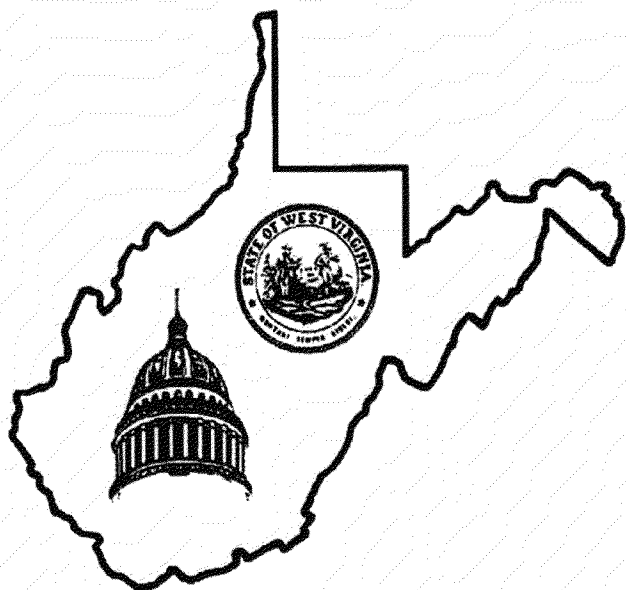




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Administrative Law Division

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

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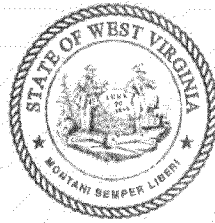
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RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Crime Delinquency and Correction (149-11)	Sexual Assault Forensic Examinations Legislative	§15-9B-4	Written Comments Only: September 8, 2023m 9:00am Brandolyn N Felton-Ernest 1900 Kanawha Blvd., E. Building 1, Room W-400 Charleston, WV 25305 brandolyn.feltonernest@wv.gov
Education (126-030)	Tiered System of Support for Early Literacy and Numeracy (2512) Legislative Exempt	§§29-A-3B-1, et seq.,	Written Comments Only: September 11, 2023 Derek Lambert, Ed. D. WVDE Office of PK-12 Academic Support Capitol Bldg. 6, Suite 500 1900 Kanawha Blvd. E. Charleston, WV 25305 drlambert@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

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
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	HIGHWAYS
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		7/24/2023	Approved 8/9/2023			
Acupuncture (32-03)	Application for Licensure to Practice Acupunture Legislative	6/28/2023	7/28/2023		7/28/2023				
Administration (148-03) Sunset Provision	State Owned Vehicles Legislative				10/25/2022	Approved 8/7/2023			
Agriculture (61-04B)	Frozen Desserts and Limitation Frozen Desserts Legislative	6/28/2023	7/28/2023		7/28/2023				
Agriculture (61-12A)	Certified Pesticide Applicator Rules Legislative	6/28/2023	7/28/2023		7/28/2023				
Agriculture (61-12B)	Licensing of Pesticide Business Legislative	6/28/2023	7/28/2023		7/28/2023				
Agriculture (61-23B)	WV Shellfish Legislative	6/28/2023	7/28/2023		7/28/2023				
Agriculture (61-30)	Hemp Products Legislative	6/28/2023	7/28/2023	6/28/2023 Effective 8/9/2023	7/28/2023				
Agriculture (61-37) Sunset Provision	Agritourism Legislative				12/15/2022	Approved 8/7/2023			
Air Quality (45-01)	Alternative Emission Limitations During Startup and Shutdown Operations Legislative	5/31/2023	7/6/2023		7/28/2023				
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		7/28/2023				
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	5/31/2023	7/6/2023		7/28/2023				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		7/28/2023				
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	5/31/2023	7/6/2023		7/28/2023				
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	5/31/2023	7/6/2023		7/28/2023				
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/31/2023	7/6/2023		7/28/2023				
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	5/31/2023	7/6/2023		7/28/2023				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	5/31/2023	7/6/2023		7/28/2023				
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	5/31/2023	7/6/2023		7/28/2023				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/31/2023	7/6/2023		7/28/2023				
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		7/28/2023				
Auditor (155-11)	Rules for Electronic Filing of Legal Notices for State Agencies Procedural	6/14/2023	7/14/2023				7/26/2023		9/1/2023
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	Modified & Approved 8/7/2023			

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
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	Modified & Approved 8/7/2023		
Barbers and Cosmetologists (3-16)	Cosmetology Apprenticeship Legislative	4/10/2023	5/31/2023		6/14/2023	Modified & Approved 8/7/2023		
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		7/26/2023			
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	7/26/2023			
Community and Technical College Education (135-20)	Initial Authorization of Degree-Granting Institutions Legislative	6/21/2023	7/24/2023		7/26/2023			
Community and Technical College Education (135-32)	Tuition and Fees Legislative	6/21/2023	7/24/2023		7/26/2023			
Community and Technical College Education (135-49, repeal)	Accountability System Legislative	6/21/2023	7/24/2023		7/26/2023			
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		7/26/2023			
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/26/2023	7/26/2023		7/27/2023			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Crime Delinquency and Correction (149-11)	Sexual Assault Forensic Examinations Legislative	8/8/2023	9/8/2023						
Dentistry (5-10)	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative	4/19/2023	5/22/2023		7/25/2023				
Dietitians (31-01)	Licensure And Renewal Requirements Legislative	3/14/2023	4/14/2023		4/25/2023	Modified & Approved 8/7/2023			
Dietitians (31-05)	Continuing Professional Education Requirements Legislative	3/14/2023	4/14/2023		4/25/2023	Modified & Approved 8/7/2023			
Dietitians (31-07)	Telehealth Practice; Requirements; Definitions Legislative	6/21/2023	7/21/2023		7/28/2023	Approved 8/7/2023			
Economic Development, WV Dept. of (145-19)	Rule Governing the Operations of Motorsports Complexes and Events Legislative	6/28/2023	7/28/2023		7/28/2023				
Education (126-030)	Tiered System of Support for Early Literacy and Numeracy (2512) Legislative Exempt	8/9/2023	9/11/2023						
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 (Policy 5310) 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		7/28/2023				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Election Commission (146-03)	Regulation of Campaign Finance Legislative	7/27/2023	8/28/2023						
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		7/28/2023				
Emergency Management (170-02)	Industrial Accident Rapid Response Rule Legislative	6/26/2023	7/26/2023		7/27/2023				
Environmental Protection Secretary'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	7/28/2023				
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		7/28/2023				
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/23/2023	7/24/2023		7/26/2023				
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/23/2023	7/24/2023		7/26/2023				
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/23/2023	7/24/2023		7/26/2023				
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/23/2023	7/24/2023		7/27/2023				
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/23/2023	7/24/2023		7/27/2023				
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		7/27/2023				
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/23/2023	7/24/2023		7/27/2023				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Forestry (22-02)	Sediment Control During Commercial Timber-Harvesting Operations-Licensing Legislative	6/26/2023	7/27/2023		7/27/2023				
Forestry (22-03)	Sediment Control During Timber- Harvesting Operations-Logger Certification Legislative	6/26/2023	7/27/2023		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				
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	Modified & Approved 8/7/2023			
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		7/21/2023				
Health (64-51)	Fees for Services Legislative	5/17/2023	6/16/2023		7/21/2023				
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	Modified & Approved 8/7/2023			
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	7/18/2023				
Health (64-123, formerly 69-10)	West Virginia Clearance for Access: Registry and Employment Screening Legislative	6/9/2023	7/10/2023		7/19/2023				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health and Human Resources (69-08) Sunset Provision	Chronic Pain Management Clinic Licensure Legislative				2/16/2023	Modified & Approved 8/7/2023			
Health and Human Resources (69-12) Sunset Provision	Medication Assisted Treatment-Office-Based Medication-Assisted Treatment Legislative				2/16/2023	Modified & Approved 8/7/2023			
Health Care Authority (65-06) Sunset Provision	Cooperative Agreement Approval and Compliance Legislative				10/5/2022	Approved 8/7/2023			
Health Care Authority (65-32)	Certificate of Need Legislative	5/17/2023	6/16/2023		7/21/2023				
Higher Education Policy Commission (133-05)	Empolying and Evaluating Presidents Legislative	6/21/2023	7/21/2023		7/25/2023				
Higher Education Policy Commission (133-06)	Higher Education Adult-Part Time Student (HEAPS) Grant Program Legislative	6/21/2023	7/21/2023		7/24/2023				
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		7/26/2023				
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	7/28/2023				
Higher Education Policy Commission (133-28)	WV Engineering, Science and Technology Scholarship Program Legislative	6/21/2023	7/21/2023		7/24/2023				
Higher Education Policy Commission (133-42)	WV Higher Education Grant Program Legislative	6/21/2023	7/21/2023		7/24/2023				
Higher Education Policy Commission (133-58)	Nursing Scholarship Program Legislative	6/21/2023	7/21/2023		7/24/2023				
Highways (157-01)	Rules Relating Generally to Various Functions of the Commissioner of Highways Procedural	6/21/2023	7/21/2023				7/26/2023		8/28/2023

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/22/2023	7/24/2023		7/31/2023			
Highways (157-05)	Traffic and Safety Rules Legislative	6/15/2023	7/17/2023		7/26/2023			
Human Services (67-01, formerly 69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/6/2023	7/6/2023		7/18/2023			
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	5/30/2023	6/29/2023		7/13/2023			
Insurance Comm. (114-27) Sunset Provision	Aids Regulations Legislative				3/29/2023	Approved 8/7/2023		
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		7/27/2023			
Massage Therapy Licensure Bd. (194-01)	General Provision Legislative	6/27/2023	7/27/2023		7/28/2023			
Massage Therapy Licensure Bd. (194-04)	Schedule of Fees Legislative	6/28/2023	7/28/2023	6/27/2023 Effective 8/8/2023	7/28/2023			
Massage Therapy Licensure Bd. (194-07)	Establishment Licensure Legislative	6/28/2023	7/28/2023	6/27/2023 Effective 8/8/2023	7/28/2023			
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		7/24/2023			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/21/2023	7/21/2023		7/27/2023				
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/21/2023	7/21/2023		7/27/2023				
Medicine (11-12) Sunset Provision	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative				11/21/2022	Approved 8/7/2023			
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					7/27/2023	8/31/2023
Miners Health Safety and Training (56-02)	Rule Governing Safety Provisions for Clearing Crews Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-04)	Rule Governing Protective Clothing and Equipment Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-10)	Rule Governing Reporting Requirements for Independent Contractors Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-12)	Rule Governing Assessing Health and Safety Violation Penalties Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-13)	Drug Testing of Mine Inspectors and Mine Safety Inspectors Interpretive	6/21/2023	7/21/2023					7/27/2023	8/31/2023
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		7/27/2023				
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					7/27/2023	8/31/2023

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety and Training (56-18)	Rule for Governing the Program for the Sharing of Information Between Employers Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-23)	Operating Diesel Equipment in Underground Mines in WV Legislative				7/27/2023	Approved 8/7/2023			
Sunset Provision									
Miner Training Education and Certification (48-09)	Duties and Standards for Certification of Underground Outby Mine Examiners for Coal Mines Legislative Exempt	7/28/2023	8/30/2023						
Motor Vehicles (91-03)	Motor Vehicle Tinting and Registration Legislative	6/23/2023	7/23/2023	6/27/2023 Effective 8/8/2023	7/26/2023				
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/23/2023	7/23/2023		7/26/2023				
Motor Vehicles (91-10)	Handicapped Parking Permits Legislative	6/6/2023	7/7/2023		7/13/2023				
Multimodal Transportation Facilities (220-01)	Valuation of Used Rolling Stock and Equipment Legislative	6/28/2023	7/28/2023		7/28/2023				
Natural Resources (58-11)	Hunting, Fishing, and Other Outfitters and Guides Legislative	6/26/2023	7/27/2023		7/27/2023				
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/26/2023	7/27/2023		7/27/2023				
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/26/2023	7/27/2023		7/27/2023				
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative			7/20/2023		Approved 8/7/2023			
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/26/2023	7/26/2023	6/26/2023 Effective 8/7/2023	7/27/2023				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	5/8/2023	6/8/2023		6/9/2023	Approved 8/7/2023			
Optometry (14-01)	Rules of the WV Board of Optometry Legislative	6/28/2023	7/27/2023		7/28/2023				
Optometry (14-06)	Interview Evaluation Legislative	6/28/2023	7/28/2023		7/28/2023				
Optometry (14-10)	Continuing Education Legislative	6/27/2023	7/27/2023		7/28/2023				
Optometry (14-11)	Injectable Pharmaceuticals by Injection Certificate Legislative	6/28/2023	7/28/2023		7/31/2023				
Optometry (14-13)	Ophthalmic Laser Utilization Certificate Legislative	6/28/2023	7/28/2023		7/28/2023				
Optometry (14-14)	Eyelid Procedures Legislative	6/28/2023	7/27/2023		7/28/2023				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/26/2023	7/27/2023		7/28/2023				
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/26/2023	7/27/2023		7/28/2023				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/28/2023	7/28/2023		7/28/2023				
Pharmacy (15-03)	Continuing Education for Licensure for Pharmacists Legislative	6/27/2023	7/27/2023		7/28/2023				
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/27/2023	7/27/2023		7/28/2023				
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	7/28/2023				
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/29/2023	7/28/2023	6/27/2023 Approved 6/29/2023	7/28/2023				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/27/2023	7/27/2023	6/27/2023 Approved 6/29/2023	7/28/2023				
Pharmacy (15-17) Sunset Provision	The Substitution of Biological Pharmaceuticals Legislative				7/20/2023	Approved 8/7/2023			
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/7/2023	7/7/2023		7/31/2023				
Psychologists (17-04)	Disciplinary and Complaint Procedures for Psychologists Legislative	6/15/2023	7/17/2023		7/25/2023				
Psychologists (17-05)	Contested Case Hearing Procedure Legislative	6/15/2023	7/17/2023		7/25/2023				
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		7/26/2023				
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		7/28/2023				
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/12/2023	7/14/2023		7/28/2023				
Real Estate Commission (174-03)	Real Estate Courses, Course Providers and Instructors Legislative	6/13/2023	7/14/2023		7/28/2023				
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	8/1/2023				

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
Registered Nurses, WV Board of (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/14/2023	7/14/2023		7/26/2023			
Registered Nurses, WV Board of (19-05)	Contested Case Hearing Procedure Procedural	6/14/2023	7/14/2023				7/28/2023	8/31/2023
Registered Nurses, WV Board of (19-07)	Advanced Practice Registered Nurse Licensure Requirements Legislative	6/14/2023	7/14/2023		7/26/2023			
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	7/26/2023			
Respiratory Care (30-09)	Student Temporary Permit - Amended Legislative	4/28/2023	6/1/2023		6/8/2023	Modified & Approved 8/7/2023		
Secondary School Activities Commission (127-01)	Constitution (WVSSAC Series 1) 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) Legislative Exempt	5/11/2023	6/12/2023				7/12/2023	9/11/2023
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 for the Use of Nicknames and Other Designations on the Ballot Legislative	6/28/2023	7/28/2023		7/28/2023			
Secretary of State (153-25, repeal)	Combined Voter Registration and Driver Licensing Fund Legislative	6/28/2023	7/28/2023		7/28/2023			
Secretary of State (153-55)	Minimum Standards for Election Administration, Infrastructure, and Security Legislative	6/27/2023	7/27/2023		7/28/2023			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
State Police (81-08)	WV State Police Member Grievance Procedure Legislative	6/23/2023	7/23/2023		7/27/2023				
State Police (81-19)	Motor Vehicle Inspection Legislative	6/23/2023	7/23/2023		7/27/2023				
Tax (110-15K) Sunset Provision	Aircraft Operated Under A Fractional Ownership Program Legislative				3/28/2023	Approved 8/7/2023			
Tax (110-21B) Sunset Provision	Citizen Tax Credit for Property Taxes Paid Legislative				12/30/2022	Modified & Approved 8/7/2023			
Tax (110-21G)	Income Tax Paid at the Entity Level by Electing Pass-Through Entities Legislative	6/8/2023	7/10/2023		7/28/2023				
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/8/2023	7/10/2023		7/25/2023				
Tax (110-49) Sunset Provision	Administration of Tax on Purchases of Wine and Liquor Legislative				12/30/2022	Modified & Approved 8/7/2023			
Tax (110-99)	Privilege Tax on Sales of Hemp- Derived Cannabinoid and Kratom Products Legislative	6/8/2023	7/10/2023		7/25/2023				
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/27/2023	7/27/2023		7/28/2025				
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		7/24/2023				
Water Resources Division of Water and Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/12/2023	7/18/2023		7/28/2023				



WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION



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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Crime Delinquency And Correction
RULE TYPE: Legislative
RULE NAME: Sexual Assault Forensic Examinations
CITE STATUTORY AUTHORITY: W. Va. Code 15-9B-4
COMMENTS LIMITED TO:
Written

AGENCY: Education
RULE TYPE: Legislative Exempt
RULE NAME: Tiered System of Support for Early Literacy and Numeracy (2512)
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)

TITLE-SERIES: 149-11
Repeal of existing rule: No
Amendment to Existing Rule: No
Repeal of existing rule: No

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 09/08/2023 9:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd., E.

Building 1, Room W-400

EMAIL: brandolyn.feltonernest@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE:

No

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 09/11/2023

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Derek Lambert, Ed D.

ADDRESS:

WVDE Office of PK-12 Academic Support, Capitol Bldg. 6, Suite 500

1900 Kanawha Blvd. E., Charleston, WV 25305

EMAIL: drlambert@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

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INCORPORATED BY REFERENCE:

No

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



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

August 09, 2023

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

LRMRC

To: Mac Warner, Secretary of State, State Register
To: Kristi Justice
Accountancy, Board of
405 Capitol Street
Charleston, WV 25301

From: Legislative Rule-Making Review Committee
Proposed Rule: Board Rules and Rules of Professional Conduct, 1-01

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

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

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



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
To: Misty Peal
Administration, WV Department of
1900 Kanawha Boulevard E
Charleston, WV 25305

From: Legislative Rule-Making Review Committee
Proposed Rule: State-Owned Vehicles, 148-03

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

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

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



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

Adair Burgess, Director

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

Adair Burgess, Director

August 07, 2023

August 07, 2023

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

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

LRMRC

To: Mac Warner, Secretary of State, State Register
Jodee Martin
Agriculture, WV Department of
1900 Kanawha Boulevard East
Charleston, WV 25305

To: Mac Warner, Secretary of State, State Register
Danielle J. Cordle
Barbers and Cosmetologists, WV Board of
10201 Dunbar Ave.
Dunbar, WV 25064

From: Legislative Rule-Making Review Committee
Proposed Rule: Agritourism, 61-37

From: Legislative Rule-Making Review Committee
Proposed Rule: Procedures, Criteria, and Curricula for Examination and Licensure of Barbers Cosmetologists, Nail Technicians, Aestheticians, and Hair Stylists, 3-01

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

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

1. Authorize the agency to promulgate the Legislative rule:

1. Authorize the agency to promulgate the Legislative rule:

(A) as originally filed

(A) as originally filed

(B) as modified by the agency

(B) as modified by the agency

X

X

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

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3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.

4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.

4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.

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

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

August 07, 2023

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

LRMRC

To: Mac Warner, Secretary of State, State Register
Danielle J. Cordle
Barbers and Cosmetologists, WV Board of
10201 Dunbar Ave.
Dunbar, WV 25064

From: Legislative Rule-Making Review Committee
Proposed Rule: Waiver of Initial Licensure Fee, 3-15

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

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

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SECRETARY OF STATE

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
Danielle J. Cordle
Barbers and Cosmetologists, WV Board of
10201 Dunbar Ave.
Dunbar, WV 25064

From: Legislative Rule-Making Review Committee
Proposed Rule: Cosmetology Apprenticeship, 3-16

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

1. Authorize the agency to promulgate the Legislative rule:
- | | |
|-------------------------------|-------------------------------------|
| (A) as originally filed | |
| (B) as modified by the agency | ☒ |
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5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached.

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
Mallory Mount
Dietitians, WV Board of Licensure for
101 Dee Drive
Charleston, WV 25311

From: Legislative Rule-Making Review Committee
Proposed Rule: Licensure and Renewal Requirements, 31-01

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

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

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

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4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
Mallory Mount
Dietitians, WV Board of Licensure for
101 Dee Drive
Charleston, WV 25311

From: Legislative Rule-Making Review Committee
Proposed Rule: Continuing Professional Education Requirements, 31-05

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

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

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4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

*Senator Dave Spogli, Co-Chair
Delegate Geoff Foster, Co-Chair*

Adair Burgess, Director

LRMRC

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
Mallory Mount
Dietitians, WV Board of Licensure for
101 Dee Drive
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Telehealth Practice; Requirements; Definitions, 31-07

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

1. Authorize the agency to promulgate the Legislative rule:
- | | |
|-------------------------------|---|
| (A) as originally filed | x |
| (B) as modified by the agency | |

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

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4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.

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

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Phone: (304) 347-4840 Fax: (304) 347-4901 Email: adair.burgess@wvlegislature.gov*



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

*Senator Dave Spogli, Co-Chair
Delegate Geoff Foster, Co-Chair*

Adair Burgess, Director

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
April Robertson
Health and Human Resources, WV Department of
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Assisted Living Residences, 64-14

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

1. Authorize the agency to promulgate the Legislative rule:
- | | |
|-------------------------------|---|
| (A) as originally filed | |
| (B) as modified by the agency | x |

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

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4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.

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

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

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2023 AUG -9 A 10:53
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

August 07, 2023

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

LRMRC

To: Mac Warner, Secretary of State, State Register
To: April Robertson
Health and Human Resources, WV Department of
One Davis Square
Suite 100 East
Charleston, WV 25301
From: Legislative Rule-Making Review Committee
Proposed Rule: Newborn Screening System, 64-91

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

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

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

Adair Burgess, Director

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
To: April Robertson
Health and Human Resources, WV Department of
One Davis Square
Suite 100 East
Charleston, WV 25301
From: Legislative Rule-Making Review Committee
Proposed Rule: Chronic Pain Management Clinic, 69-08

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

August 07, 2023

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

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

From: Legislative Rule-Making Review Committee

Proposed Rule: Medication Assisted Treatment - Office-Based Medication-Assisted Treatment, 69-12

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

1. Authorize the agency to promulgate the Legislative rule:

(A) as originally filed

(B) as modified by the agency

X

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

August 07, 2023

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

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

From: Legislative Rule-Making Review Committee

Proposed Rule: Cooperative Agreement Approval and Compliance, 65-06

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

1. Authorize the agency to promulgate the Legislative rule:

(A) as originally filed

(B) as modified by the agency

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

August 07, 2023

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

To: Mac Warner, Secretary of State, State Registrar
Erin K. Hunter
Insurance Commission, WV
900 Pennsylvania Ave.
8th Floor
Charleston, WV 25302

From: Legislative Rule-Making Review Committee
Aids Regulations, 114-27

Proposed Rule:

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

August 07, 2023

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

To: Mac Warner, Secretary of State, State Registrar
Mark Spangler
Medicine, WV Board of
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows, 11-12

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

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
To: Frank Foster
Miners' Health, Safety and Training, WV Office of
7 Players Club Drive, Suite 2
Charleston, WV 25311

From: Legislative Rule-Making Review Committee
Proposed Rule: Operating Diesel Equipment in Underground Mines in West Virginia, 56-23

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

1. Authorize the agency to promulgate the Legislative rule:
- | | |
|-------------------------------|---|
| (A) as originally filed | X |
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**OFFICE OF WEST VIRGINIA
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To: Mac Warner, Secretary of State, State Register
To: Graham Platz
Natural Resources, WV Division of
1900 Kanawha Blvd. East, Suite 800
Charleston, WV 25305

From: Legislative Rule-Making Review Committee
Proposed Rule: Cabwaylingo State Forest Trail System Two Year, 58-36

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

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

To: Mac Warner, Secretary of State, State Register
To: Graham Platz
Natural Resources, WV Division of
1900 Kanawha Blvd. East, Suite 800
Charleston, WV 25305

From: Legislative Rule-Making Review Committee
Proposed Rule: Cabwaylingo State Forest Trail System Two Year, 58-36

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
To: Veronica S. Cummings
Nursing Home Administrators Licensing Board, WV
PO Box 522
Winfield, WV 25213

From: Legislative Rule-Making Review Committee
Proposed Rule: Nursing Home Administrators, 21-01

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

1. Authorize the agency to promulgate the Legislative rule:
- | | |
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
To: Krista Capehart
Pharmacy, WV Board of
1207 Quarrier St., 4th Floor
Charleston, WV 25301

From: Legislative Rule-Making Review Committee
Proposed Rule: The Substitution of Biological Pharmaceuticals, 15-17

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

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- | | |
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Legislative Rule-Making Review Committee

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

LRMRC

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

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



Adair Burgess, Director

August 07, 2023

August 07, 2023

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

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

To: Mac Warner, Secretary of State, State Register
To: Nancy Massey
Respiratory Care, WV Board of
106 Dee Dr., Suite 1
Charleston, WV 25311

To: Mac Warner, Secretary of State, State Register
To: Mark Morton
Tax and Revenue, WV Department of
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee
Proposed Rule: Student Temporary Permits, 30-09

From: Legislative Rule-Making Review Committee
Proposed Rule: Aircraft Operated Under a Fractional Ownership Program, 110-15K

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

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

1. Authorize the agency to promulgate the Legislative rule:

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
To: Mark Morton
Tax and Revenue, WV Department of
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Citizen Tax Credit for Property Taxes Paid, 110-21B

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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

Adair Burgess, Director

August 07, 2023

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

To: Mac Warner, Secretary of State, State Register
To: Mark Morton
Tax and Revenue, WV Department of
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Administration of Tax on Purchases of Wine and Liquor, 110-49

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

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Orders Report

Docket Number	Agency	Respondent	Date Rendered
23-4-12606-A	Health Care Authority	Charleston Area Medical Center, Inc	7/12/2023
23-9-12711-X	Health Care Authority	Berkeley Medical Center	6/14/2023
23-5/6-12701-PC	Health Care Authority	Southern Home Care Services, Inc.	8/2/2023
23-10/11-12696-PC	Health Care Authority	Panhandle Support Services, Inc.	7/26/2023
23-6-12695-PC	Health Care Authority	Panhandle Support Services, Inc.	7/26/2023
23-12-12688-A	Health Care Authority	Option Care Health, Inc.	7/12/2023
23-10-12725-X	Health Care Authority	Reynold Memorial Hospital, Inc.	7/12/2023
23-1-12657-X	Health Care Authority	Necco LLC	6/28/2023
23-6-12680-P	Health Care Authority	Monongalia County General Hospital	7/12/2023
23-1-12603-P	Health Care Authority	Princeton Community Hospital	6/28/2023
22-1-12596-P	Health Care Authority	Princeton Community Hospital	6/28/2023
23-3-12679-P	Health Care Authority	Thomas Memorial Hospital	6/28/2023
23-7-12659-X	Health Care Authority	Stonewall Jackson Memorial Hospital Company	7/12/2023
23-8-12670-E	Health Care Authority	Grant Memorial Hospital	6/14/2023
23-1C-02204	Insurance Commission	Truescripts Management Services, LLC	8/8/2023
23-57-W	Medicine, West Virginia Board Of	Raymond Omar Rushden, MD	8/7/2023
	Medicine, West Virginia Board Of	Deann Marie Holland	8/1/2023
22-80-W	Medicine, West Virginia Board Of	Deborah Thoren Mowery, MD	8/7/2023
23-36-W	Medicine, West Virginia Board Of	Gene Bermejo Duremdes, MD	8/7/2023
	Registered Nurses, WV Board of	Lori L. King	8/1/2023



2023 AUG -4 P 12:11

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

In Re:

ELDER AIDE SERVICES, LLC
CON File No. 23-2/3/4-12697-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **September 25, 2023, at 10:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 4, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need for development of in-home personal care services in Putnam, Cabell, Wayne, and Fayette counties, West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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

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

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

Date: August 1, 2023

Stacy Pridemore, Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

In Re: ELDER AIDE SERVICES, LLC
CON File # 23-2/3/4-12697

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SECRETARY OF STATE

OTHER

7. Dispositive and preliminary motions to be filed by: **September 18, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
September 18, 2023

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 4, 2023, at 9:00 a.m.**
2. Prehearing conference date: **September 25, 2023, at 10:00 a.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 14, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **August 22, 2023**
6. Discovery completed on or before: **September 12, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

OTHER

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority

Jim Justice
Governor



FILED
Sherri A. Young, Interim-Clerk/Secretary
West Virginia Department of
Health and Human Resources
1003 AUG 1 2023

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re:

HOMETOWN CARE, LLC
CON File No. 23-8/9-12705-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **October 19, 2023, at 10:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 26, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide personal care services in Mineral, Hampshire, Hardy, Morgan, Berkeley, and Jefferson counties in West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

OTHER

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED

2023 AUG -4 P 12:11

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

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

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

Date: August 1, 2023


Stacy Pridemore, Executive Director

In Re: HOMETOWN CARE, LLC
CON File # 23-8/9-12705-PC

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 26, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 19, 2023, at 10:00 a.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 5, 2023**
6. Discovery completed on or before: **September 22, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.



Sherril A. Pridemore, Executive Director
West Virginia Department of
Health and Human Resources

2023 AUG -11 PM
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

Notice of Prehearing Conference and Administrative Hearing
HOMETOWN CARE, LLC
CON File #23-47-12703-PC
Page 2

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

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

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

In Re:

HOMETOWN CARE, LLC
CON File No. 23-47-12703-PC

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

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

A PREHEARING CONFERENCE will be held, **October 13, 2023, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 20, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide personal care services in Lewis, Upshur, Randolph, Braxton, Webster, Pocahontas, Nicholas, and Greenbrier counties in West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

Date: August 1, 2023

Stacy Pridemore, Executive Director

7. Dispositive and preliminary motions to be filed by: **October 6, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

OTHER

Entered this 1st day of August, 2023.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
October 6, 2023

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority

WEST VIRGINIA
HEALTH CARE AUTHORITY

In Re: HOMETOWN CARE, LLC
CON File # 23-47-12703-PC

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

7. Dispositive and preliminary motions to be filed by: **October 6, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
October 6, 2023

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 20, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 13, 2023, at 1:30 p.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 5, 2023**
6. Discovery completed on or before: **September 22, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

Jim Justice
Governor



Sherri A. Young, Interim Cabinet Secretary
West Virginia Department of
Health and Human Resources

2023 AUG -4 P 12:12

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority

In Re:

PANHANDLE SUPPORT SERVICES, INC.
CON File No. 23-1/4-12694-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **October 6, 2023, at 11:30 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 13, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide personal care services through West Virginia Medicaid in Fayette, Raleigh, Summers, Monroe, Mercer, and Greenbrier counties, West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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2023 AUG -4 P 12:12

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA
HEALTH CARE AUTHORITY

In Re: PANHANDLE SUPPORT SERVICES, INC.
CON File # 23-1/4-12694-PC

OTHER

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

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

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

Date: 8/1/2023


Stacy Pridemore, Executive Director

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 13, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 6, 2023, at 11:30 a.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 1, 2023**
6. Discovery completed on or before: **September 21, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **October 2, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

Entered this 1st day of August, 2023.

OTHER

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
October 2, 2023

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority



2023 AUG -4 P 12: 12

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

In Re:

PANHANDLE SUPPORT SERVICES, INC.
CON File No. 23-5/6/7/10-12693-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **October 6, 2023, at 10:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 19, 2023, at 1:00 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide personal care services through West Virginia Medicaid in Jackson, Wood, Wirt, Roane, Ritchie, Pleasants, Tyler, Gilmer, Doddridge, and Wetzel counties, West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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Notice of Prehearing Conference and Administrative Hearing
PANHANDLE SUPPORT SERVICES, INC.
CON File #23-5/6/7/10-12693-PC
Page 2

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

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

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

Date: 8/1/2023

Stacy Pridemore, Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED

2023 AUG -11 P 12:12
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: PANHANDLE SUPPORT SERVICES, INC.
CON File # 23-5/6/7/10-12693-PC

OTHER

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 18, 2023, at 1:00 p.m.**
2. Prehearing conference date: **October 6, 2023, at 10:00 a.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 1, 2023**
6. Discovery completed on or before: **September 21, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **October 2, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **October 2, 2023**

Jim Justice
Governor



Sherri A. Young, Interim Cabinet Secretary
West Virginia Department of
Health and Human Resources

2023 AUG -4 P 12:12

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority

In Re:

PANHANDLE SUPPORT SERVICES, INC.
CON File No. 23-89-12692-PC

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

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

A PREHEARING CONFERENCE will be held, **October 6, 2023, at 11:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 24, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide personal care services through West Virginia Medicaid in Grant, Pendleton, Hardy, Hampshire, Mineral, Morgan, Berkeley, and Jefferson counties, West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED

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

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

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

Date: 8/1/2023


Stacy Pridemore, Executive Director

OTHER

In Re:

PANHANDLE SUPPORT SERVICES, INC.
CON File # 23-8/9-12692-PC

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 24, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 6, 2023, at 11:00 a.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 1, 2023**
6. Discovery completed on or before: **September 21, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **October 2, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

Entered this 1st day of August, 2023.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
October 2, 2023

OTHER

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority



2023 AUG -4 P 12:12

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

In Re:

PANHANDLE SUPPORT SERVICES, INC.
CON File No. 23-1/2/3/4-12690-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **October 6, 2023, at 9:30 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 18, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide personal care services through West Virginia Medicaid in Boone, Kanawha, Clay, Nicholas, Logan, Wyoming, and McDowell counties, West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, to resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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www.rca.wv.gov

Notice of Prehearing Conference and Administrative Hearing
PANHANDLE SUPPORT SERVICES, INC.
CON File #23-1/2/3/4-12690-PC
Page 2

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

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

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

Date: 8/1/2023

Stacy Pridemore, Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

In Re: PANHANDLE SUPPORT SERVICES, INC.
CON File # 23-1/2/3/4-12690-PC

7. Dispositive and preliminary motions to be filed by: **October 2, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
October 2, 2023

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 18, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 6, 2023, at 9:30 a.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 1, 2023**
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Jim Justice
Governor



Sherri A. Young, Incoming Cabinet Secretary
West Virginia Department of
Health and Human Resources

2023 AUG -4 P 12:12

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority

OTHER

In Re:

PANHANDLE SUPPORT SERVICES, INC.
CON File No. 23-4/6/7-12691-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **October 6, 2023, at 10:30 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 12, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide personal care services through West Virginia Medicaid in Randolph, Tucker, Barbour, Upshur, Lewis, Harrison, Taylor, Webster, and Pocahontas counties, West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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www.hca.wv.gov

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

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

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

Date: 8/1/2023


Stacy Pridemore, Executive Director

OTHER

WEST VIRGINIA
HEALTH CARE AUTHORITY

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2023 AUG -4 P 12:13

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: PANHANDLE SUPPORT SERVICES, INC.
CON File # 23-4/67-12691-PC

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 12, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 6, 2023, at 10:30 a.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 1, 2023**
6. Discovery completed on or before: **September 21, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **October 2, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
October 2, 2023

OTHER

Entered this 1st day of August, 2023.

/s/ Heather A. Connolly

Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority



2023 AUG -4 P 12:13

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

In Re:

PANHANDLE SUPPORT SERVICES, INC.
CON File No. 23-2/3-12689-PC

NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING

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

A PREHEARING CONFERENCE will be held, **October 6, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 16, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide personal care services through West Virginia Medicaid in Mason, Putnam, Cabell, Wayne, and Lincoln counties, West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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

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

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

Date: 8/1/2023

Stacy Pridemore, Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

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OTHER

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: PANHANDLE SUPPORT SERVICES, INC.
CON File # 23-2/3-12689-PC

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 16, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 6, 2023, at 9:00 a.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 1, 2023**
6. Discovery completed on or before: **September 21, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **October 2, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
October 2, 2023

Jim Justice
Governor



Sherri A. Young, Interim Cabinet Secretary
West Virginia Department of
Health and Human Resources

2023 AUG -4 P 12:11

OTHER

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re:

SOUTHERN HOME CARE SERVICES, INC.
CON File No. 23-2/3/4/5-12699-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **October 19, 2023, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 27, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need for the provision of personal care services in Nicholas, Roane, Clay, Putnam, Boone, and Logan counties, West Virginia from the Cross Lanes, West Virginia office.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA
HEALTH CARE AUTHORITY

In Re: SOUTHERN HOME CARE SERVICES, INC.
CON File # 23-2/3/4/5-12699-PC

OTHER

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

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

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

Date: August 1, 2023


Stacy Pridemore, Executive Director

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 27, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 19, 2023, at 1:30 p.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 6, 2023**
6. Discovery completed on or before: **October 6, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **October 13, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

Entered this 1st day of August, 2023.

OTHER

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
October 13, 2023

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority



Sherrill A. Young, Interim Chief Executive Officer
West Virginia Department of
Health and Human Resources

2023 AUG - 4 P 12:11
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

In Re:

SOUTHERN HOME CARE SERVICES, INC.
CON File No. 23-2/5-12698-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **October 24, 2023, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 30, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need for the provision of personal care services in Cabell, Wayne, Lincoln, Mason, and Jackson counties, West Virginia from the Huntington, West Virginia office.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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Notice of Prehearing Conference and Administrative Hearing
SOUTHERN HOME CARE SERVICES, INC.
CON File #23-2/5-12698-PC
Page 2

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

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

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

Date: August 1, 2023


Stacy Pridemore, Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

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OTHER

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: SOUTHERN HOME CARE SERVICES, INC.
CON File # 23-2/5-12698-PC

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 30, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 24, 2023, at 1:30 p.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 5, 2023**
6. Discovery completed on or before: **October 3, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **October 13, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **October 13, 2023**

Jim Justice
Governor



Sherri A. Young, Interim **Chief Secretary**
West Virginia Department of
Health and Human Resources

2023 AUG -4 P 12:11

OTHER

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority

In Re:

SOUTHERN HOME CARE SERVICES, INC.
CON File No. 23-1/4-12700-PC

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

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

A PREHEARING CONFERENCE will be held, **October 19, 2023, at 3:00 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 31, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need for the provision of personal care services in Monroe, Wyoming, McDowell, Raleigh, Summers, and Greenbrier counties, West Virginia from the Princeton, West Virginia office.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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WEST VIRGINIA
HEALTH CARE AUTHORITY

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

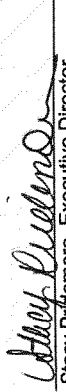
OTHER

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

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

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

Date: August 1, 2023


Stacy Pridemore, Executive Director

In Re: **SOUTHERN HOME CARE SERVICES, INC.**
CON File # 23-1/4-12700-PC

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 31, 2023, at 9:00 a.m.**
2. Prehearing conference date: **October 19, 2023, at 3:00 p.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 18, 2023** Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **September 7, 2023**
6. Discovery completed on or before: **October 10, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

Entered this 1st day of August, 2023.

OTHER

7. Dispositive and preliminary motions to be filed by: **October 16, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.
8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
October 16, 2023

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority



2023 AUG -4 P 12:12

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

In Re:

SPECIAL TOUCH NURSING SERVICE
CON File No. 23-2/3-12707-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **September 21, 2023, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **September 28, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide in-home personal care services in Lincoln and Putnam counties in West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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

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

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

Date: 8/1/2023

Stacy Pridemore, Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

In Re: SPECIAL TOUCH NURSING SERVICE
CON File # 23-273-12707-PC

FILED

2023 AUG -14 P 12:12

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

7. Dispositive and preliminary motions to be filed by: **September 15, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
September 15, 2023

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **September 28, 2023, at 9:00 a.m.**
2. Prehearing conference date: **September 21, 2023, at 1:30 p.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 11, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application or any review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **August 18, 2023**
6. Discovery completed on or before: **September 1, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

Jim Justice
Governor



Sherril A. Young, Interim Cabinet Secretary
West Virginia Department of
Health and Human Resources

2023 AUG -4 P 12:11

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority

In Re:

A SPECIAL TOUCH IN-HOME CARE, LLC
CON File No. 23-2/3/4-12702-PC

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING**

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

A PREHEARING CONFERENCE will be held, **September 25, 2023, at 10:30 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **October 5, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to provide personal care services in Kanawha, Fayette, Putnam, Cabell, and Wayne counties, West Virginia.

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

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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

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

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

Date: August 1, 2023


Stacy Pridemore, Executive Director

OTHER

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED

2023 AUG -4 P 12:11

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: A SPECIAL TOUCH IN-HOME CARE, LLC
CON File # 23-2/3/4-12702-PC

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **October 5, 2023, at 9:00 a.m.**
2. Prehearing conference date: **September 25, 2023, at 10:30 a.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **August 14, 2023**
Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.
5. Motions for discovery to be filed by: **August 22, 2023**
6. Discovery completed on or before: **September 12, 2023**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **September 18, 2023**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

Entered this 1st day of August, 2023.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by:
September 18, 2023

OTHER

/s/ Heather A. Connolly
Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care
Authority

**WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED**

100 Dee Drive
Charleston, West Virginia 25311-1600

August 7, 2023

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **August 4, 2023**.

CERTIFICATE OF NEED APPLICATION RECEIVED

July 31, 2023- Mountain Health Network, Inc. & University Physicians & Surgeons, Inc., Huntington, Cabell County, West Virginia, CON File #23-1/2/3-12742-A/P, for the member substitution for Mountain Health Network, Inc., to become the sole members of Cabell Huntington Hospital, Inc., St. Mary's Medical Center, Inc., Pleasant Valley Hospital, Inc., and University Physicians and Surgeons, Inc.; capital expenditure, \$559,750,000.

August 4, 2023- Charleston Area Medical Center, Inc., CON File #23-1-12747-A, to acquire Beckley Oncology Associates, Inc. d/b/a Carl Larson Cancer Center in Beckley, Raleigh County, West Virginia; capital expenditure, \$6,500,000.

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

July 31, 2023- Wheeling Hospital, CON File #23-10-12736-P, for the development of an ambulatory health care facility in Ohio County, West Virginia, through the acquisition of a podiatric medicine practice; capital expenditure, \$80,000.

July 31, 2023- Monongalia Health System, Inc., Morgantown, Monongalia County, West Virginia, CON File #23-7-12737-A, for Monongalia Health System, Inc., a subsidiary of Vandalia Health, Inc., to become the sole member of Davis Health System, Inc.; capital expenditure, \$30,000,000.

July 31, 2023- Mountain Health Network, Inc. & University Physicians & Surgeons, Inc., Huntington, Cabell County, West Virginia, CON File #23-1/2/3-12742-A/P, for the member substitution for Mountain Health Network, Inc., to become the sole members of Cabell Huntington Hospital, Inc., St. Mary's Medical

OTHER

Center, Inc., Pleasant Valley Hospital, Inc., and University Physicians and Surgeons, Inc; capital expenditure, \$559,750,000.

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

July 31, 2023 – Review cycle begins;

August 30, 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;

September 5, 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;

September 28, 2023 – Decision on the project will be issued by the Authority.

HEARING NOTICE

The Administrative Hearing and Prehearing Conference have been SCHEDULED in the following matters:

August 1, 2023- Panhandle Support Services, Inc, Danville, Boone County, West Virginia, CON File #23-2/3-12689-PC, to provide personal care services through West Virginia Medicaid in Mason, Putnam, Cabell, Wayne, and Lincoln counties, West Virginia; capital expenditure, \$1,500.

Prehearing Conference: **October 6, 2023 at 9:00 am**
Administrative Hearing: **October 16, 2023 at 9:00 am**

August 1, 2023- Panhandle Support Services, Inc, Danville, Boone County, West Virginia, CON File #23-1/2/3/4-12690-PC, to provide personal care services through West Virginia Medicaid in Boone, Kanawha, Clay, Nicholas, Logan, Wyoming, and McDowell counties, West Virginia; capital expenditure, \$1,500.

Prehearing Conference: **October 6, 2023 at 9:30 am**
Administrative Hearing: **October 18, 2023 at 9:00 am**

August 1, 2023- Panhandle Support Services, Inc, Danville, Boone County, West Virginia, CON File #23-4/6/7-12691-PC, to provide personal care services through West Virginia Medicaid in Randolph, Tucker, Barbour, Upshur, Lewis, Harrison, Taylor, Webster, and Pocahontas counties, West Virginia; capital expenditure, \$1,500.

Prehearing Conference: **October 6, 2023 at 10:30 am**
Administrative Hearing: **October 12, 2023 at 9:00 am**

August 1, 2023- Panhandle Support Services, Inc, Danville, Boone County, West Virginia, CON File #23-8/9-12692-PC, to provide personal care services through West Virginia Medicaid in Grant, Pendleton, Hardy, Hampshire, Mineral, Morgan, Berkeley, and Jefferson counties, West Virginia; capital expenditure, \$1,500.

Prehearing Conference: October 6, 2023 at 11:00 am
Administrative Hearing: October 24, 2023 at 9:00 am

August 1, 2023- Panhandle Support Services, Inc, Danville, Boone County, West Virginia, CON File #23-5/6/7/10-12693-PC, to provide personal care services through West Virginia Medicaid in Jackson, Wood, Wirt, Roane, Ritchie, Pleasants, Tyler, Glimmer, Doddridge, and Wetzel counties, West Virginia; capital expenditure, \$1,500.

Prehearing Conference: October 6, 2023 at 10:00 am
Administrative Hearing: October 18, 2023 at 1:00 pm

August 1, 2023- Panhandle Support Services, Inc, Danville, Boone County, West Virginia, CON File #23-1/4-12694-PC, to provide personal care services through West Virginia Medicaid in Fayette, Raleigh, Summers, Monroe, Mercer, and Greenbrier counties, West Virginia; capital expenditure, \$1,500.

Prehearing Conference: October 6, 2023 at 11:30 am
Administrative Hearing: October 13, 2023 at 9:00 am

August 1, 2023- Elder Aide Services, LLC dba Right at Home, Charleston, Kanawha County, West Virginia, CON File #23-2/3/4-12697-PC, for the development of in-home personal care services in Putnam, Cabell, Wayne, and Fayette counties, West Virginia; capital expenditure, \$21,500.

Prehearing Conference: September 25, 2023 at 10:00 am
Administrative Hearing: October 4, 2023 at 9:00 am

August 1, 2023- Southern Home Care Services, Inc, Louisville, Jefferson County, Kentucky, CON File #23-2/5-12698-PC, for the provision of personal care services in Cabell, Wayne, Lincoln, Mason, and Jackson counties, West Virginia from the Huntington, West Virginia office; capital expenditure, \$10,000.

Prehearing Conference: October 24, 2023 at 1:30 pm
Administrative Hearing: October 30, 2023 at 9:00 am

August 1, 2023- Southern Home Care Services, Inc, Louisville, Jefferson County, Kentucky, CON File #23-2/3/4/5-12699-PC, for the provision of personal care services in Nicholas, Roane, Clay, Putnam, Boone, and Logan counties, West Virginia from the Cross Lanes, West Virginia office; capital expenditure, \$10,000.

Prehearing Conference: October 19, 2023 at 1:30 pm

OTHER

Administrative Hearing: October 27, 2023 at 9:00 am

August 1, 2023- Southern Home Care Services, Inc, Louisville, Jefferson County, Kentucky, CON File #23-1/4-12700-PC, for the provision of personal care services in Monroe, Wyoming, McDowell, Raleigh, Summers, and Greenbrier counties, West Virginia from the Princeton, West Virginia office; capital expenditure, \$10,000.

Prehearing Conference: October 19, 2023 at 3:00 pm
Administrative Hearing: October 31, 2023 at 9:00 am

August 1, 2023- A Special Touch In-Home Care, LLC, South Charleston, Kanawha County, West Virginia, CON File #23-2/3/4-12702-PC, to provide personal care services Kanawha, Fayette, Putnam, Cabell and Wayne counties in West Virginia; capital expenditure, \$5,000.

Prehearing Conference: September 25, 2023 at 10:30 am
Administrative Hearing: October 5, 2023 at 9:00 am

August 1, 2023- Hometown Care, LLC, Belington, Barbour County, West Virginia, CON File #23-4/7-12703-PC, to provide personal care services in Lewis, Upshur, Randolph, Braxton, Webster, Pocahontas, Nicholas, and Greenbrier counties in West Virginia; capital expenditure, \$1,500.

Prehearing Conference: October 13, 2023 at 1:30 pm
Administrative Hearing: October 20, 2023 at 9:00 am

August 1, 2023- Hometown Care, LLC, Belington, Barbour County, West Virginia, CON File #23-8/9-12705-PC, to provide personal care services in Mineral, Hampshire, Hardy, Morgan, Berkeley, and Jefferson counties in West Virginia; capital expenditure, \$1,500.

Prehearing Conference: October 19, 2023 at 10:00 am
Administrative Hearing: October 26, 2023 at 9:00 am

August 1, 2023- Special Touch Nursing Service, CON File #23-2/3-12707-PC, to provide in-home personal care services in Lincoln and Putnam counties in West Virginia; capital expenditure, \$5,000.

Prehearing Conference: September 21, 2023 at 1:30 pm
Administrative Hearing: September 28, 2023 at 9:00 am

The prehearing conferences and administrative hearings in the above-referenced matters will be held in the offices of the Health Care Authority, 100 Dee Drive, Charleston, West Virginia 25311-1600, unless otherwise noted.

PROJECTS DETERMINED NOT REVIEWABLE

August 2, 2023- Berkeley Medical Center, CON File #23-9-12711-X, for the renovation of Berkeley Medical Center's surgery department, Berkeley County, West Virginia; capital expenditure, \$29,300,000.

OTHER

CERTIFICATE OF NEED APPROVAL ISSUED

August 2, 2023- Panhandle Support Services, Inc, Danville, Boone County, West Virginia, CON File #23-6-12695-PC, to provide personal care services through West Virginia Medicaid in Monongalia, Marion, and Preston counties, West Virginia; capital expenditure, \$1,500.

August 2, 2023- Panhandle Support Services, Inc, Danville, Boone County, West Virginia, CON File #23-10/11-12696-PC, to provide personal care services through West Virginia Medicaid in Ohio, Marshall, Brooke, and Hancock counties, West Virginia; capital expenditure, \$1,500.

August 2, 2023- Southern Home Care Services, Inc, Louisville, Jefferson County, Kentucky, CON File #23-5/6-12701-PC, for the provision of personal care services in Wirt, Pleasants, Ritchie, Doddridge, Harrison, Marion, and Monongalia counties, West Virginia from the Parkersburg, West Virginia office; capital expenditure, \$10,000.

NOTICE OF SUBSTANTIAL COMPLIANCE

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

August 2, 2023- Charleston Area Medical Center, Inc., Charleston, Kanawha County, West Virginia, CON File #23-4-12606-A, for the acquisition of Plateau Medical Center and its related Oak Hill Clinic Corp. from CHSPSC, LLC (CHS). Oak Hill Corporation, a West Virginia business corporation doing business as Plateau Medical Center and Oak Hill Clinic Corp, a West Virginia Corporation are owned by CHS and located in Oak Hill, Fayette County, West Virginia, there were no changes or delays to the project and the transaction is now complete; actual capital expenditure: \$92,067,150.

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