge for persons attending training courses provided by the Commission. Note: The proposed amended Rule does not change the fee language in the existing Rule, section 8.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/16/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/16/2023

COMMENTS RECEIVED: No

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

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MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/13/2023 2:34:23 PM

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

AGENCY: Family Protection Services Board TITLE-SERIES: 191-02

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

RULE NAME: Domestic Violence Program Licensure Standards

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 48-26-403

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:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/30/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/29/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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# Legislative

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

AGENCY: Health TITLE-SERIES: 64-04

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

RULE NAME: 64-04 Public Water Systems Operators

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-1-4

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

16-1-9a mandates the Commissioner of the Bureau for Public Health regulate public water systems as prescribed in that section.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/17/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/16/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING:

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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

AGENCY: Health TITLE-SERIES: 64-05

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

RULE NAME: Wastewater Systems and Operators

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-1-4

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:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/17/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/16/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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Legislative

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

AGENCY: Health TITLE-SERIES: 64-11

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

RULE NAME: Behavioral Health Centers Licensure

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 27-9-1

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:

27-17-1, 27-1A-4, 27-1A-6, 27-1A-7

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/5/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
7/13/2023 12:23:55 PM

Office of West Virginia
Secretary Of State

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

AGENCY: Health TITLE-SERIES: 64-12

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

RULE NAME: Hospital Licensure

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-5B-8

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

The Department of health shall have the power to promulgate rules and regulations and the Secretary shall have the power to enforce such rules and regulations, as the Department may establish, not in conflict with any provision of Article 5B of Chapter 16, as it finds necessary, or in the public interest, in order to protect patients in institutions required to be licensed under Article 5B from detrimental practices and conditions, or to ensure adequate provision for their accommodations and care.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/5/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/13/2023 1:48:12 PM
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Secretary Of State

Legislative

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

AGENCY: Health TITLE-SERIES: 64-15

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

RULE NAME: Cross-Connection Control and Backflow Prevention

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-1-4

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

16-1-9a

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/17/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/16/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/13/2023 3:07:09 PM
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Secretary Of State

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

AGENCY: Health TITLE-SERIES: 64-51

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

RULE NAME: Fees for Services

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-1-4

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:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/17/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/16/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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7/13/2023 1:02:19 PM

Office of West Virginia
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**Legislative**

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

AGENCY: Health TITLE-SERIES: 64-84

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

RULE NAME: Medical Examiner Requirements for Postmortem Inquiries

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 61-12-3(g)

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:

61-16-3(f)

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/17/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/16/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

# WEST VIRGINIA
## SECRETARY OF STATE
### MAC WARNER
## ADMINISTRATIVE LAW DIVISION
INCOME MAINTENANCE MANUAL CHANGE FORM

Please Stamp Filing Date
FILED
2023 JUL -7 A 11:20
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

## NOTICE OF FILING CHANGES TO PUBLIC ASSISTANCE MANUAL WITH THE SECRETARY OF STATE

| | | | |
|---|---|---|---|
| **AGENCY:** | **West Virginia Department of Health and Human Resources** | **BUREAU:** | **Family Assistance** |
| **TITLE OF MANUAL TO WHICH POLICY IS BEING FILED:** | **Income Maintenance Manual** | | |
| **STATE RULE:** | **FEDERAL RULE:** | **EFFECTIVE DATE:** | **7/1/2023** |
| **CHANGE NUMBER:** | **838** | | |
| **CHAPTERS/SECTIONS EFFECTED:** | **1, 4, 6, 9, 12, 18, 21, 24, 26 & AFG** | | |

**SEE DW-17 FORM FOR SPECIFIC CHANGES / MODIFICATIONS**

**REASON FOR MANUAL CHANGE:**

**The purpose of this change:** The WV WORKS Coaching Conversation Guide (DFA-WVW-CCG-1) is being archived.

The Self-Sufficiency Appraisal Addendum and Coaching Guide (DFA-WVW-CCG-2) has been created. The Case Manager must review the most recent DFA-WVW-CCG-1 with the participant when completing the initial DFA-WVW-CCG-2.

The Self-Sufficiency Appraisal, DFA-WVW-3a, has been updated and will be required to be completed at the initial home visit within 30 days of the date of application and at reviews. An applicant for these purposes means any individual who has not received WV WORKS for a full calendar month.

The Self-Sufficiency Appraisal Addendum and Coaching Guide, DFA-WVW-CCG-2 will be reviewed and updated at subsequent home visits, site visits, case staffing's, and after any reported changes.

The Personal Responsibility Contract (PRC) has been updated and will include the Initial Self-Sufficiency Plan (SSP) to reduce the number of

signatures required. It is recommended that the Case Manager include the date and time of the initial home visit along with any barrier removal activities on the Initial SSP. Ongoing cases would continue to follow 1.5.22.C.

The Referral Form for Accommodations for the Disabled, DFA-ADA-1, and Follow-Up to DFA-ADA-1, DFA-ADA-1a, are being archived. The Case Manager must still complete a DFA-ADA-1a for any DFA-ADA-1 which was completed before June 30, 2023. The DFA-ADARA-1 (Family Assistance Reasonable Accommodations Report Form) is replacing these forms.

The annual change to update the minimum Spousal Maintenance Standard (SMS), the maximum Family Maintenance Allowance (FMA), and the Community Spouse Housing Allowance to the amounts effective July 1, 2023.

This clarification is being made to ensure Title XIX Medicaid Waiver Payments are excluded for all MAGI Income Groups in accordance with IRS Notice 2014-7 issued on January 21, 2014 when Medicaid Waiver Payments made to an applicant living in the home full-time with the waiver client.

**THIS IS PART OF AN EXISTING LEGISLATIVE RULE**

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The above policy is hereby filed as an incorporated portion of an existing legislative rule.

Monica Hamilton
Authorized Signature

**CONTACT:**
Office of the Secretary
West Virginia Department of Health and Human Resources
State Capitol Complex, Building 3, Room 206
Charleston, West Virginia 25305
304.558.7899 Telephone

FILED
2023 JUL -7 A 11:20
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Revision 07/07

**Legislative**

**WEST VIRGINIA SECRETARY OF STATE**
**MAC WARNER**
**ADMINISTRATIVE LAW DIVISION**

**eFILED**
7/13/2023 1:06:58 PM
Office of West Virginia Secretary Of State

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

AGENCY: Human Services TITLE-SERIES: 78-27

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

RULE NAME: Procedure to Contest the Substantiation of Child Abuse or Neglect

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 29A-5-1

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:

49-4-601b

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/30/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/29/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
7/12/2023 12:18:00 PM
Office of West Virginia
Secretary Of State

Legislative

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

AGENCY: Insurance Commission TITLE-SERIES: 114-100

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

RULE NAME: 114-100 Health Benefit Plan Network Access and Adequacy

PRIMARY CONTACT

NAME: Erin K Hunter

ADDRESS: 900 Pennsylvania Ave 9th Floor

Charleston, WV 25302

EMAIL: erin.k.hunter@wv.gov

PHONE NUMBER: 304-414-8487

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10 and 33-55-9

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:

W.Va. Code 33-55-9 provides that the Insurance Commissioner shall propose a rule for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the provisions of the Health Benefit Plan Network Adequacy and Access Act. This rule, which was initially effective in 2021,provides insurance carriers offering health benefit plans with standards and guidance regarding network access plan filings and provider directories. These standards shall serve as the measurable criteria used by the Commissioner to evaluate the adequacy of carrier network access plan filings and provider directories.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/2/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/5/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/11/2023 3:47:56 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Insurance Commission TITLE-SERIES: 114-103

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

RULE NAME: 114-103 Bail Bondsmen in Criminal Cases

PRIMARY CONTACT

NAME: Erin K Hunter

ADDRESS: 900 Pennsylvania Ave 9th Floor

Charleston, WV 25302

EMAIL: erin.k.hunter@wv.gov

PHONE NUMBER: 304-414-8487

CITE STATUTORY AUTHORITY: W.Va. Code 33-2-10, 51-10-8

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

W.Va. Code 51-10-8 requires the Insurance Commissioner to promulgate and propose legislative rules for promulgation to carry out the intent, administration, and enforcement of Article 10, Chapter 51 of the West Virginia Code regarding bail bondsmen. The commissioner is authorized to promulgate any emergency rules necessary to carry out the intent, administration, and enforcement of that article. The code further provides that the commissioner shall develop all forms, contracts, or other documents to be used for the purposes outlined Article 10, Chapter 51 of the West Virginia Code and that the rules required shall specify the qualifications that a person must have when applying to be a bondsman, and the terms and conditions upon which the bonding business may be conducted. Further, in promulgating and proposing rules required, and in granting a license to a person to engage in the bonding business, the Commissioner shall take into consideration both the financial responsibility and the moral qualities of the person applying, and a person who has been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character shall not be licensed. Accordingly, the proposed rule sets forth licensing requirements and qualifications for criminal bail bondsmen, provides a process for licensure applications and renewals, as well as competency testing for new applicants effective July 1, 2024, sets forth prohibited activities of bail bondsmen, provides a systems for license suspensions and revocations, provides for receipts, recordkeeping, cash securities held in trust, and reporting requirements of bail bondsmen to the Insurance Commissioner, sets forth penalties for violations of law, provides for financial responsibility standards, and sets for standards for discontinuances of business under various circumstances such as death, bankruptcy, and loss of licensure.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/13/2023 11:44:28 AM
Office of West Virginia
Secretary Of State

Legislative

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

AGENCY: Motor Vehicles TITLE-SERIES: 91-10

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

RULE NAME: 91-10 Handicapped Parking Permits

PRIMARY CONTACT

NAME: Adam Holley

ADDRESS: PO Box 17200

Charleston, WV 25314

EMAIL: adam.holley@wv.gov

PHONE NUMBER: 304-926-0708

CITE STATUTORY AUTHORITY: 17A-2-9 & 17C-13-6(r)

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:

The rule establishes procedures for issuance of handicapped parking permits for persons with disabilities in accordance with WV Code 17C-13-6.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/6/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/6/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
7/12/2023 1:50 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Public Service Commission TITLE-SERIES: 150-25

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

RULE NAME: Rules Governing Emergency Wireless Telephone Service

CITE STATUTORY AUTHORITY: 24-1-1, 24-1-7, 24-2-1, 24-2-2, 24-6-6b, and 24-6-11

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

September 11, 2023

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

**Yes**

**Jane Neal -- 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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7/12/2023 1:44 PM
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Legislative

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

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-01

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

RULE NAME: Constitution (Series 1)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

September 11, 2023

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

**Yes**
**Stephanie Abraham -- 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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7/12/2023 1:58 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-02

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

RULE NAME: Athletics, Provisions Governing Eligibility (Series 2)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

September 11, 2023

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

**Yes**
**Stephanie Abraham -- 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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7/12/2023 2:08 PM
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Legislative

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

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-03

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

RULE NAME: Provisions Governing Contests (Series 3)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

September 11, 2023

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

**Yes**

**Stephanie Abraham -- 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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7/12/2023 2:33 PM
Office of West Virginia
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## NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-04

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

RULE NAME: Provisions Governing Conduct (Series 4)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

September 11, 2023

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

**Yes**

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

**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**
7/13/2023 11:51:18 AM

Office of West Virginia
Secretary Of State

**Legislative**

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

AGENCY: Treasurer TITLE-SERIES: 112-20

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

RULE NAME: 112-20 Jumpstart Savings Program

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

CITE STATUTORY AUTHORITY: §18-30A-6

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:

West Virginia Code §18-30A-6 authorizes the Jumpstart Savings Board to propose legislative rules in accordance with §29A-3-1 et seq. to implement and administer the Jumpstart Savings Program.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/9/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**
7/10/2023 11:40 AM
Office of West Virginia
Secretary Of State

**Procedural**

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

AGENCY: Contractor Licensing Board TITLE-SERIES: 28-01

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

RULE NAME: Board Organization and Meeting Procedures, Hearing Procedures

CITE STATUTORY AUTHORITY: §30-1-8; §30-42-5; §29A-3-3; and §29A-5-1 et seq.

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

August 10, 2023

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

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

# Orders Report

| Docket Number | Agency | Respondent | Date Rendered |
|---|---|---|---|

NO ORDERS FILED THIS WEEK

7/14/2023 8:35:51 AM

| WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS | |
|---|---|
| **NO.** | **OPINION SOUGHT** |
| 2023-06 | A State Director asks whether he may continue being employed as an attorney by a private law firm in an of counsel position. |

FILED
WV SECRETARY OF STATE
JULY 13, 2023 08:52 AM

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

Other

July 10, 2023

## *LEGAL NOTICE*

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **July 7, 2023**.

**LETTER OF INTENT RECEIVED**

July 6, 2023- United Physicians Care, Inc, CON File #23-6-12731-P, for the development of an ambulatory health care facility through the relocation of cardiology services to an off campus location in Bridgeport, Harrison County, West Virginia; capital expenditure, $104,000.

**CERTIFICATE OF NEED APPLICATION RECEIVED**

July 5, 2023- Summersville Regional Medical Center, CON File #23-4-12721-P, for the development of an ambulatory health care facility in Nicholas County, West Virginia through the acquisition of a physician practice; capital expenditure, $123,000.

July 6, 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.

**APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW**

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

**EXPEDITED APPLICATIONS**

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, Barboursville, Cabell County, West Virginia, 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.

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

Jun 30, 2023 – Review cycle begins;

July 31, 2023 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

August 4, 2023 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

August 29, 2023 – Decision on the project will be issued by the Authority.

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