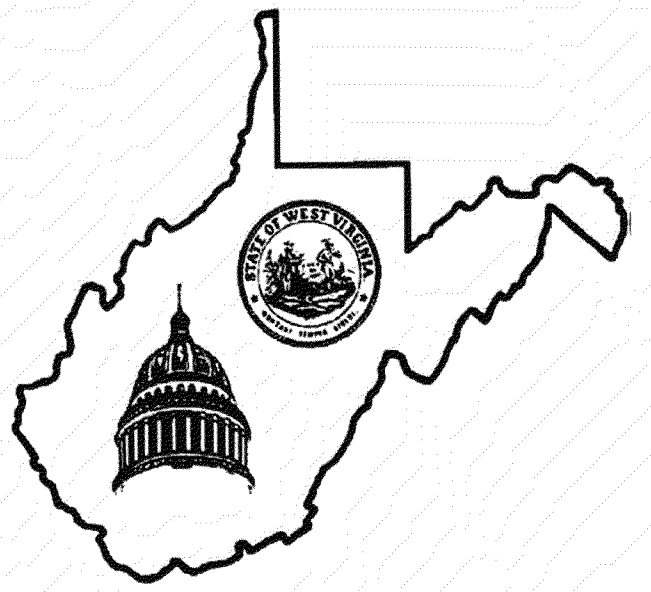

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Administrative Law Division

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Other Documents or Information Filed

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

Corrections and Rehabilitation

Counseling

Health Care Authority

Insurance Commission

Public Energy Authority

Tax

Workforce Development Board

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RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Architects (2-02)	Disciplinary and Complaint Procedures for Architects Procedural	§30-12-1	Written Comments Only: October 6, 2023, 12:00pm WV Board of Architects 405 Capitol St., Mezzanine Suite 3 Charleston, WV 25301 emily.b.papadopoulos@wv.gov
Counseling (27-01)	Licensing Rule Legislative	§§30-31-5(19) and 30-31-6	Written Comments Only: October 5, 2023, 11:59pm Cheryl Henry 815 Quarrier Street, Suite 212 Charleston, WV 25301 cheryl.j.henry@wv.gov
Counseling (27-02)	Licensed Professional Counselor Fees Legislative	§30-31-6	Written Comments Only: October 5, 2023, 11:59pm Cheryl Henry 815 Quarrier Street, Suite 212 Charleston, WV 25301 cheryl.j.henry@wv.gov
Counseling (27-08)	Marriage and Family Therapist Licensing Legislative	§§30-31-5 and 30-31-6	Written Comments Only: October 5, 2023, 11:59pm Cheryl Henry 815 Quarrier Street, Suite 212 Charleston, WV 25301 cheryl.j.henry@wv.go
Counseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	§30-31-6	Written Comments Only: October 5, 2023, 11:59pm Cheryl Henry 815 Quarrier Street, Suite 212 Charleston, WV 25301 cheryl.j.henry@wv.go
Counseling (27-14)	Telehealth and Interstate Telehealth Registration for Licensed Professional Counselors and Licensed Professional Marriage and Family Therapists Legislative	§§30-31-5(19) and 30-31-6	Written Comments Only: October 5, 2023, 11:59pm Cheryl Henry 815 Quarrier Street, Suite 212 Charleston, WV 25301 cheryl.j.henry@wv.go

CHRONOLOGICAL INDEX

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

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED NURSES
TITLE	20	SANITARIANS
TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	53	PUBLIC ENERGY AUTHORITY
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	71	HEALTH FACILITIES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
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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
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TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	220	MULTIMODAL TRANSPORTATION FACILITIES

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/10/2023	6/30/2023		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 Imitation 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				
Architects (2-02)	Disciplinary and Complaint Procedures for Architects Procedural	9/6/2023	10/6/2023						
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 Filed 8/11/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	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 Filed 8/24/2023			
Barbers and Cosmetologists (3-16)	Cosmetology Apprenticeship Legislative	4/10/2023	5/31/2023		6/14/2023	Modified & Approved 8/7/2023 Filed 8/21/2023			
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				
Couseling (27-01)	Licensing Rule Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
Couseling (27-02)	Licensed Professional Couselor Fee Rules Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
Couseling (27-05)	Disciplinary and Complaint Procedural	8/31/2023	9/30/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Couseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
Couseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
Couseling (27-14)	Telehealth and Interstate Telehealth Registration for Licensed Professional Couselors and Licensed Marriage and Family Therapists Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
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				
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						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-044BB)	West Virginia College-and Career-Readiness Standards for Mathematics (Policy 2520.2B) Legislative Exempt	4/13/2023	5/15/2023					8/29/2023	7/1/2024
Education (126-142)	Performance Evaluation of Professional Personnel and Athletic Coaches (Policy 5310) Legislative Exempt	7/12/2023	8/14/2023						
Election Commission (146-01)	Corporate and Membership Organization Political Activity Legislative	6/28/2023	7/28/2023		7/28/2023				
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 Secretarys's Office (60-12)	Administration of Drinking Water Treatment Revolving Fund and Safe Drinking Water Set-Asides Legislative	6/28/2023	7/28/2023	6/29/2023 ERD by 8/10/2023	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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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 Residences Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/21/2023			
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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 8/22/2023			
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				
Health and Human Resources (69-08) Sunset Provision	Chronic Pain Management Clinic Licensure Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/21/2023			
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 Filed 8/21/2023			
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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (157-03)	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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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 (56-02)	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 (56-14)	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 (56-18)	Rule for Governing the Program for the Sharing of Information Between Employers Legislative	6/21/2023	7/21/2023		7/27/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-23) Sunset Provision	Operating Diesel Equipment in Underground Mines in WV Legislative				7/27/2023	Approved 8/7/2023			
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 Titling 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				
Multimodal Transportation Facilities (220-02)	Aviation Grant Process Procedural	8/25/2023	9/29/2023						
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) Sunset Provision	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATV's 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/LOCEA 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)	Opthalmic 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				
Parkways Authority (184-05)	Rules Providing for Electronic Toll Collection and the Enforcement Process Legislative	8/17/2023	9/20/2023						
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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/29/2023	7/28/2023	6/27/2023 Approved 6/29/2023	7/28/2023				
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 Subsitution 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	9/7/2023				
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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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 (19-07)	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 fo 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 Licensinig Fund Legislative	6/282023	7/28/2023		7/28/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-55)	Minimum Standards for Election Administration, Infrastructure, and Security Legislative	6/27/20223	7/27/2023		7/28/2023				
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 Filed 8/21/2023			
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 Filed 8/21/2023			
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 Unifrom Unclaimed Property Act Legislative	6/27/2023	7/27/2023		7/28/2025				
Treasurer (112-19)	West Virginia Hope Scholarship Board Procedures and Bylaws Procedural	8/16/2023	9/15/2023						
Treasurer (112-20)	Jumpstart Savings Program Legislative	6/9/2023	7/10/2023		7/13/2023				
Waste Mgmt. Division of Water and Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/12/2023	7/18/2023		7/24/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Water Resources Division of Water and Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/12/2023	7/18/2023		7/28/2023				

FILED

2023 SEP -7 A 9:09 Legislative

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
DCR 133.01	07 October 2023, cancellation	Appointment Incentive
410.16	21 September 2023	Mental Health Screenings and Assessments

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/5/2023 11:46:37 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Counseling

TITLE-SERIES: 27-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Series 1 Licensing Rule

CITE STATUTORY AUTHORITY: W. Va. Code §§30-31-5(19) and 30-31-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/05/2023 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Cheryl Henry

ADDRESS: 815 Quarrier Street, Suite 212

Charleston, WV 25301

EMAIL: cheryl.j.henry@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/5/2023 11:47:59 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Counseling

TITLE-SERIES: 27-02

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Series 2 Licensed Professional Counselor Fees Rule

CITE STATUTORY AUTHORITY: W. Va. Code §30-31-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/05/2023 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Cheryl Henry

ADDRESS: 815 Quarrier Street, Suite 212

Charleston, WV 25301

EMAIL: cheryl.j.henry@wv.gov

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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)

Legislative

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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9/5/2023 11:50:25 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Counseling

TITLE-SERIES: 27-08

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Series 8 Marriage and Family Therapist Licensing Rule

CITE STATUTORY AUTHORITY: W. Va. Code §§30-31-5 and 30-31-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/05/2023 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Cheryl Henry

ADDRESS: 815 Quarrier Street, Suite 212

Charleston, WV 25301

EMAIL: cheryl.j.henry@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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9/5/2023 12:31:35 PM
Office of West Virginia
Secretary Of State

Legislative

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Counseling

TITLE-SERIES: 27-09

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Series 9 Marriage and Family Therapist Fees Rule

CITE STATUTORY AUTHORITY: W. Va. Code §30-31-6.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/05/2023 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Cheryl Henry

ADDRESS: 815 Quarrier Street, Suite 212

Charleston, WV 25301

EMAIL: cheryl.j.henry@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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9/5/2023 11:55:27 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Counseling

TITLE-SERIES: 27-14

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Series 14 Telehealth and Interstate Telehealth Registration for Licensed Professional Counselors and Licensed Professional Marriage and Family Therapists

CITE STATUTORY AUTHORITY: W. Va. Code §§ 30-31-5 (19) and 30-31-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/05/2023 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Cheryl Henry

ADDRESS: 815 Quarrier Street, Suite 212

Charleston, WV 25301

EMAIL: cheryl.j.henry@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/7/2023 12:22:18 PM

Office of West Virginia
Secretary Of State

Legislative

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

AGENCY: Public Energy Authority TITLE-SERIES: 53-05

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

RULE NAME: 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

PRIMARY CONTACT

NAME: Graham Platz

ADDRESS: 1900 Kanawha Blvd E
Building 3 Suite 800
Charleston, WV 25305

EMAIL: graham.b.platz@wv.gov

PHONE NUMBER: 304-352-3963

CITE STATUTORY AUTHORITY: 5D-1-5c

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

Rule governs the process for petitioning the Public Energy Authority for Approval of Decommissioning or Deconstruction Activities Related to Any Coal, Oil, or Natural Gas Fueled Power Plant

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

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/23/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

9/6/2023 8:27:41 AM

Office of West Virginia
Secretary Of State

Procedural

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Architects

TITLE-SERIES: 2-02

RULE TYPE: Procedural

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: DISCIPLINARY AND COMPLAINT PROCEDURES FOR ARCHITECTS

CITE STATUTORY AUTHORITY: §30-12-1

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/06/2023 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: West Virginia Board of Architects

ADDRESS: 405 Capitol St., Mezzanine Suite 3

Charleston, WV 25301

EMAIL: emily.b.papadopoulos@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)

Orders Report

Docket Number	Agency	Respondent	Date Rendered
23-1C-02207	Insurance Commission	Manhattan Life Insurance and Annuity Company	8/21/2023
23-1C-15645	Insurance Commission	Municipal Mutual Insurance Company	9/1/2023

FILED
WV SECRETARY OF STATE
SEPTEMBER 05, 2023 09:26 AM

Other

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

September 5, 2023

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **September 1, 2023**.

LETTER OF INTENT RECEIVED

September 1, 2023- CAMC Greenbrier Valley Medical Center, Inc., CON File #23-1-12768-P, for the development of an ambulatory health care facility at 3115 Seneca Trail, Peterstown, Monroe County, West Virginia; capital expenditure, $850,000.

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

August 28, 2023- Camden-Clark Memorial Hospital Corporation & Camden-Clark Physician Corporation, CON File #23-5-12755-P, to develop an ambulatory health care facility through the acquisition of a physician practice in Parkersburg, Wood County, West Virginia; capital expenditure, $125,000.

August 29, 2023- Berkeley Medical Center, CON File #23-9-12756-P, for the provision of provider-based services at 15 private practices in Berkeley, Jefferson, and Morgan counties, thereby creating an ambulatory health care facility at each private practice physician office; capital expenditure, $354,000.

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

August 31, 2023 – Review cycle begins;

October 2, 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;

October 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;

October 30, 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 matter:

August 31,2023- Stonewall Jackson Memorial Hospital Company, CON File #23-6-12724-P, Danville, Boone County, for the development of an ambulatory health care facility at 215 West Main Street, Bridgeport, Harrison County, West Virginia; capital expenditure, $16,000.

Prehearing Conference: **November 17, 2023 at 1:30pm**
Administrative Hearing: **November 29, 2023 at 9:00 am**

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

PROJECTS EXEMPT FROM REVIEW

August 29, 2023- Lily's Place, CON File #23-2-12750-X, for the development of a 3.1 residential treatment facility for pregnant and parenting women for three (3) beds to be located at 1439-1441 7th Avenue, Huntington, Cabell County, West Virginia.

CERTIFICATE OF NEED APPROVAL ISSUED

August 29, 2023- West Virginia Home Health, LLC, CON File #23-8/9-12713-Z, for the expansion of the service area from its existing home health agency from Berkeley and Jefferson counties, to Morgan, Hampshire, and Mineral Counties in West Virginia; capital expenditure, $60,380.

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

FILED
WV SECRETARY OF STATE
SEPTEMBER 01, 2023 04:20 PM

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
State Tax Commissioner

September 1, 2023

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

Dear Secretary Warner:

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

In accordance with the requirements of §§110CSR1-I, 1-J and 1-K, tentative variables were made available for public comments on July 1, 2023. The department received comments on the tentative valuation variables.

First, the agency received comments regarding the reserve oil and gas rates and the need to engage in an updated review of the rates. The current rates reflect the best information available at the time of filing. Second, the agency received comments regarding the factors used in calculating the capitalization rate for managed timberland. Corrections were made to the non-liquidity, the risk rate and the inflation rate, but resulted in no change to the Managed Timberland Values. Third, the agency received comments regarding the coal and other minerals multiplier for years 9 through 15 and about the inflation rate. The rates and multiplier were adjusted accordingly.

Sincerely,

Matthew R. Irby
State Tax Commissioner

Attachment

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

Other

FILED
WV SECRETARY OF STATE
SEPTEMBER 01, 2023 04:19 PM

Dave Hardy
Secretary of Revenue

STATE TAX DIVISION

Matthew Irby
State Tax Commissioner

ADMINISTRATIVE NOTICE 2023-03

Acute Care Tax Rate Change

West Virginia Code §11-27-39(b) requires the State Tax Commissioner to publish applicable rates for the additional gross receipts tax on eligible acute care hospitals pursuant to W. Va. Code §11-27-39(a).

As allowed by the Centers for Medicare and Medicaid Services and calculated by the West Virginia Bureau for Medical Services, the rate of tax on eligible acute care hospitals pursuant to W. Va. Code §11-27-39(a) shall be 0.449%, effective 30 days from this notice.

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

Issued: September 1, 2023

Matthew Irby
State Tax Commissioner

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

FILED Other

2023 SEP -6 A 11: 13

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

West Virginia Workforce Development Board

In conjunction with the quarterly meeting of the WV Workforce Development Board, comments will be accepted regarding the following policies and templates:

- 300-03 (2023), Requirements for Local Memorandum of Understanding (MOU)
- 300-03 (2023), Supporting Document for Requirements for Local Memorandum of Understanding (MOU)
- 300-04 (2023), One-Stop Infrastructure Funding
- 300-04 (2023), Supporting Document for One-Stop Infrastructure Funding Agreement Policy

To receive a copy of the policies or to make a comment, please email Lorrie Smith, Director at lorrie.a.smith@wv.gov

Comments must be made by September 18, 2023.

Quarterly meeting information:

Wednesday, September 20, 2023 at 10:00 a.m.
2000 Aviation Way
Bridgeport, WV 26330

West Virginia Workforce Development Board	
Policy Area: One-Stop Service Delivery	
Title of Policy: Requirements for Local Memorandum of Understanding (MOU)	**Number:** 300-03 (2023)
Effective Date: July 1, 2023	**Review by Date:** July 1, 2028
Approved Date: **Revision Date:**	**Approved by:**

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I. Purpose

The purpose of this issuance is to detail the requirements for a local Memorandum of Understanding (MOU) under the Workforce Innovation and Opportunity Act (WIOA) and apply a consistent set of standards for MOU development.

II. Summary

The local Memorandum of Understanding (MOU) is the recognized vehicle for Local Workforce Development Boards (LWDBs) to implement an agreement among the one-stop partner programs regarding one-stop delivery of services in the local workforce development area. Under the WIOA, two or more Local Boards may negotiate, develop, and implement a joint MOU as part of regional planning and operations. Within a local area, the LWDB may establish an "umbrella" agreement that creates a single MOU negotiated among all partners, or single MOUs with each partner.

III. References

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- Training and Employment Notice No. 05-14, *Workforce Innovation and Opportunity Act Announcement and Initial Informational Resources*
- Training and Guidance Letter No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014*
- Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule: 20 CFR, Subpart C, § 678.500, § 678.505, and § 678.510
- Code of West Virginia, §5B-2B-4(b)(6)(C) and §5B-2B-4(b)(3)(F)

IV. Policy

A critical component of the successful implementation of West Virginia's Strategic State Plan vision is a well-articulated Memorandum of Understanding (MOU) governing the one-stop system in each Local Workforce Development Area (LWDA). WIOA envisions that LWDBs act as both the convener of MOU negotiations as well as the shaper of how one-stop services are delivered within their LWDA.

Required one-stop partners must enter into an MOU with the LWDB consistent with the requirements of 20 CFR 678.500(b), 34 CFR 361.500(b), and 34 CFR 463.500(b). The MOU is an agreement developed and executed by the LWDB and the one-stop partners concerning one-stop service delivery. Partners shall use a collaborative and good-faith approach to negotiations and work in developing an MOU that demonstrates the spirit and intent of WIOA. The key elements and good faith negotiations process shall incorporate the following elements:

1. Alignment with State and Local Plans
2. Development of an operational plan, including center management and services
3. Determination of operating costs
4. Inclusive negotiation of shared costs
5. Signatures of all partners of the MOU and Operating Cost Agreements
6. Ongoing, routine review and modification of MOU and Operating Cost Agreements, including reconciliation of budget to actual costs, as appropriate
7. Consistent billing and payment terms
8. Shared oversight and commitment to continuous improvement

V. Procedures

To facilitate transparent and flexible agreements, LWDBs should develop a single "umbrella" MOU that addresses issues related to local one-stop service delivery and the roles of all partners. LWDBs, with the agreement of the Chief Local Elected Official (CLEO), may still enter into separate agreements between each partner or groups of partners. However, the aim of the "umbrella" MOU is to allow partner programs to focus on service delivery and not the process of negotiating several MOUs[1] A sample umbrella MOU is attached to this policy.

MOUs must include the following:

- Services—The MOU must include a description of the services provided through the one-stop service delivery system. This may include:
  - The method or means of providing partner access to services;
  - The frequency of program staff's physical presence in an affiliated site;
  - How specialized American Job Centers may be implemented, if needed; and
  - A description of the coordinated delivery of services in the system and methods for referring individuals between the one-stop operators and partners for appropriate services and activities.
- One-Stop Operating Budget—The one-stop operating budget is the financial plan that the one-stop partners and LWDB agree will be used to achieve the MOU's goals of

[1] 20 CFR 678.505(a), 34 CFR 361.505(a), and 34 CFR 463.505(a)

delivering services in a local area. The MOU must contain provisions describing how the costs of services and the operating costs will be funded, including the infrastructure costs consistent with Policy 300-04. The one-stop operating budget may be considered the master budget that contains a set of individual budgets or components that consist of two types of costs that are specifically outlined in the statute: (1) infrastructure costs; and (2) additional costs, which consist of shared operating costs and shared services that are related to the operation of the one-stop delivery system (but do not constitute infrastructure costs).

  - The one-stop operating budget must be reconciled quarterly against actual costs incurred and adjusted accordingly. This reconciliation ensures that the budget reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to the partner's use of the one-stop service delivery system and relative benefit received. Even for in-kind contributions, quarterly reconciliation must be conducted to ensure that the cost allocation methodology reflects each partner's relative benefit.
- Access—The MOU must include methods to ensure the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials available through the one-stop system.
- Referrals—The MOU must include methods for referrals to appropriate services and activities between one-stop operators and partner programs.
- Duration—The MOU must include provisions specifying its duration and the procedures for amending it. The MOU must contain assurances that it will be reviewed and, if substantial changes have occurred, be renewed at the time of the changes. Negotiations begin eighteen weeks prior to renewal. **The MOU must be renewed and signed annually.**
- Other Contributors—The MOU must also include contributions made to the one-stop system through other avenues, such as donations made by a non-partner entity (e.g., a local business donating computers for a learning lab). Third-party in-kind contributions must be documented.
- Modification process—The MOU must include a description of the process for amending it.
- Signatories—The MOU must contain signatures of the CLEO, LWDB director, and authorized representatives of each partner program.
- Appeals—If a one-stop partner's appeal to the state of West Virginia regarding infrastructure costs results in a change to the one-stop partner's infrastructure cost contributions, the MOU must be updated to reflect the final one-stop partner infrastructure cost contributions.

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Modification of an MOU

Regulations require the MOU to contain a description of the procedures for amending it.[2] Further, they require renewal of the MOU in certain circumstances. Renewal of an MOU requires all parties to review and agree to all elements of the MOU and re-sign the MOU. Amendment or modification of the MOU only requires the parties to review and agree to the elements of the MOU that changed.

Non-substantive changes to the MOU, such as minor revisions to the budget or adjustments made due to the quarterly reconciliation of the budget, do not require renewal of the MOU. These changes may occur through the local MOU amendment procedures established at the local level. Substantial changes, such as changes in one-stop partners, or a change due to the election of a new CLEO, will require renewal of the MOU[3]. A change to the MOU due to the election of a new CLEO ensures that the newly elected official is aware of the local one-stop partners, as well as the terms and conditions of the MOU.

MOU Transparency

While MOUs may vary between partners, LWDBs should use consistent MOUs with the same terms for each partner. To allow for full transparency, LWDBs must share each MOU agreement that it enters into with each of the other partners. Any modification of an MOU must also be shared with the other partners.

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[2] 20 CFR 678.500(b)(5), 34 CFR 361.500(b)(5), and 34 CFR 463.500(b)(5)
[3] 20 CFR 678.500(b)(6), (d), and (e); 34 CFR 361.500(b)(6), (d), and (e); and 34 CFR 463.500(b)(6), (d), and (e)

West Virginia Workforce Development Board	
Memorandum of Understanding Template	
Title of Policy: Supporting Document for Requirements for Local Memorandum of Understanding (MOU)	**Number:** 300-03 (2023)
Effective Date: July 1, 2023	**Review by Date:** July 1, 2028

Memorandum of Understanding Template

Purpose of MOU

The Workforce Innovation and Opportunity Act (WIOA) requires that a memorandum of understanding (MOU) be developed and executed between the Local Workforce Development Board (LWDB) and one-stop partners to establish an agreement concerning the operations of the West Virginia one-stop delivery system. The purpose of the MOU is to establish a cooperative working relationship between the parties and to define their respective roles and responsibilities in achieving policy objectives. The MOU also serves to establish the framework for providing services to employers, employees, job seekers and others needing workforce services.

This MOU was developed using a collaborative and good-faith approach to negotiations and in a manner to encourage all entities to work together in developing an MOU that demonstrates the spirit and intent of WIOA.

Parties to the MOU

This section includes all parties relevant to the MOU.

LWDBs are encouraged to develop a single "umbrella" MOU that addresses issues related to the local one-stop service delivery network, its Chief Elected Local Official (CLEO), and WIOA, state, regional, and community partners. Local WDBs, with the agreement of the CLEO, may still enter into separate agreements between each partner or groups of partners. However, the aim of the "umbrella" MOU is to allow partner programs to focus on service delivery and not the process of negotiating several MOUs.

Required one-stop partners include representatives of the following programs:

- WIOA Title I Adult, Dislocated Worker, and Youth Programs
- WIOA Title I National Farmworker Jobs Programs/Migrant and Seasonal Farmworker Programs
- WIOA Title I Job Corps
- WIOA Title II Adult Education and Literacy Program

- WIOA Title III Wagner-Peyser Program
- WIOA Title IV Vocational Rehabilitation Program
- Carl D. Perkins Career and Technical Education Program
- Temporary Assistance for Needy Families
- Employment and training programs under SNAP
- Trade Adjustment Assistance
- Jobs for Veterans State Grants Program
- Unemployment Insurance program
- Senior Community Service Employment Program
- Community Services Block Grant
- Reentry Employment Opportunities program (Second Chance)

{ensure all participating partners are listed here}

Description of Services
This section should include a description of services to be provided through the one-stop delivery system, including the manner in which the services will be coordinated and delivered through the system. This includes the three types of "career services" authorized under WIOA (basic career services, individualized career services, and follow-up services), as well as training services and services provided to employers.

The description of services should include:
- The method or means of providing partners access to those services;
- The frequency of program staff's physical presence in an affiliated site;
- How specialized one-stop centers may be implemented, if needed; and
- A description of the coordinated delivery of services in the system.

{fill out description of services, as indicated above}

Funding of the Services
Include an agreement on funding the costs of the services and the operating costs of the system, including:
- Funding of infrastructure costs of one-stop centers in accordance with §§ 678.700 through 678.755; and
- Funding of the shared services and operating costs of the one-stop delivery system described in § 678.760.

This section shall include the one-stop operating budget, which is the financial plan that the one-stop partners and LWDB agree will be used to achieve the MOU's goals of delivering

Other

services in a local area. The MOU must contain provisions describing how the costs of services and the operating costs will be funded, including the infrastructure costs.

The one-stop operating budget will be reconciled quarterly against actual costs incurred and adjusted accordingly. This reconciliation ensures that the budget reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to the partner's use of the one-stop center and relative benefit received. Even for in-kind contributions, quarterly reconciliation must be conducted to ensure that the cost allocation methodology reflects each partner's relative benefit.

{Attach the Infrastructure Funding Agreement as part of this section}

Other Contributions
This section must include contributions made to the one-stop system through other avenues, such as donations made by a non-partner entity (e.g., a local business donating computers for a learning lab). Third-party in-kind contributions made to supplement the operation of the one-stop center must be documented.

{describe any other contributions}

Methods for Referring Customers
This section should describe the methods for referring individuals between the one-stop operators and partners for appropriate services and activities.

{Describe referral methods}

Access for Individuals with Barriers to Employment
This section should include methods to ensure the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials available through the one-stop system.

This section should also include a commitment from each one-stop partner to ensure their policies, procedures, programs, and services are in compliance with the Americans with Disabilities Act of 1990 and its amendments, in order to provide equal access to all customers with disabilities.

{describe methods to ensure access of individuals with barriers to employment}

Duration of the MOU
This MOU is effective from _____ to _____.

This MOU shall be binding upon each party hereto upon execution by such party. The term of this MOU shall be three years, commencing on the date of execution by all parties. The MOU will be reviewed not less than once every three years to identify any substantial changes that have occurred.

Modifications and Revisions
This MOU will be reviewed regularly by one-stop partners and, if substantial changes have occurred, be renewed. Renewal requires all parties to review and agree to all elements of the MOU and re-sign the MOU. Amendment or modification of the MOU only requires the parties to review and agree to the elements of the MOU that changed.

Non-substantive changes to the MOU, such as minor revisions to the budget or adjustments made due to the quarterly reconciliation of the budget, do not require renewal of the MOU. These changes may occur through the local MOU amendment procedures established at the local level.

The MOU will be renewed not less than once every three years to ensure appropriate funding and delivery of services. Negotiations will begin eighteen weeks prior to renewal.

This MOU constitutes the entire agreement between the parties and no oral understanding not incorporated herein shall be binding on any of the parties hereto. This MOU may be modified, altered, or revised, as necessary, by mutual consent of the parties, by the issuance of a written amendment, signed and dated by the parties.

{Describe the procedures for amending the MOU}

Appeals
Should a one-stop partner's appeal to the State regarding infrastructure costs result in a change to the one-stop partner's infrastructure cost contributions, the MOU will be updated to reflect the final one-stop partner infrastructure cost contributions.

Termination
This section should include information regarding termination of the MOU.

The parties understand that implementation of the one-stop system is dependent on the good faith effort of every partner to work together to improve services to the community. The parties also agree that this is a project where different ways of working together and providing services are being tried. In the event that it becomes necessary for one or more parties to cease being a part of this this MOU, said entity shall notify the other parties, in writing, 30 days in advance of that intention.

Other

Other Provisions Agreed to by the MOU Parties
The MOU may contain any other provisions agreed to by the parties that are consistent with WIOA title I, the authorizing statutes and regulations of one-stop partner programs, and the WIOA regulations.

{Include any additional provisions here}

Authorized Signatory

The MOU is to be signed by the designated authorized signature appointed by each partner. The date hereof, as to the incumbency of the person or persons authorized to execute and deliver the identified roles and responsibilities of the partner outlined within the MOU hereunder on behalf of the partner.

Signature Page

All partners, regardless of colocation status, must sign the MOU. By signing below, all parties agree to the terms prescribed in this MOU, including the attached IFA and other system costs budget. {Add more signature lines as necessary

Other

(CEO)

_____

Printed Name and Title

_____

Signature and Date

(Local Board Chairperson)

_____

Printed Name and Title

_____

Signature and Date

(Partner)

_____

Printed Name and Title

_____

Signature and Date

(Partner)

_____

Printed Name and Title

_____

Signature and Date

(Partner)

_____

Printed Name and Title

_____

Signature and Date

(Partner)

_____

Printed Name and Title

_____

Signature and Date

Other

West Virginia Workforce Development Board	
Policy Area: One-Stop Service Delivery	
Title of Policy: One-Stop Infrastructure Funding	**Number:** 300-04 (2023)
Effective Date: July 1, 2023	**Review by Date:** July 1, 2028
Approved Date: **Revision Date:**	**Approved by:**

I. Purpose

The purpose of this issuance is to detail the requirements for funding one-stop infrastructure and provide guidance to West Virginia's Local Workforce Development Boards (LWDB) under the Workforce Innovation and Opportunity Act (WIOA).

II. Summary

The Workforce Innovation and Opportunity Act (WIOA) creates a new process for funding the costs of one-stop infrastructure. One-stop infrastructure is generally described as the costs of non-personnel resources such as building leases, equipment, supplies, and resource rooms. The purpose of partner programs sharing the costs of one-stop infrastructure is to: (1) maintain the one-stop delivery system to meet the needs of local communities; (2) reduce duplication by improving program effectiveness through the sharing of services, resources and technologies among program partners; (3) reduce overhead by streamlining and sharing financial, procurement, and facilities costs; (4) encourage efficient use of information technology; (5) ensure that costs are appropriately shared by one-stop partners by basing contributions on proportionate share of use, and (6) ensure that services provided by the one-stop partners to reduce duplication or to increase financial efficiency at the one-stop centers are allowable under the partner's program.

III. References

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- Training and Employment Notice No. 05-14, *Workforce Innovation and Opportunity Act Announcement and Initial Informational Resources*
- Training and Guidance Letter No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014*
- United States Department of Labor, *Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule*, 20 CFR, Part 678, Subpart E, One-Stop Operating Costs
- Office of Management and Budget (OMB) Uniform Guidance at 2 CFR part 200 and the Department of Labor exceptions at 2 CFR part 2900

U.S. Department of Labor, Employment and Training Administration, "One-Stop Comprehensive Financial Management Technical Assistance Guide"

- Workforce Innovation and Opportunity Act (WIOA) One-Stop Infrastructure Costs-FAQ
- Code of West Virginia, §5B-2B-4(b)(6)(B) and §5B-2B-4(b)(3)(F)

IV. Policy

The West Virginia State Workforce Development Board promotes the appropriate sharing of costs of the one-stop career center system through the one-stop infrastructure mechanism outlined in WIOA, consistent with Uniform Guidance and federal cost principles. One-stop infrastructure includes the non-personnel costs of operating the one-stop delivery system and includes the following:

- Rental of the facilities;
- Utilities and maintenance;
- Equipment (including assessment-related products and assistive technology for individuals with disabilities); and
- Technology to facilitate access to the one-stop center, including technology used for the center's planning and outreach activities.
- Local Boards may consider common identifier costs as costs of one-stop infrastructure.

Personnel costs include salaries, wages, and fringe benefits of the employees of partner programs or their subrecipients. For example, allocable salary and fringe benefit costs of partner program staff who work on information technology systems (i.e., common performance and reporting outcomes) for use by a one-stop center as a whole are personnel costs and identified as additional costs, not infrastructure costs. The cost of a shared welcome desk or greeter directing employers and customers to the services or staff that are available in that one-stop center is a personnel expense. These costs, therefore, are not included in infrastructure costs but are included as "additional costs" in the one-stop operating budget.

WIOA outlines two mechanisms for reaching agreement on the shared costs of infrastructure. The first is the "local mechanism." The local mechanism includes agreement among the one-stop partner programs in a local workforce development area, and the agreement is reflected in the local Memorandum of Understanding (MOU). The second is the "state mechanism." The state mechanism occurs through action by the Governor to take portions from the one-stop partner program at the state level and pool funds for allocation to local workforce development areas that do not trigger the local mechanism for funding one-stop infrastructure costs.

The West Virginia State Workforce Development Board oversees the processes for funding one-stop infrastructure, including ensuring consistency in how local negotiations for sharing the costs of infrastructure occur. Each LWDB in the State of West Virginia, in conjunction with chief local elected officials, have the opportunity to fund the costs of one-stop

infrastructure locally though the MOU negotiation process. Each local MOU must contain an Infrastructure Funding Agreement (IFA), which outlines the budget and partner shares for funding the one-stop infrastructure in a local workforce development area.

All shared costs for one-stop infrastructure shall meet requirements under each program partner's authorizing statutes and regulations, as well as federal cost principles. Likewise, the amounts contributed by each program partner shall not exceed the legal caps placed through the WIOA statute and regulations or additional requirements in West Virginia state law. When the state mechanism is triggered, allocation of funds will be based on federal guidance and required partner programs' proportional use and relative benefit of comprehensive and affiliate one-stop career centers in the local workforce development area.

V. Procedures

All one-stop partner programs must contribute to the infrastructure costs and certain additional costs of the one-stop delivery system based on their proportionate use and relative benefit received as outlined in 20 CFR 678.700 and 678.760, 34 CFR 361.700 and 361.760, and 34 CFR 463.700 and 463.760.

Proportionate use refers to a partner program contributing its fair share of the costs proportionate to:

(1) The use of a one-stop center by customers that may include reportable individuals and participants in its program at that one-stop center;

(2) The amount of square footage occupied by the partner program in the one-stop center; or

(3) Another allocation base consistent with the Uniform Guidance.

In determining the proportionate share, the "relative benefit" received from participating in the one-stop delivery system is another step in the cost allocation process. Determining relative benefit does not require partners to conduct an exact or absolute measurement of benefit, but instead to measure a partner's benefit using reasonable methods.

The **possible methodologies** used to allocate costs among the one-stop partners include:

(1) Staff time allocated on the basis of time sheets and time distribution records;

(2) Facilities allocated on the basis of square footage;

(3) Accounting services allocated on the basis of transactions; and

(4) Equipment or supplies allocated based on usage.

LWDBs shall use as an allocation basis either direct-staff salaries or square footage. If LWDBs would like to use another allocation basis, they make a request and gain approval from Workforce West Virginia.

While not part of infrastructure costs, one-stop partners should also negotiate sharing **additional costs**, including personnel costs for various program and support activities,

operating costs, and services that are necessary for the general operation of a one-stop center. The costs of shared services may include initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, referrals to other one-stop partners, and business services.

The permissible types of funds used for infrastructure costs and the additional costs of operating a local one-stop delivery system (i.e., a partner's program or administrative funds) may differ depending upon the partner program's authorizing law and implementing regulations. Infrastructure funding may be from funds classified as administrative, program, or both, depending on the partner program's requirements.

Funding for infrastructure costs and additional costs, such as shared costs and shared services, may be in the form of:

- **Cash**
  - The source of funds that may be used to pay for infrastructure costs depends on the requirements regarding the use of funds under the law authorizing the partner program that is contributing the funding.
    - WIOA title I programs, including the Adult, Dislocated Worker, and Youth programs; Native American programs, YouthBuild, Job Corps programs, and Migrant and Seasonal Farm Workers (MSFW) programs – Program funds, administrative funds, or both may be used.
    - Senior Community Service Employment Program (SCSEP), Trade Adjustment Assistance (TAA) programs, Reentry Employment Opportunities (REO) programs – Program funds, administrative funds, or both may be used.
    - Wagner-Peyser Act ES, Jobs for Veterans State Grants (JVSG), and Unemployment Compensation programs – These programs do not distinguish between program and administrative funds. Therefore, any of the funds allotted for these programs may be used to pay for infrastructure costs.
    - Adult Education and Family Literacy Act (AEFLA) – Infrastructure costs are to be paid from Federal funds made available for local administration (WIOA sec. 233(a)(2) and 34 CFR 463.25 and 463.26(e)). Non-Federal resources that are cash, non-cash, or third-party in-kind contributions may also be used. The federal funds available for activities other than local administration may not be used for such costs.
    - Vocational Rehabilitation (VR) – This program does not distinguish between program and administrative funds. Non-federal resources that are cash, non-cash, or third-party in-kind contributions may also be used. The regulations clarify that one-stop system infrastructure costs are allowable administrative costs under the VR program. Therefore, although the VR program imposes no limits on the amount of funds that may be spent on administrative costs, VR agencies must report funds spent for infrastructure costs as administrative costs. Furthermore,

VR agencies may not count third-party in-kind contributions toward meeting their match requirement under the VR program when such contributions are used for one-stop operating costs.

- Perkins V – Federal funds made available for local administration may be used to pay infrastructure costs. Non-Federal resources that are cash, non-cash, or third-party in-kind contributions, and other funds made available by the State may also be used to pay infrastructure costs.
- Other required partners including Housing and Urban Development (HUD) employment and training programs, Community Service Block Grant (CSBG) programs, and Temporary Assistance for Needy Families (TANF) – These partner programs may determine what funds they will use to pay for infrastructure costs. The use of these funds must be in accordance with the requirements of WIOA and with the relevant partner's authorizing statutes and regulations, including, prohibitions against supplanting non-federal resources, statutory limitations on administrative costs, and all other applicable legal requirements.
- Additional Partners – These partners must consult their program's requirements and/or statute or authorizing documents/regulations to determine the type and source of funds that may be used.

- **Non-cash or third-party in-kind contributions**
  - In-kind contributions are not preferred. If in-kind contributions must be used, the LWDB should ensure that they are compliant with 2 CFR 200.306. Contributions must be:
    - Verifiable from the entity's records;
    - Not included as contributions for any other federal award;
    - Necessary and reasonable for accomplishment of project or program objectives;
    - Allowable under 2 CFR subpart E;
    - Not paid by the federal government under another federal award, except where the federal statute authorizing a program specifically provides that federal funds made available for such program can be applied to matching or cost sharing requirements of other federal programs;
    - Provided for in the approved budget when required by the federal awarding agency; and
    - Conform to other provisions of 2 CFR Part 200.
- Funding from **philanthropic organizations or other private entities**
- Other **alternative financing options** as described in WIOA sec. 121(c)(2)(A)(ii) and 20 CFR 678.715, 34 CFR 361.715, and 34 CFR 463.715

Other

Some partner programs may have statutory or regulatory prohibitions against using certain types of these contributions or on how the program may treat these contributions for fiscal accountability purposes under the respective program's requirements.

Consistent with West Virginia State Workforce Develop Board Policy 300-03 and federal guidance, if officials from at least one required program partner in a local workforce development area cannot reach agreement on funding the shared costs of one-stop infrastructure, the West Virginia State Workforce Development Board must be notified no later than April 30 of that year that an impasse has occurred. State officials will then provide technical assistance to help achieve a consensus.

Accompanying template to be provided.

West Virginia Workforce Development Board	
Infrastructure Funding Agreement (IFA) Template	
Title of Policy: Supporting Document for One-Stop Infrastructure Funding Agreement Policy	**Number:** 300-04 (2023)
Effective Date: July 1, 2023	**Review by Date:** July 1, 2028

Infrastructure Funding Agreement (IFA)Template

Infrastructure costs are defined as non-personnel costs that are necessary for the general operation of the one-stop including, but not limited to:

- Rental of the facilities;
- Utilities and maintenance;
- Equipment, including assessment-related products and assistive technology for individuals with disabilities; and
- Technology to facilitate access to the one-stop center, including technology used for the center's planning and outreach activities. 20 CFR 678.700.

WIOA requires local workforce development boards and one-stop partners to agree on the funding of infrastructure costs of one-stop centers. Agreement on infrastructure cost funding is part of the MOU for the one-stop delivery system. All one-stop partners, required and additional, that participate at an affiliate one-stop center must contribute to the infrastructure costs of that one-stop center, whether they are physically located in the center or not, based on their proportionate use and relative benefits received.

IFAs must include:

- The period of time in which the IFA is effective (which may be a different time period than the duration of the MOU).
- Identification of the infrastructure and shared services budget which must be quarterly reconciled against actual costs incurred.
- Description of the periodic modification and review process to ensure equitable benefit among one-stop partners.
- Identification of all one-stop partners, chief elected officials (CEOs), and the local board participating in the IFA.
- Steps the local workforce development boards, CEOs, and one-stop partners used to reach consensus or an assurance that the local area followed the guidance for the State funding process.
- A description of the process to be used among partners to resolve issues related to infrastructure funding during the MOU duration period when consensus cannot be reached. 20 CFR 678.755.

DRAFT

Other

Infrastructure and Shared Services Budget

Infrastructure costs are a component of the one-stop operating budget. The operating budget also includes additional costs. Additional costs may include applicable career services, shared operating costs, and shared services.

Additional costs include the costs of providing career services for the following programs:

[Identify one-stop partners or partner programs covered by the IFA. Include all partners in Attachment A.]

Shared services costs may include:

- Initial intake;
- Assessment of needs;
- Appraisal of basic skills;
- Identification of appropriate services to meet such needs;
- Referrals to other one-stop partners; and
- Business services

[Include budget information here. Budget Information must identify infrastructure costs and additional costs. Use Attachment B to keep track of costs.]

Cost Allocation Methodology

Allocation bases must be consistent with WIOA, its implementing regulations, and the Uniform Guidance, including the federal cost principles. Parties should consider the following in selecting a cost allocation base:

- Identify methodologies that most effectively allocate costs based upon proportionate use and relative benefit received by the one-stop partners.
- Additional effort and expense required to achieve a greater degree of accuracy.
- Allocation base used to allocate a particular type of cost must be consistent over time.
- Adherence to WIOA program rules.
- Whether all Parties agree with an allocation base that best fits the organizational structure.

While there are many commonly used allocation bases, local workforce development boards shall use as an allocation basis either direct-staff salaries or square footage. If local workforce development boards would like to use another allocation basis, they must make a request and gain approval from Workforce West Virginia. The chosen cost allocation method must be the same method for each partner.

All Parties agree to the following cost allocation methodology:

[Provide cost allocation methodology by Partner here. Identify cost allocation bases. Use Attachments C-H.]

Cost Reconciliation and Allocation Base Update
The operating budget is reconciled quarterly against actual costs incurred and adjusted accordingly. All Parties agree to use the following process for cost reconciliation and allocation base updates:

[Provide process for cost reconciliation and allocation base update here. Use Attachment I for reconciliation updates.]

Consensus
The partner designee (s) agree to use the following steps to reach consensus and to make a concerted effort to negotiate the IFA along with the remainder of the MOU, including the overall operating budget, for the participating one-stop center:

[Provide steps to use to reach consensus.]

Dispute and Impasse Resolution
The partner designee (s) agrees to actively participate in local IFA negotiations in a good faith effort to reach agreement. The partner designee (s) agrees to first attempt to resolve disputes informally. Should informal resolution efforts fail, the partner designee (s) agrees to use [Provide information on how parties will resolve disputes].

Modification Process
[Provide the modification process.]

Effective Period
The effective date of this IFA is __. This IFA will terminate on __.

Resources
For additional information on infrastructure funding of the one-stop delivery system see U.S. Employment and Training Administration (ETA) Training and Employment Guidance Letter (TEGL) WIOA NO. 17-16.
One-Stop Operating Cost regulations are located at 20 CFR Part 678 Subpart E.

Signatures

By signing this agreement, the individual signatory certifies that he or she is authorized to sign on behalf of the Partner organization and that they bind the organization to the faithful performance of this agreement, in its entirety. The signatory also assures on behalf of the Partner organization that it will comply with practices, policies, and procedures regarding client confidentiality, data, security, Drug Free Workplace Policy, Equal Employment Opportunity Regulations, and all required assurances as outlined in the Workforce Innovation and Opportunity Act.

Other

My signature certifies my understanding of the terms outlined herein and agreement with the IFA. I also certify that I have the legal authority to bind my agency (outlined below) to the terms of the IFA.

Printed Name Signature Date

Partner/Organization Name: _____

Printed Name Signature Date

Partner/Organization Name: _____

Printed Name Signature Date

Partner/Organization Name: _____

[Include additional lines as necessary]

[Local Workforce Development Board Name]

We affirm that the Local Workforce Development Board and the Chief Elected Official of the local area, in partnership, have developed and now submit this Memorandum of Understanding Signature Page and Infrastructure Funding Agreement in compliance with the provisions of the Workforce Innovation and Opportunity Act and instructions issued by the Governor under the authority of the Act.

_____
Submission Date

Workforce Development Board Chair

_____
Name

Chief Elected Official

_____
Name

ATTACHMENT B: One-Stop Operating Budget

Cost Category	Cost Pool	Cost Item	One-Stop Center 1	One-Stop Center 2	Total
Career Services					$
Infrastructure Costs					$
					$
					$
					$
					$
					$
					$
Totals					$

Other

ATTACHMENT C: Annual Infrastructure Budget for Each One-Stop Center

One-Stop Center: _____ (Name/Location)		
Cost Category/Line Item	***Line-Item Cost Detail***	***Cost***
Rent		
Rental of Facilities		
Subtotal: Rental Costs		
Utilities and Maintenance		
Electric		
Water		
Subtotal: Utilities and Maintenance Costs		
Equipment		
Assessment-related products		
Copiers		
Subtotal: Equipment Costs		
Technology to Facilitate Access to One-Stop		
Cost of creation/maintenance of a center website		
Subtotal: Tech to Facilitate Access to One-Stop		
Supplies to Support the General Operation of the One-Stop Center		
Supplies, as defined in Uniform Guidance (2 CFR 200.1) *Supplies for General Operation, not specific to a Co-Located Partner*		
Subtotal: Supplies to Support General Operation of One-Stop Center		
Common Identifier Costs		
Creating New Signage		
Subtotal: Common Identifier		
Summary of Total Infrastructure Costs to Be Shared by Co-Located One-Stop Partners		
Cost Category		
Subtotal: Rental Costs		
Subtotal: Utilities and Maintenance Costs		

Signature

Date

Signature

Date

Other

ATTACHMENT A: Partners

Partner Program	Partner Organization	Authorization	Signatory Official
Adult, Dislocated Worker, and Youth Programs		WIOA Title I-B	
Adult Education and Family Literacy		WIOA Title II	
Vocational Rehabilitation		Title I of the Rehabilitation Act of 1973, as amended by WIOA Title IV	
Wagner-Peyser		Wagner-Peyser Act, as amended by WIOA Title III	
Career and technical education programs		Carl D. Perkins Career and Technical Education Act, as amended (20 U.S.C. 2301 et seq.)	
Temporary Assistance for Needy Families (TANF)		(42 U.S.C. 601 et seq.)	
Employment and training programs under SNAP		Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)))	
Trade Adjustment Assistance		Chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.))	
Jobs for Veterans State Grants Program		38 U.S.C. 4100 et. seq	
Unemployment Insurance program		State unemployment compensation laws	

Senior Community Service Employment program		Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.))	
Community Services Block Grant		Community Services Block Grant Act (42 U.S.C. 9901 et seq.))	

Subtotal: Equipment Costs		
Subtotal: Technology to Facilitate Access Costs		
Subtotal: Supplies to Support the General Operation		
Subtotal: Common Identifier Costs		
Total Infrastructure Costs for this Location		

Other

ATTACHMENT D: Percentage of Co-Located One-Stop Partner's FTE in Each One-Stop Center

One-Stop Center Location: _____

Total Direct Salaries and Fringe Benefits for all One-Stop FTE Staff: $_____

Partner Program	Total Direct Salaries/Fringe Benefits for Partner's FTE Staff	Partner's Total Direct Salaries/Fringe Benefits for FTE Staff as a Percentage of One-Stop Total FTE Staff
Totals		**100%**

ATTACHMENT E: Proportionate Share of Infrastructure Costs Allocated to Each Co-Located One-Stop Partner (FTE Basis)

Other

One-Stop Center Location: _____

Total Infrastructure Costs for this One-Stop Center: $_____

Partner Program	Partner's FTE Staff Salaries as a % of All Co-Located Partner's FTE Staff Salaries	Proportionate Share (% of Partner's FTE Salaries X Total Infrastructure Cost = Partner Share)	$ Share to be Paid in Cash	$ Share to be Paid in Non-Cash
Total Infrastructure Costs to be Shared by One-Stop Partners in Cash/Non-Cash (Must Equal the Total Infrastructure Costs for this One-Stop Center)				

ATTACHMENT F: Percentage of Co-Located One-Stop Partner's Occupancy in Each Center

One-Stop Center Location: _____

Total Square Footage of One-Stop Center: _____

Total Square Footage of Dedicated/Assigned Space for All Co-Located One-Stop Partners: _____ **Square Feet**

Partner Program	Assigned Office Space/ Square Footage	Partner's Dedicated Space as a % of All Co-Located One-Stop Partners' Space
Totals		**100%**

Other

ATTACHMENT G: Proportionate Share of Infrastructure Costs Allocated to Each Co-Located One-Stop Partner (Square Footage Basis)

One-Stop Center Location: _____

Total Infrastructure Costs for this One-Stop Center: $_____

Partner Program	**Partner's Dedicated Space as % of All Co-Located Partner's Space**	**Proportionate Share (% of Partner's Space X Total Infrastructure Cost = Partner Share)**	**$ Share to be Paid in Cash**	**$ Share to be Paid in Non-Cash**
Total Infrastructure Costs to be Shared by One-Stop Partners in Cash/Non-Cash (Must Equal the Total Infrastructure Costs for this One-Stop Center)				

ATTACHMENT H: Infrastructure Funding Proportionate Share Summary

Proportionate Share for One-Stop Center Partners Agreeing to Share Infrastructure Costs

Partners Agreeing	***Agreed Methodology***	***Initial Partner Share***	***Amount in Cash***	***Amount in Non-Cash***
Partner 1	(FTE/Square Footage)			
Partner 2				
Partner 3				
Total Budget for Infrastructure Costs:		**$**	**$**	**$**

ATTACHMENT I: Quarterly Reconciliation Spreadsheet

One-Stop Center: (Name/Address)					
	Start Date	End Date			
Enter the Start and End Dates of This Reconciliation Period:					
Reconciliation Period	**Total for One-Stop Center**	**Partner 1**	**Partner 2**	**Partner 3**	**Total**
Budgeted Costs					
Budgeted Costs for this Reconciliation Period Only					
Actual Costs Incurred					
Actual Costs Incurred in this Reconciliation Period Only					
Budgeted FTEs/Sq Footage					
Partner % of Total FTEs/Sq Footage					
Amounts Owed or Credited					
Amount Owed or Credited for this Reconciliation Period					

Other