



# WEST VIRGINIA REGISTER

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Administrative Law Division

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

Acupuncture

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Air Quality

Alcohol Beverage Control Admin.

Health

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NO RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

NO EMERGENCY RULES FILED THIS WEEK

AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE	COMMENT END DATE

## CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 1	ACCOUNTANCY
TITLE 2	ARCHITECTS
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 4	CHIROPRACTIC EXAMINERS
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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
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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
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TITLE 81	STATE POLICE
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TITLE 112	TREASURER
TITLE 114	INSURANCE COMMISSION
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 145	DEVELOPMENT OFFICE
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 155	AUDITOR
TITLE 157	HIGHWAYS
TITLE 164	SCHOOL BUILDING AUTHORITY
TITLE 174	REAL ESTATE COMMISSION
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY COMMISSION
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 220	MULTIMODAL TRANSPORTATION FACILITIES



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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 <b>**Please Note**</b> 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

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- 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)

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Acupuncture (32-03)	Application for Licensure to Practice Acupuncture Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/22/2023	Bundled HB 4110	4/30/2024	4/30/2024
Administration (148-12) Sunset Provision	General Administration of Records Management and Preservation Legislative				3/27/2024				
Administration (148-13) Sunset Provision	Retention and Disposal Scheduling Legislative				3/27/2024				
Administration (148-14) Sunset Provision	Management of Records Maintained by the Records Center Legislative				3/27/2024				
Administration (148-23)	Exemptions From Management Services Provided by the Fleet Management Division Legislative	3/22/2024	4/26/2024		4/30/2024				
Administration (148-24) Sunset Provision	Financial Services Reporting Legislative				3/11/2024				
Agriculture (61-19) Sunset Provision	WV Manufacture Grade Milk Legislative								
Agriculture (61-20) Sunset Provision	Employment Reference and Inquiries and Background Checks Legislative								
Agriculture (61-30)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products Legislative			4/12/2024 Approved 4/17/2024					
Air Quality (45-01)	Alternative Emission Limitations During Startup and Shutdown Operations Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2	5/2/2024	6/1/2024
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	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2	5/2/2024	6/1/2024
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	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2	5/2/2024	6/1/2024

**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	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2	5/2/2024	6/1/2024
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2	5/2/2024	6/1/2024
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	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2	5/2/2024	6/1/2024
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023	Bundled SB 2	5/2/2024	6/1/2024
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2	5/2/2024	6/1/2024
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023	Bundled SB 2	5/2/2024	6/1/2024
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	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2	5/2/2024	6/1/2024
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023	Bundled SB 2	5/2/2024	6/1/2024
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	Approved 9/10/2023	Bundled SB 2	5/2/2024	6/1/2024
Alcohol Beverage Control Commission (175-02)	Private Club Licensing Legislative							4/5/2024	5/1/2024
Auditor (155-06) Sunset Provision	Local Government Purchasing Card Program Legislative				3/22/2024				
Auditor (155-12)	Rules for Private Trust Companies Legislative	10/25/2023	11/27/2023	10/25/2023 Approved 10/31/2023					

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Bundled HB 4110		
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	Bundled HB 4110		
Coal Mine Health and Safety (36-19)	Rule Governing Written Reports of Accidents Legislative Exempt	4/24/2024	5/24/2024						
Conservation Agency (63-03) Sunset Provision	State Conservation Committee Grant Program Legislative				10/30/2023				
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 10/4/2023	Bundled SB 36	4/10/2024	7/1/2024
Crime Delinquency and Correction (149-11)	Sexual Assault Forensic Examinations Legislative	8/8/2023	9/8/2023		9/8/2023	Modified & Approved 10/24/2023 Filed 11/9/2023	Bundled SB 36		
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	Modified & Approved 9/10/2023 Filed 9/18/2023	Bundled HB 4110	4/18/2024	5/1/2024
Dentistry (5-11)	Continuing Education Requirements Legislative	4/18/2024	5/24/2024						
Dentistry (5-14)	Mobile Dental Facilities & Portable Dental Units Legislative	4/23/2024	5/24/2024						
Dietitians (31-01)	Licensure And Renewal Requirements Legislative	3/14/2023	4/14/2023		4/25/2023	Modified & Approved 8/7/2023 Filed 9/11/2023	Bundled HB 4110	4/4/2024	7/1/2024
Dietitians (31-05)	Continuing Professional Education Requirements Legislative	3/14/2023	4/14/2023		4/25/2023	Modified & Approved 8/7/2023 Filed 9/11/2023	Bundled HB 4110	4/4/2024	7/1/2024

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 9/10/2023 Filed 11/13/2023	Bundled HB 4110		
Education (126-012)	WV System of Support and Accountability (2322) Legislative Exempt	4/10/2024	5/13/2024						
Education (126-032)	Issuance of the State of WV High School Equivalency Diploma and the Administration of the WV High School Equivalency Test, Option Pathway, and Mountaineer Challenge Academy Graduation Pathway(2444.4) Legislative Exempt	4/10/2024	5/13/2024						
Education (126-042)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	12/13/2023	2/12/2024						
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 (126-044D)	WV College-and Career-Readiness Standards for Social Studies (2520.4) Legislative Exempt	4/10/2024	5/27/2024						
Education (126-044M)	WV College-and Career-Readiness Programs of Career Technical Education (2520.13) Legislative Exempt	9/13/2023	10/16/2023					11/8/2023	7/1/2024
Education (126-044O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	4/10/2024	5/13/2024						
Education (126-099)	Expected Behavior in Safe and Supportive Schools( 4373) Legislative Exempt	4/10/2024	5/27/2024						
Education (126-189)	Nonresident and Resident Student Transfers (7212) Legislative Exempt	4/10/2024	5/13/2024						
Education (126-204)	Safe Schools Funding Process (8300) Procedural	4/10/2024	5/13/2024						

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Election Commission (146-01)	Corporate and Membership Organization Political Activity Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/25/2023	Bundled HB 4110		
Election Commission (146-03)	Regulation of Campaign Finance Legislative	7/27/2023	8/28/2023		9/13/2023	Modified & Approved 10/24/2023 Filed 11/17/2023	Bundled HB 4110		
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	Modified & Approved 9/10/2023 Filed 10/25/2023	Bundled HB 4110		
Environmental Protection Secretary's Office (60-12)	Administration of Drinking Water Treatment Revolving Fund and Safe Drinking Water Set-Asides Legislative	6/28/2023	7/28/2023	6/29/2023 Effective 8/10/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled SB 2		
Environmental Protection Secretary's Office (60-13)	Design Build Program Procedural	10/27/2023	11/28/2023						
Family Protection Services Board (191-02)	Domestic Violence Program Licensure Standards Legislative	5/30/2023	6/29/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 31		
Fire Commission (87-01)	Fire Code Legislative	6/16/2023	7/17/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/4/2023	Bundled SB 36	4/19/2024	5/1/2024
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36	4/15/2024	5/1/2024
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36	4/15/2024	5/1/2024
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 10/4/2023	Bundled SB 36	4/15/2024	5/1/2024
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36	4/15/2024	5/1/2024

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36	4/15/2024	5/1/2024
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	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36	4/15/2024	5/1/2024
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36	4/15/2024	5/1/2024
Forestry (22-02)	Sediment Control During Commercial Timber-Harvesting Operations-Licensing Legislative	6/26/2023	7/27/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 11/13/2023	Bundled HB 4086		
Forestry (22-03)	Sediment Control During Timber-Harvesting Operations-Logger Certification Legislative	6/26/2023	7/27/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 11/13/2023	Bundled HB 4086		
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/5/2023	7/5/2023		7/13/2023	Modified & Approved 10/30/2023 Filed 11/7/2023	Bundled SB 17	5/1/2024	5/1/2024
Health (64-12)	Hospital Licensure Legislative	6/5/2023	7/5/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17	5/1/2024	5/1/2024
Health (64-14) Sunset Provision	Assisted Living Residences Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/21/2023	Bundled SB 17	5/1/2024	5/1/2024
Health (64-30, repeal)	Fees for Permits Legislative	5/17/2023	6/16/2023		7/21/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17		
Health (64-91) Sunset Provision	Newborn Screening System Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/22/2023	Bundled SB 17	5/1/2024	5/1/2024

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17		
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	Bundled SB 17		
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	Bundled SB 17		
Health Care Authority (65-06) Sunset Provision	Cooperative Agreement Approval and Compliance Legislative				10/5/2022	Approved 8/7/2023	Bundled SB 17	5/1/2024	5/1/2024
Health Care Authority (65-09) Sunset Provision	Critical Access Hospitals Legislative				12/5/2023				
Health Care Authority (65-32)	Certificate of Need Legislative	5/17/2023	6/16/2023		7/21/2023	Approved 10/24/2023	Bundled SB 17	5/1/2024	5/1/2024
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	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 31		
Human Services (78-26) Sunset Provisions	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative								
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	5/30/2023	6/29/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 31		
Insurance Comm. (114-24) Sunset Provision	Medicare Supplement Insurance Legislative				3/13/2024				
Labor (42-08)	Minimum Wage, Maximum Hours, and Overtime Compensation Legislative	5/4/2023	6/5/2023		6/6/2023	Modified & Approved 9/10/2023 Filed 9/19/2023	Bundled HB 4086	3/29/2024	5/1/2024



**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Multimodal Transportation Facilities (220-01)	Valuation of Used Rolling Stock and Equipment Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/29/2023	Bundled SB 60	4/12/2024	8/1/2024
Natural Resources (58-16) Sunset Provision	Transporting and Selling Wildlife Pelts and Parts Legislative								
Natural Resources (58-25) Sunset Provision	Boating Rule Legislative								
Natural Resources (58-26) Sunset Provision	Special Boating Rule Legislative								
Natural Resources (58-32) Sunset Provision	Public Use of Campgrounds in WV State Parks and State Forests and Campsites in State Rail Trails under the DNR Legislative								
Natural Resources (58-34) Sunset Provision	Special Projects and Grants for WV State Parks, State Forests, and State Rail Trails Under the DNR Legislative								
Natural Resources (58-47) Sunset Provision	Prohibitions When Hunting and Trapping Legislative								
Natural Resources (58-61) Sunset Provision	Special Fishing Rule Legislative								
Natural Resources (58-62) Sunset Provision	Catching and Selling Baitfish Legislative								
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	5/8/2023	6/8/2023		6/9/2023	Approved 8/7/2023	Bundled HB 4110	4/25/2024	7/1/2024
Occupational Therapy (13-03)	Fees For Services Rendered by the Board Legislative	4/24/2024	6/1/2024						
Occupational Therapy (13-05)	Competency Standards for Advanced Practice by Occupational Therapists and Occupational Therapy Assistants Legislative	4/24/2024	6/1/2024						

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Occupational Therapy (13-07) Sunset Provision	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative				1/10/2024				
Occupational Therapy (13-08) Sunset Provision	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative				1/10/2024				
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	4/24/2024	6/1/2024						
Optometry (14-01)	Rules of the WV Board of Optometry Legislative	6/28/2023	7/27/2023		7/28/2023	Modified & Approved 10/24/2023 Filed 11/16/2023	Bundled HB 4110		
Optometry (14-11)	Injectable Pharmaceuticals by Injection Certificate Legislative	6/28/2023	7/28/2023		7/31/2023	Modified & Approved 10/24/2023 Filed 11/16/2023	Bundled HB 4110		
Optometry (14-14)	Eyelid Procedures Legislative	6/28/2023	7/27/2023		7/28/2023	Modified & Approved 11/1/2023 Filed 11/15/2023	Bundled HB 4110		
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/26/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4110	4/15/2024	7/1/2024
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/26/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4110	4/15/2024	7/1/2024
Osteopathic Medicine (24-08) Sunset Provision	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative				11/15/2023				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Pharmacy (15-03)	Continuing Education for Licensure for Pharmacists Legislative	6/27/2023	7/27/2023		7/28/2023	Approved 9/10/2023	Bundled HB 4110		
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/27/2023	7/27/2023		7/28/2023	Approved 9/10/2023	Bundled HB 4110		

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/29/2023	7/28/2023	6/27/2023 Approved 6/29/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/27/2023	7/27/2023	6/27/2023 Approved 6/29/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Physical Therapy (16-09) Sunset Provision	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative				1/9/2024				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/7/2023	7/7/2023		7/31/2023	Modified & Approved 9/10/2023 Filed 10/3/2023	Bundled HB 4110	4/30/2024	4/30/2024
Psychologists (17-02)	Organization and Procedures of the Board of Examiners of Psychologists Procedural	2/15/2024	3/15/2024						
Psychologists (17-04)	Disciplinary and Complaint Procedures for Psychologists Legislative	6/15/2023	7/17/2023		7/25/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4110		
Psychologists (17-05)	Contested Case Hearing Procedure Legislative	6/15/2023	7/17/2023		7/25/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4110		
Psychologists (17-07) Sunset Provision	Consideration of Prior Criminal Convictions in Initial Licensure Determinations and Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative								
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	Authorize with Certain Amendments 11/1/2023	Bundled HB 4086		

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/5/2023	7/6/2023		7/26/2023	Authorized w/Certain Amendments 9/10/2023 Filed 9/25/2023	Bundled SB 50	4/24/2024	7/21/2024
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	Modified & Approved 10/24/2023 Filed 11/16/2023	Bundled HB 4110	5/2/2024	5/2/2024
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	Modified & Approved 10/30/2023 Filed 11/16/2023	Bundled HB 4110	5/2/2024	5/2/2024
Registered Nurses, WV Board of (19-07)	Advanced Practice Registered Nurse Licensure Requirements Legislative	6/14/2023	7/14/2023		7/26/2023	Approved 10/24/2023	Bundled HB 4110	5/2/2024	5/2/2024
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	Approved 10/24/2023	Bundled HB 4110	5/2/2024	5/2/2024
Respiratory Care (30-09)	Student Temporary Permit - Amended Legislative	4/28/2023	6/1/2023		6/8/2023	Modified & Approved 8/7/2023 Filed 9/28/2023	Bundled HB 4110	4/4/2024	5/18/2024
Respiratory Care (30-10) Sunset Provision	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative				2/27/2024				
Respiratory Care (30-11)	Telehealth Practice; Requirements; Definitions Legislative	9/26/2023	10/30/2023		1/26/2024				
Secretary of State (153-14)	Guidelines for the Use of Nicknames and Other Designations on the Ballot Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/25/2023	Bundled HB 4110		
Secretary of State (153-25, repeal)	Combined Voter Registration and Driver Licensing Fund Legislative	6/28/2023	7/28/2023		7/28/2023	Approved 9/10/2023	Bundled HB 4110		
Secretary of State (153-55)	Minimum Standards for Election Administration, Infrastructure, and Security Legislative	6/27/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/25/2023	Bundled HB 4110		

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-10F) Sunset Provision	Payment of Taxes by Electronic Funds Transfer Legislative				3/11/2024				
Tax (110-15C) Sunset Provision	Consumer Sales and Service Tax and Use Tax- Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se Exemption Legislative				3/11/2024				
Tax (110-15K) Sunset Provision	Aircraft Operated Under A Fractional Ownership Program Legislative				3/28/2023	Approved 8/7/2023	Bundled SB 50	4/30/2024	4/30/2024
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	Bundled SB 50	4/30/2024	4/30/2024
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	Approved 10/24/2023	Bundled SB 50	4/30/2024	4/30/2024
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/8/2023	7/10/2023		7/25/2023	Approved 10/24/2023	Bundled SB 50	4/30/2024	4/30/2024
Tax (110-49) Sunset Provision	Administration of Tax on Purchases of Wine and Liquor Inside and Outside of Municipalities Legislative				12/30/2022	Modified & Approved 8/7/2023 Filed 8/21/2023	Bundled SB 50	4/30/2024	4/30/2024
Tax (110-50C) Sunset Provision	Exchange of Information Pursuant to Written Agreement Legislative				3/11/2024				
Tax (110-99)	Privilege Tax on Sales of Hemp-Derived Cannabinoid and Kratom Products Legislative	6/8/2023	7/10/2023		7/25/2023	Approved 10/24/2023	Bundled SB 50	4/30/2024	4/30/2024
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/27/2023	7/27/2023		7/28/2023	Modified & Approved 10/24/2023 Filed 11/2/2023	Bundled HB 4110	4/4/2024	5/1/2024
Treasurer (112-17)	Exempt Purchasing Procedural	3/14/2024	4/15/2024					4/15/2024	5/16/2024
Treasurer (112-18)	Hope Scholarship Program Legislative	3/6/2024	4/5/2024	2/7/2024 Effective 3/20/2024	4/29/2024				



**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE**

**LEGISLATIVE**

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

AGENCY: Acupuncture TITLE-SERIES: 32-03  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Applications For Licensure To Practice Acupuncture

CITE STATUTORY AUTHORITY: §30-36-7  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) HB 4110  
 Section ~~§64-9-2~~ Passed On 3/9/2024 12:00:00 AM

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

~~April 30, 2024~~

This rule shall terminate and have no further force or effect from the following date:

~~August 01, 2034~~

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

Yes

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

AGENCY: Administration TITLE-SERIES: 148-23  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: 148-23 Exemptions From Management Services Provided by the Fleet Management Division

PRIMARY CONTACT  
 NAME: MJ Peal  
 ADDRESS: 1900 Kanawha Blvd E  
 Building 1 Room E 119  
 Charleston, WV 25305  
 EMAIL: misty.peal@wv.gov  
 PHONE NUMBER: 304-558-4331

CITE STATUTORY AUTHORITY: W.Va. Code §5A-12-9

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

W.Va. Code § 5A-12-9 requires the Fleet Management Division to submit a "legislative rule identifying each spending unit for which an exemption has been approved, which rule shall further state the nature of the proposed exemption, and which services will be used, as well as the manner in which the spending unit will comply with all other requirements of this article, including the requirements to report certain information to the division. Provided, That no request for exemption pursuant to this section shall become effective without the enactment of a legislative rule pursuant to the provisions of §29A-3-1 et seq. of this code."

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: 3/21/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 4/26/2024

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No



WEST VIRGINIA SECRETARY OF STATE  
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LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Air Quality TITLE-SERIES: 45-01  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Alternative Emission Limitations During Startup and Shutdown Operations  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill) SB2  
 Section 64-3-1 (a) Passed On 3/8/2024 12:00:00 AM

AGENCY: Air Quality TITLE-SERIES: 45-02  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: CONTROL OF PARTICULATE MATTER-AIR POLLUTION FROM THE COMBUSTION OF FUEL IN INDIRECT HEAT EXCHANGERS  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill) SB2  
 Section 64-3-1 (b) Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule shall terminate and have no further force or effect from the following date:

This rule shall terminate and have no further force or effect from the following date:

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

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

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

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



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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
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AGENCY: Air Quality TITLE-SERIES: 45-03  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: CONTROL OF AIR POLLUTION FROM THE OPERATION OF HOT MIX ASPHALT PLANTS  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB2

Section 64-3-1(G) Passed On

3/8/2024 12:00:00 AM

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

June 1, 2024

This rule shall terminate and have no further force or effect from the following date:

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

Yes

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

LEGISLATIVE  
NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
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AGENCY: Air Quality TITLE-SERIES: 45-05  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: CONTROL OF AIR POLLUTION FROM THE OPERATION OF COAL PREPARATION PLANTS, COAL HANDLING OPERATIONS AND COAL REFUSE DISPOSAL AREAS  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB2

Section 64-3-1(d) Passed On

3/8/2024 12:00:00 AM

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

June 1, 2024

This rule shall terminate and have no further force or effect from the following date:

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

Yes

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



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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Air Quality TITLE-SERIES: 45-06  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: CONTROL OF AIR POLLUTION FROM COMBUSTION OF REFUSE  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) SB2  
 Section 64-3-1 (e) Passed On 3/8/2024 12:00:00 AM

AGENCY: Air Quality TITLE-SERIES: 45-07  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: CONTROL OF PARTICULATE MATTER AIR POLLUTION FROM MANUFACTURING PROCESSES AND ASSOCIATED OPERATIONS  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) SB2  
 Section 64-3-1(f) Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule shall terminate and have no further force or effect from the following date:

This rule shall terminate and have no further force or effect from the following date:

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

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

Yes

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

Yes

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



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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
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AGENCY: Air Quality TITLE-SERIES: 45-08  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: AMBIENT AIR QUALITY STANDARDS  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB2  
 Section 64-3-1(a) Passed On 3/8/2024 12:00:00 AM

AGENCY: Air Quality TITLE-SERIES: 45-10  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: CONTROL OF AIR POLLUTION FROM THE  
 EMISSION OF SULFUR OXIDES  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB2  
 Section 64-3-1(h) Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule shall terminate and have no further force or effect from the following date:

This rule shall terminate and have no further force or effect from the following date:

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

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

Yes

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

Yes

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



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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Air Quality TITLE-SERIES: 45-16  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Standards of Performance for New Stationary Sources  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB2  
 number)  
 Section 64-3-1 (f) Passed On 3/8/2024 12:00:00 AM  
 This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule shall terminate and have no further force or effect from the following date:

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

Yes

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

AGENCY: Air Quality TITLE-SERIES: 45-21  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: CONTROL OF AIR POLLUTION FROM THE EMISSION OF VOLATILE ORGANIC COMPOUNDS  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB2  
 number)  
 Section 64-3-1 (f) Passed On 3/8/2024 12:00:00 AM  
 This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule shall terminate and have no further force or effect from the following date:

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

Yes

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



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LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Air Quality TITLE-SERIES: 45-34  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB2  
 number)  
 Section ~~64-3-1(K)~~ Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule shall terminate and have no further force or effect from the following date:

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

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

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Air Quality TITLE-SERIES: 45-44  
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes  
 RULE NAME: CONTROL OF GREENHOUSE GAS EMISSIONS FROM EXISTING COAL-FIRED ELECTRIC UTILITY GENERATING UNITS  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB2  
 number)  
 Section ~~64-3-1(I)~~ Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
June 1, 2024

This rule shall terminate and have no further force or effect from the following date:

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

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



**WEST VIRGINIA**  
**ALCOHOL BEVERAGE CONTROL ADMINISTRATION**  
**FREDRIC L. WOOLTON, COMMISSIONER**

April 25, 2024

**VIA HAND DELIVERY**

Mac Warner, The Honorable Secretary of State,  
 Secretary of State's Office - Administrative Law  
 Bldg. 1, Suite 157-K  
 1900 Kanawha Blvd. East  
 Charleston, WV 25305-0770

**FILED**

2024 APR 26 A 10:10  
 OFFICE OF THE CLERK  
 SECRETARY OF STATE

**LEGISLATIVE**

Re: Order of the Commissioner  
 issued pursuant to W. Va. Code §60-7-8g(b) regarding legislative intent of  
 W. Va. Code §60-7-8g(b)(2) and (f) from HB 5295, and interpretation of W.  
 Va. Code §60-7-8g(c)(3) all related to private outdoor designated areas  
 (PODA)

Dear Secretary of State Warner:

With passage of HB 5295, effective from passage on March 4, 2024, this 2024 Regular Session, I became aware of two issues with certain language in the bill with respect to Class A licenses referenced in W. Va. Code §60-7-8g(b)(2), (c)(3), (f), and (h).

**Issue J:** In conversations with myself and WVABCA staff, the bill drafters and WVABCA staff, legislators, and the administration, the intent of the statute was to include all Class A licenses as qualified permit holders, this would include:

- (1) the Class A licenses issued per W. Va. Code §11-16-1 et seq., or Class A Taverns for the sale and consumption of nonintoxicating beer and nonintoxicating craft beer;
- (2) the Class A licenses issued per W. Va. Code §60-7-1 et seq., or Class A Private Club types for the sale and consumption of nonintoxicating beer and nonintoxicating craft beer, wine, and liquor; and
- (3) the Class A licenses issued per W. Va. Code §60-8-1 et seq., or Class A Private Wine Restaurants, Private Wine Bed and Breakfasts and Private Wine Spas for the sale and consumption of wine.

Further, the legislative intent was not to include Class B - off-premises licensees.

Upon my review of HB 5295, W. Va. Code §60-7-8g, specifically section (h), and the legislative intent:

Effective May 1, 2024, I hereby exercise the authority granted by the Legislature in W. Va. Code §60-7-8g(h) for the Commissioner to by order allow an exception for the circumstances regarding the operation of qualified permit holders in a PODA; the exception shall permit any Class A license issued per W. Va. Code §11-16-1 et seq., W. Va. Code §60-7-1 et seq., or W. Va. Code §60-8-1 et seq., to obtain a qualified permit per W. Va. Code §60-7-8g and participate in the PODA to the extent authorized by their license. All Class A licensees may permit consumption of liquor, wine and beer in an

304-356-5500

900 Pennsylvania Ave., 4<sup>th</sup> Floor, Charleston, WV 25302

FAX: 304-538-0081

www.abca.wv.gov

Mac Warner, The Honorable Secretary of State  
 April 25, 2024  
 Page 2

authorized PODA cup on the licensed premises, however, the Class A licensees may only lawfully sell the alcohol authorized by their current license. Nothing herein prohibits a Class A licensees from changing their current license status. All affected Class A licensees must obtain a qualified permit and adhere to the requirements W. Va. Code §60-7-8g, and as applicable W. Va. Code §11-16-1 et seq., W. Va. Code §60-7-1 et seq., or W. Va. Code §60-8-1 et seq.

**Issue 2:** Upon my review of W. Va. Code §60-7-8g, (b)(2), (c)(3), and (f), the statute reads that a Class S2 licensee or private fair and festival licensee must become a qualified permit holder to participate in the PODA and also meet the qualified permit requirements. A Class S2 licensee pays a fee of \$500 for a license to operate a private fair and festival on a temporary basis where the event operates for 10 consecutive days. In my review, requiring an S2 licensee to pay the qualified permit holder fee of \$100 set forth at W. Va. Code §60-7-8g(c)(3) to operate in PODA appears excessive. An S2 licensee would still need to meet all other requirements of a qualified permit holder and W. Va. Code §60-7-8g.

Effective May 1, 2024, I hereby exercise the authority granted by the Legislature in W. Va. Code §60-7-8g(h) for the Commissioner to by order allow a waiver for the circumstances regarding the operation of qualified permit holders in a PODA; the waiver waives the W. Va. Code §60-7-8g(c)(3) \$100 fee for a S2 licensee holder applying for a qualified permit. The S2 licensee holder will have to meet all other requirements of a qualified permit holder in order to be issued a Class S4 license in addition to its Class S2 license.

This order granting an exception and a waiver shall stay in effect until such time as the Legislature is able to amend the W. Va. Code §60-7-8g and any other applicable code sections in a special session or the 2025 Regular Session.

Please file this Commissioner's Order in the State Register and perhaps with 175 CSR 2, Private Club licensing. If you have any further questions, please feel free to contact the WVABCA at 304-356-5500.

Sincerely,

*Fredric L. Woolton*

Fredric L. Woolton  
 WVABCA Commissioner

304-356-5500

900 Pennsylvania Ave., 4<sup>th</sup> Floor, Charleston, WV 25302

FAX: 304-538-0081

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WEST VIRGINIA SECRETARY OF STATE  
 MAC WARNER  
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 5/1/2024 12:22:12 PM  
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WEST VIRGINIA SECRETARY OF STATE  
 MAC WARNER  
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 5/1/2024 4:37:36 PM  
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-11  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Behavioral Health Centers Licensure  
 CITE STATUTORY AUTHORITY: W. Va. Code §64-5-1(c)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) SB 17  
 Section §64-5-1 Passed On 3/9/2024 12:00:00 AM

AGENCY: Health TITLE-SERIES: 64-12  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Hospital Licensure  
 CITE STATUTORY AUTHORITY: W. Va. Code §64-5-1(d)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) SB 17  
 Section §64-5-1 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
May 1, 2024

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
May 1, 2024

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2029

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2029

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

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

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

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



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5/1/2024 12:27:35 PM  
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Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-14  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Assisted Living Residences  
 CITE STATUTORY AUTHORITY: W. Va. Code §64-5-1(e)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) SB 17  
 Section §64-5-1 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
May 1, 2024

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2029

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

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

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-91  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Newborn Screening System  
 CITE STATUTORY AUTHORITY: W. Va. Code §64-5-1(i)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) SB 17  
 Section §64-5-1 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
May 1, 2024

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2029

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

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



WEST VIRGINIA SECRETARY OF STATE  
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 5/1/2024 4:47:52 PM  
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 Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health Care Authority TITLE-SERIES: 65-06  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Cooperative Agreement Approval and Compliance  
 CITE STATUTORY AUTHORITY: W. Va. Code §64-5-1(m)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB 17  
 number)  
 Section §64-5-1 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
 May 1, 2024

This rule shall terminate and have no further force or effect from the following date:  
 August 01, 2029

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

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

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health Care Authority TITLE-SERIES: 65-32  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Certificate of Need  
 CITE STATUTORY AUTHORITY: W. Va. Code §64-5-1(n)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB 17  
 number)  
 Section §64-5-1 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
 May 1, 2024

This rule shall terminate and have no further force or effect from the following date:  
 August 01, 2029

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

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



WEST VIRGINIA SECRETARY OF STATE  
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 5/1/2024 4:40:27 PM  
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 Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Massage Therapy Licensure Board TITLE-SERIES: 194-01  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: General Provisions  
 CITE STATUTORY AUTHORITY: §30-37-6  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) HB 4110  
 Section §64-9-11 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
 May 1, 2024

This rule shall terminate and have no further force or effect from the following date:  
 August 01, 2034

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

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



WEST VIRGINIA SECRETARY OF STATE  
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 5/1/2024 3:06:23 PM  
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Massage Therapy Licensure Board TITLE-SERIES: 194-04  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Schedule of Fees  
 CITE STATUTORY AUTHORITY: §30-37-6 and §30-37-13  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) HB 4110  
 Section §64-9-11 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
 May 1, 2024

This rule shall terminate and have no further force or effect from the following date:  
 August 01, 2034

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

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



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
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WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
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4/30/2024 12:46:44 PM  
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Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Massage Therapy Licensure Board TITLE-SERIES: 194-07  
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
 RULE NAME: Establishment Licensure  
 CITE STATUTORY AUTHORITY: §30-37-6 and §30-37-13

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 4110

Section §64-9-11 Passed On

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

May 1, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

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

Yes

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

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Medicine TITLE-SERIES: 11-01B  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants

CITE STATUTORY AUTHORITY: W. Va. Code § 30-1-7a, § 30-3E-3(a)(1)-(9), and W. Va. Code § 30-1D-1(d).

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) House Bill 4110

Section §64-9-13(a) Passed On 3/9/2024 12:00:00 AM

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

July 1, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

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

Yes

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



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

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WEST VIRGINIA SECRETARY OF STATE  
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4/30/2024 12:38:41 PM  
Office of West Virginia  
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Medicine TITLE-SERIES: 11-06  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Continuing Education for Physicians and Podiatric Physicians  
CITE STATUTORY AUTHORITY: W. Va. Code §§ 30-1-7a and 30-3-7.  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill House Bill 4110  
number)  
Section §64-9-13(b) Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
July 1, 2024

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2029

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

Yes

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

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Medicine TITLE-SERIES: 11-12  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows  
CITE STATUTORY AUTHORITY: W. Va. Code § 30-3-7(a)(1) and §30-3-16(f).  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill HB4110  
number)  
Section §64-9-13(c) Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
May 1, 2024

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2028

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

Yes

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



WEST VIRGINIA SECRETARY OF STATE  
 MAC WARNER  
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WEST VIRGINIA SECRETARY OF STATE  
 MAC WARNER  
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 5/2/2024 1:57:17 PM  
 Office of West Virginia  
 Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Professional Surveyors TITLE-SERIES: 23-01  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Examination and Licensing of Professional Surveyors in West Virginia  
 CITE STATUTORY AUTHORITY: W. Va. Code 30-13A-6  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) House Bill 4110  
 Section 64-9-18 Passed On 3/9/2024 12:00:00 AM

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

April 30, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2034

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

Yes

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

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Registered Nurses WV Board of TITLE-SERIES: 19-01  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: POLICIES, STANDARDS AND CRITERIA FOR THE EVALUATION, APPROVAL AND NATIONAL NURSING ACCREDITATION OF PRELICENSURE NURSING EDUCATION PROGRAMS  
 CITE STATUTORY AUTHORITY: 30-7-4 and 30-1-4  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) HB 4110  
 Section 64-9-21(a) Passed On 3/9/2024 12:00:00 AM

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

May 2, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

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

Yes

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



WEST VIRGINIA SECRETARY OF STATE  
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 5/2/2024 9:41:16 AM  
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WEST VIRGINIA SECRETARY OF STATE  
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 5/2/2024 1:59:11 PM  
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LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Registered Nurses WV Board of TITLE-SERIES: 19-03  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: REQUIREMENTS FOR REGISTRATION AND LICENSURE AND CONDUCT CONSTITUTING PROFESSIONAL MISCONDUCT  
 CITE STATUTORY AUTHORITY: 30-7-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 4110

Section 64-9-21(b) Passed On 3/9/2024 12:00:00 AM

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

May 2, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2033

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

Yes

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

AGENCY: Registered Nurses WV Board of TITLE-SERIES: 19-07  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: ADVANCED PRACTICE REGISTERED NURSE LICENSURE REQUIREMENTS  
 CITE STATUTORY AUTHORITY: 30-7-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 4110

Section 64-9-21(c) Passed On 3/9/2024 12:00:00 AM

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

May 2, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2034

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

Yes

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



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

eFILED  
5/2/2024 9:30:29 AM  
Office of West Virginia  
Secretary Of State

eFILED  
4/30/2024 9:59:47 AM  
Office of West Virginia  
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Registered Nurses WV Board of  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: FEES FOR SERVICES RENDERED BY THE BOARD  
CITE STATUTORY AUTHORITY: 30-7-4  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill number) HB 4110  
Section ~~64-9-21(d)~~ Passed On 3/9/2024 12:00:00 AM

AGENCY: Tax  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: AIRCRAFT OPERATED UNDER A FRACTIONAL OWNERSHIP PROGRAM  
CITE STATUTORY AUTHORITY: W. Va. Code §11 15-9p  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill number) SB50  
Section ~~64-7-5(a)~~ Passed On 3/9/2024 12:00:00 AM

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

May 2, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2034

April 30, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

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

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

Yes

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

Yes

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



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

eFILED  
4/30/2024 9:56:53 AM  
Office of West Virginia  
Secretary Of State



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

eFILED  
4/30/2024 10:04:08 AM  
Office of West Virginia  
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Tax TITLE-SERIES: 110-21B  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: CITIZEN TAX CREDIT FOR PROPERTY TAXES PAID  
CITE STATUTORY AUTHORITY: W. Va. Code §11-21-21(c)  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill SB50)  
Section §64-7-5(b) Passed On 3/8/2024 12:00:00 AM

AGENCY: Tax TITLE-SERIES: 110-21G  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: INCOME TAX PAID AT THE ENTITY LEVEL BY ELECTING PASS-THROUGH ENTITIES  
CITE STATUTORY AUTHORITY: W. Va. Code §11-21-3a(p)  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill SB50)  
Section §64-7-5(c) Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
April 30, 2024

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
April 30, 2024

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2029

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2029

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

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

Yes

Yes

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

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



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

eFILED  
4/30/2024 10:08:09 AM  
Office of West Virginia  
Secretary Of State



WEST VIRGINIA SECRETARY OF STATE  
MAC WARNER  
ADMINISTRATIVE LAW DIVISION

eFILED  
4/30/2024 9:51:39 AM  
Office of West Virginia  
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Tax TITLE-SERIES: 110-21H  
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
 RULE NAME: INCOME TAX CREDITS FOR PROPERTY TAXES PAID  
 CITE STATUTORY AUTHORITY: W. Va. Code §29A-2-6(c) and 11-13MM-6  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) SB50  
 Section §64-7-5(d) Passed On 3/8/2024 12:00:00 AM

AGENCY: Tax TITLE-SERIES: 110-49  
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
 RULE NAME: ADMINISTRATION OF TAX ON PURCHASES OF WINE AND LIQUOR INSIDE AND OUTSIDE OF MUNICIPALITIES  
 CITE STATUTORY AUTHORITY: W. Va. Code §§60-3-9d(a)(3) and 60-3A-21  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) SB50  
 Section §64-7-5(g) Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
April 30, 2024

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
April 30, 2024

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2029

This rule shall terminate and have no further force or effect from the following date:  
August 01, 2029

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

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

Yes

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

Yes

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



WEST VIRGINIA SECRETARY OF STATE  
 MAC WARNER  
 ADMINISTRATIVE LAW DIVISION

eFILED  
 4/30/2024 9:54:33 AM  
 Office of West Virginia  
 Secretary Of State

WEST VIRGINIA  
 SECRETARY OF STATE  
 MAC WARNER  
 ADMINISTRATIVE LAW DIVISION

FILED  
 2024 MAY -1 A 8:46  
 OFFICE OF THE SECRETARY OF STATE  
 WEST VIRGINIA

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
 BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Tax TITLE-SERIES: 110-99  
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
 RULE NAME: PRIVILEGE TAX ON SALES OF HEMP-DERIVED CANNABINOID AND KRATOM PRODUCTS  
 CITE STATUTORY AUTHORITY: W. Va. Code §29A-2-99(c), 19-12E-12 (f)(9), and 19-12F-7(i)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB50

Section §64-7-5(f) Passed On 3/8/2024 12:00:00 AM

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

April 30, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

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

Yes

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

NOTICE OF SUNSET OF A LEGISLATIVE RULE

AGENCY: Treasurer

TITLE NUMBER: 112 SERIES NUMBER OF EXPIRED RULE: 16

NAME OF RULE: Reporting and Claiming Unknown and Unlocatable Interest Owners Reserved Interests

THE ABOVE RULE EXPIRED May 1, 2024

NOTICE IS HEREBY GIVEN, PURSUANT TO W. VA. CODE §29A-3-19(g), THAT THE RULE LISTED ABOVE HAS TERMINATED AND HAS NO FURTHER FORCE OR EFFECT.

BE ADVISED THAT WITHIN 30 DAYS FOLLOWING THE EXPIRATION OF THE RULE LISTED ABOVE, THIS NOTICE OF SUNSET SHALL BE FILED IN THE STATE REGISTER BY THE SECRETARY OF STATE.

*Maureen Lewis*

DIRECTOR, ADMINISTRATIVE LAW DIVISION  
 SECRETARY OF STATE'S OFFICE



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

**eFILED**  
 4/29/2024 10:53:10 AM  
 Office of West Virginia  
 Secretary Of State

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

AGENCY: Treasurer TITLE-SERIES: 112-18  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Hope Scholarship Program

**PRIMARY CONTACT**

NAME: James G Fuerhoff  
 ADDRESS: 1900 Kanawha Boulevard East Rm E 145  
 Charleston, WV 25305  
 EMAIL: james.fuerhoff@wvsio.gov  
 PHONE NUMBER: 304-341-0744

CITE STATUTORY AUTHORITY: §18-31-9

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

West Virginia Code §18-31-9 authorizes the Hope Scholarship Board to file legislative rules necessary for the administration of the Hope Scholarship Act.

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: 3/6/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 4/5/2024

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

# Orders Report

Docket Number	Agency	Respondent	Date Rendered
PODA.60-7-8	Alcohol Beverage Control Administration	Permit Holders in a PODA	4/25/2024
24-1C-158968	Insurance Commission	State Farm Mutual Automobile Insurance Company	4/26/2024
21-63-W	Medicine, West Virginia Board Of	Mark Warren Nolan, MD	4/23/2024

**WEST VIRGINIA ETHICS COMMISSION'S COMMITTEE FOR SCHOOL BOARD ADVISORY OPINIONS**

NO.	OPINION SOUGHT
2024-02	A Chief Deputy Sheriff asks whether he may serve on a county board of education.
2024-03	A County Deputy Assessor asks whether she may serve on a county board of education.

**STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT**

**At Charleston**

**EXECUTIVE ORDER NO. 2-24**

**By the Governor**

**WHEREAS**, the United States Congress passed the FAFSA Simplification Act in 2020, requiring the U.S. Department of Education to simplify the Free Application for Federal Student Aid ("FAFSA"), which college and university students must complete as a prerequisite to receiving any federal student aid, such as federal grants, work-study funds, and loans; and

**WHEREAS**, the U.S. Department of Education first released its "simplified" FAFSA December 30, 2023, three months later than the October 1st date the application is typically available, but quickly had to pull the applications and make technical corrections, and since that date there have been further problems and issues in its implementation, including issues in the Department's ability to timely and accurately process the applications; and

**WHEREAS**, these issues at the federal level have consistently delayed the FAFSA availability and, when the application has been available, has frustrated students trying to complete the application as the start to a long process of determining which college or university is right for them in light of the student's financial considerations; and

**WHEREAS**, due to these issues, FAFSA completion rates are down significantly across the Nation, and are down 30.2% compared to this time last year for all West Virginia resident and non-resident students; and

**WHEREAS**, FAFSA completion rates are down 32.1% compared to this time last year for all West Virginia resident and non-resident students who are eligible for the Federal Pell Grant; and

**WHEREAS**, approximately 5,500 West Virginia high school students have completed the FAFSA compared to the over 9,000 that had been completed this time last year, which represents a nearly 40% decrease; and

EO

**WHEREAS**, the scale of this problem is enormous, affecting thousands upon thousands of West Virginia's students; and

**WHEREAS**, Federal subsidized loans are distributed to approximately 16,000 students across our public colleges and universities in this State, totaling nearly \$60 million in funds to help our students attend our public colleges and universities; and

**WHEREAS**, Federal unsubsidized loans are distributed to approximately 25,000 students across our public colleges and universities in this State, totaling over \$194 million dollars in funds to help our students attend our public colleges and universities; and

**WHEREAS**, nearly 20,000 students across our public colleges and universities receive the Federal Pell Grant, totaling over \$90 million in funds to help our students attend our public colleges and universities; and

**WHEREAS**, West Virginia public colleges and universities directly receive an additional \$100 million in federal direct grad plus loans, federal parent loans, and work study monies to provide assistance to students; and

**WHEREAS**, 8,500 students across our independent colleges and universities also receive federal subsidized loans, federal unsubsidized loans, or Federal Pell Grant money, totaling nearly \$30 million in funds to help our students attend these independent colleges and universities; and

**WHEREAS**, the delays and issues following the rollout of this new "simplified" FAFSA have left nearly \$500 million in funding assistance that should be available to our students hanging in the balance, severely jeopardizing college access and affordability for thousands of students in West Virginia, many of whom would be the first in their families to go to college, necessitating the declaration of a State of Emergency throughout this State on this vital higher education issue; and

**WHEREAS**, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor, during a declared State of Emergency, to suspend the provisions of any regulatory statute or rules of a state agency if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

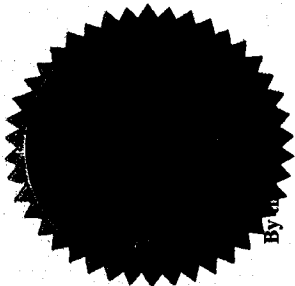
**WHEREAS**, West Virginia law currently requires that a student submit their completed FAFSA in order to be eligible for various State programs for funding, including the PROMISE Scholarship, the Higher Education Grant Program, the Higher Education Adult Part-Time Student Grant Program, and the West Virginia Invests Grant Program; and

WHEREAS, given the conditions affecting the welfare of thousands of West Virginia students, I find that it is in the best interests of our State and our students to declare a State of Emergency and invoke the authority to suspend such regulatory statutes and/or rules requiring a FAFSA be submitted as a condition of eligibility for State funding being made available to students in this State;

NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as the Governor of the State of West Virginia, and in view of the foregoing, do hereby FIND AND DECLARE that a State of Emergency exists and continues throughout the State of West Virginia, and said State of Emergency shall remain in effect unless terminated or extended pursuant to West Virginia Code § 15-5-6(b). In response to this State of Emergency, I have INVOKED the emergency powers set forth in West Virginia Code § 15-5-6 and I hereby SUSPEND the following rules to the extent necessary to waive the requirement that a completed FAFSA be submitted as a condition of eligibility for State-funded financial aid programs to the students of this State for the duration of this State of Emergency: 133 C.S.R. 7, 133 C.S.R. 42, 133 C.S.R. 6, and 135 C.S.R. 8, as well as any other regulatory statutes or rules that may be identified by the West Virginia Higher Education Policy Commission and the Council for Community and Technical College Education that require completion of the FAFSA as a condition of eligibility for State-funded financial aid programs.

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

DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirtieth Day of April, in the Year of our Lord, Two Thousand Twenty-Four in the One Hundred Sixty-First Year of the State.



*Jim Justice*  
GOVERNOR

*Mr. Warner*  
SECRETARY OF STATE

By \_\_\_\_\_

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

100 Dee Drive  
Charleston, West Virginia 25311-1600

OTHER

04/29/2024

**LEGAL NOTICE**

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **04/26/2024**.

**LETTER OF INTENT RECEIVED**

April 26, 2024- Charleston Area Medical Center, Inc., CON File #24-5-12953-P, for the acquisition of PARS Neurological Associates, Inc. ("PARS"), a private office practice of medicine. PARS operates primary care offices at 1212 Garfield Avenue in Parkersburg, Wood County, West Virginia and at 403 Professional Circle in Ravenswood, Jackson County, West Virginia. Charleston Area Medical Center will develop ambulatory health care facilities that provide primary care services at these locations. Capital Expenditure \$1,144,047.

**CERTIFICATE OF NEED APPLICATION RECEIVED**

April 22, 2024- The Greenbrier Clinic, CON File #24-4-129843-P, for the addition of fixed magnetic resonance imaging services to its diagnostic testing protocol in White Sulphur Springs, Greenbrier County, WV. Capital Expenditure \$833,903.

**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**

March 4, 2024- Corridor H Physical Therapy, LLC, CON File #24-7-12894-P, for the development of a physical therapy facility located at 4 Sawmill Road, Normer, Lewis County, West Virginia; capital expenditure, \$486,636.17

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

May 1, 2024 – Review cycle begins;

May 30, 2024– 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;

June 4, 2024– 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;

July 1, 2024– Decision on the project will be issued by the Authority.

**PROJECTS DETERMINED NOT REVIEWABLE**

April 24, 2024- Community Services, Inc., CON File #24-3-12946-X, for the move of the day program from 1400 Ohio Avenue, Dunbar, Kanawha County, West Virginia to 500 Westmoreland Drive, Suite 102, Dunbar, Kanawha County, West Virginia; no capital expenditures associated with the relocation.

April 24 2024- RSCR West Virginia, Inc. and VOCA Corporation of West Virginia, Inc. CON File #24-2/3/5-12947-X, for the relocation of sixteen (16) Intermediate Care Facility for Individuals with Intellectual Disabilities; \$300,000 capital expenditure associated with the relocation.

April 24 2024- RSCR West Virginia, Inc. and VOCA Corporation of West Virginia, Inc. CON File #24-2/3/5-12947-X, for the relocation of sixteen (16) Intermediate Care Facility for Individuals with Intellectual Disabilities; \$300,000 capital expenditure associated with the relocation.

April 25, 2024- Stonerise at Home Holdings, LLC., CON File #24-3-129337-X, for the transfer of the home health services offered by one Holdings subsidiary to another Holdings subsidiary; no capital expenditures associated with the proposal.

**PROJECTS EXEMPT FROM REVIEW**

April 24, 2024- St. Joseph Recovery Center, LLC., CON File #24-5-12910-X, for the provision of providing a mobile clinic for treatment of substance use disorder to be referred to as "Mobile Unit #2-Parkersburg", which will provide Medication Assisted Treatment (MAT), therapy, and peer recovery services, as well as access to laboratory services to be located at 10 Locust Avenue, Fairmont, Marion County, West Virginia.

April 25, 2024- Gods' Grace Ministry, Inc., CON File #24-1-12950-X, for the provision of providing 9 inpatient substance abuse disorder treatment beds for women to be located at 136 Stewart Street, Welch, McDowell County, West Virginia.

**CERTIFICATE OF NEED APPROVAL ISSUED**

April 24, 2024- Charleston Area Medical Center, Inc., CON File #23-3-12871-P,



OTHER

for the development of an ambulatory health care facility at 100 Tracey Way, Charleston, Kanawha County, West Virginia; capital expenditure, \$350,000.

**NOTICE OF SUBSTANTIAL COMPLIANCE**

The following projects have been implemented in substantial compliance with the decision issued in this matter and the case files are now closed:

04/24/2024- Southern Home Care Services, Inc., CON File #23-2/3/4/5-12699-PC, to provide personal care services in Boone, Clay, Logan, Nicholas, Putnam, and Roane Counties, West Virginia; capital expenditure \$4,259.

04/24/2024- Camden-Clark Memorial Hospital Corporation and Camden-Clark Physician Corporations, CON File #23-5-12755-P, for the development of an ambulatory health care facility in Parkersburg, Wood County, West Virginia, through the acquisition of an existing physician practice; capital expenditure \$37,002.

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

Sherril A. Young, DO, MBA, FAAFP  
Cabinet Secretary

Justyn M. Cox  
Executive Director

**Notice of Review**

May 1, 2024

**NEWS ITEM**

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

April 24, 2024 - Corridor H Physical Therapy, LLC, CON File #24-4-12894-P, for the development of a physical therapy facility located at 4 Sawmill Road, Homer, Lewis County, West Virginia. Capital Expenditure \$486,636.17

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

The review cycle begins on **April 30, 2024**.

On or before **May 30, 2024**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **June 4, 2024**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application,



additional information submitted to the Authority during the review, and the record of any Authority public hearing, if there is no request for public hearing, the Decision will be issued on or before July 1, 2024.

OTHER

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

May 1, 2024  
Date

  
Timothy E. Adkins  
Director of Certificate of Need  
West Virginia Health Care Authority

TEA:ef