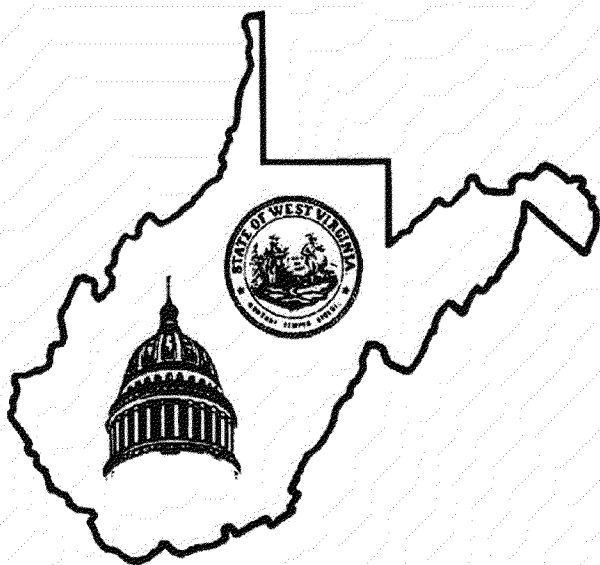




WEST VIRGINIA REGISTER

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

Volume XLII

Issue 44

October 31, 2025

A Weekly Publication

Administrative Law Division

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**This week's publication includes documents submitted
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CHRONOLOGICAL INDEX, VOLUME XLII ISSUE 44			
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



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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 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 Amendment Filed, Emergency Rule Decision Date (ERD), and Effective Date of Emergency Rule |
| Column | 6. | Date Agency Approved Rule Filed (Legislative Rules Only) |
| Column | 7. | Review date by the Legislative Rule-Making Review Committee or Legislative Oversight Commission on Education Accountability, and Action Taken |
| Column | 8. | Legislative Action |
| Column | 9. | Date Agency Final Files the Rule |
| Column | 10. | Date Rule is Effective |

-
- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2, & 5. An Agency must file for a 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 (example: holding an additional comment period)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER

NAME OF AGENCY

TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED NURSES
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TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
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TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	53	PUBLIC ENERGY AUTHORITY
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	71	OFFICE OF THE INSPECTOR GENERAL
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	103	FIRE MARSHAL
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGHWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	220	MULTIMODAL TRANSPORTATION FACILITIES

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-25)	One-Stop-Shop Permitting Program Legislative	6/10/2025	7/25/2025	6/9/2025 Approved 6/10/2025	8/22/2025	Modified & Approved 10/2/2025 Filed 10/23/2025			
Agriculture (61-01B) Sunset Provision	Registration Forms and Tags for Registration, Taxation and Control of Dogs Legislative				6/24/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Agriculture (61-08) Sunset Provision	West Virginia Grades and Standards for Apples Legislative				6/24/2025	Modified & Approved 8/13/2025 Filed 8/18/2025			
Agriculture (61-11)	Regulations Governing Public Markets Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Agriculture (61-11H) Sunset Provision	Licensing of Livestock Dealers Legislative				6/23/2025	Modified & Approved 8/5/2025 Filed 8/18/2025			
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	6/4/2025	7/4/2025	6/4/2025 Approved 6/10/2025	7/8/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Agriculture (61-30)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products-Hemp and Kratom Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 6/10/2025	7/25/2025	Modified & Approved 10/8/2025			
Agriculture (61-37)	Agritourism Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Agriculture (61-40) Sunset Provision	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative				3/6/2025	Modified & Approved 8/5/2025 Filed 8/20/2025			
Air Quality (45-01)	Alternative Emission Limitations During Startup and Shutdown Legislative	5/30/2025	7/1/2025		7/22/2025	Approved 10/8/2025			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025			
Air Quality (45-43)	Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025			
Alcohol Beverage Control Commission (175-02)	Private Club Licensing Legislative	6/18/2025	7/18/2025		7/22/2025	Modified & Approved 9/7/2025 Filed 9/11/2025			
Architects (2-01)	Registration of Architects Legislative	6/12/2025	7/12/2025		7/25/2025	Modified & Approved 10/2/2025 Filed 10/8/2025			
Architects (2-03)	Fees for Registration of Architects Legislative	6/12/2025	7/12/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/8/2025			
Attorney General (142-03)	Legislative Rule Pertaining to the Establishment and Qualification of Third-Party Dispute Mechanisms Legislative					Authorized w/Certain Amendments 10/8/2025			
Attorney General (142-04)	Fair Treatment of Crime Victims and Witnesses Legislative					Authorized w/Certain Amendments 10/8/2025			
Attorney General (142-05)	Prevention of Unfair or Deceptive Acts or Practices in Home Improvement Transactions Legislative					Authorized w/Certain Amendments 10/8/2025			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Attorney General (142-06)	Legislative Rule Pertaining to the Prevention of Unfair or Deceptive Acts or Practices in Sale of Damaged Goods or Damaged Products Legislative					Authorized w/Certain Amendments 10/8/2025			
Attorney General (142-08)	Administration of Preneed Burial Contracts Legislative					Authorized w/Certain Amendments 10/8/2025			
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	1/2/2025	2/3/2025		2/7/2025	Modified & Approved 10/2/2025 Filed 10/17/2025			
Barbers and Cosmetologists (3-02)	Qualifications, Training, Examination, and Certification of Instructors in Barbering, Hair Styling, Nail Technology, Aesthetics, Waxing, and Cosmetology Legislative	6/17/2025	7/25/2025		7/28/2025	Modified & Approved 9/5/2025 Filed 9/19/2025			
Barbers and Cosmetologists (3-04)	Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail Technology, Waxing, and Aesthetics Legislative	6/17/2025	7/25/2025		7/28/2025	Modified & Approved 9/5/2025 Filed 9/19/2025			
Barbers and Cosmetologists (3-13)	Barber Apprenticeship Legislative	6/17/2025	7/25/2025		7/28/2025	Modified & Approved 9/5/2025 Filed 9/23/2025			
Barbers and Cosmetologists (3-14)	Waxing Specialist Legislative	6/18/2025	7/25/2025		7/28/2025	Approved 9/5/2025			
Coal Mine Health and Safety (36-60)	Rules and Regulations Governing Equipment and Operations for Open-Pit Mines, the Surface of Underground Mines, Preparation Plants and Loadouts Legislative Exempt	6/24/2025	7/24/2025						
Community and Technical College Education (135-28)	Skilled Trades Apprenticeship Nontraditional Degree (STAND) Program Legislative	6/2/2025	7/3/2025	6/2/2025 Approved 7/9/2025 Amendment 8/5/2025 Effective 9/16/2025	7/18/2025	Modified & Approved 9/8/2025 Filed 9/9/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Community and Technical College Education (135-43, repeal)	Purchasing Efficiencies Legislative	6/3/2025	7/7/2025		7/18/2025				
Contractor Licensing Board (28-02)	West Virginia Contractor Licensing Act Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 9/10/2025			
Counseling (27-01)	Licensing Rule Legislative	6/25/2025	7/24/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Counseling (27-03)	Licensed Professional Counselor License Requirements and Continuing Professional Education Requirements Legislative	6/25/2025	7/24/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Counseling (27-08)	Marriage and Family Therapist Licensing Legislative	6/25/2025	7/24/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Legislative	6/24/2025	7/24/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/24/2025			
Dentistry (5-09)	Application Procedures for Licensure or Certificate Procedural	8/27/2025	9/26/2025					10/7/2025	11/7/2025
Economic Development (145-16) Sunset Provision	Tourism Development Districts Legislative				10/8/2024	Approved 8/5/2025			
Education (126-089)	West Virginia Design and Equipment Requirements for School Transportation Vehicles (4334) Legislative Exempt	5/14/2025	6/14/2025						
Financial Institutions, Division of (106-05)	Rule Pertaining to Mortgage Lenders, Brokers, and Loan Originators Legislative	6/19/2025	7/21/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/10/2025			
Financial Institutions, Division of (106-07)	Installation, Operation and Sharing of Customer Bank Communication Terminals and the Utilization of Nonexclusive Access Interchange System Legislative	6/19/2025	7/21/2025		7/23/2025	Approved 9/5/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Financial Institutions, Division of (106-17)	Notice and Treatment of Joint Accounts Legislative	6/19/2025	7/21/2025		7/23/2025	Approved 9/5/2025			
Financial Institution (106-21)	Rule Pertaining to the Fintech Regulatory Sandbox Legislative				2/3/2025	Approved 8/5/2025			
Fire Commission (87-01)	Fire Code Legislative	3/6/2025 4/9/2025	4/7/2025 5/9/2025	3/6/2025 Approved 3/6/2025	6/3/2025	Modified & Approved 9/5/2025 Filed 10/6/2025			
Forestry (22-06)	Rules for the Certification of Managed Timberland Legislative	6/24/2025	7/24/2025		7/25/2025				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	6/19/2025	7/22/2025	6/19/2025 Approved 7/9/2025	7/25/2025	Modified & Approved 9/5/2025 Filed 9/10/2025			
Health (64-19)	Water Well Regulations Legislative					Authorized as Modified w/Certain Amendments 9/5/2025			
Health (64-45)	Lead Abatement Licensing Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 10/2/2025 Filed 10/17/2025			
Health (64-48)	Emergency Medical Services Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 9/10/2025 Filed 9/18/2025			
Health (64-51)	Fees for Services Legislative	6/24/2025	7/24/2025		7/25/2025	Authorized as Modified w/Certain Amendments 10/8/2025			
Health (64-57)	Clinical Laboratory Practitioner Licensure Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 10/17/2025			
Health (64-59)	Patient Rights at State-Operated Mental Health Facilities Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 9/10/2025			
Health (64-67, repeal)	Distribution of State Funds for Support of Local Boards of Health Legislative	6/23/2025	7/23/2025		7/24/2025	Approved 10/8/2025			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-73)	Basic Public Health Service Standards for Local Boards of Health Legislative	6/23/2025	7/23/2025		7/25/2025	Authorized as Modified w/Certain Amendments 10/8/2025			
Health (64-115)	Diabetes Self-Management Education Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025			
Health Care Authority (65-29) Sunset Provision	Exemption from Certificate of Need Legislative				7/21/2025	Approved 8/12/2025			
Higher Education Policy Commission (133-41)	Health Sciences Program Procedural	6/30/2025	7/30/2025						
Higher Education Policy Commission (133-43, repeal)	Purchasing Efficiencies Legislative	6/30/2025	7/30/2025		7/31/2025				
Higher Education Policy Commission (133-48, repeal)	Research Trust Fund Legislative	6/30/2025	7/30/2025		7/31/2025	Approved 9/12/2025			
Higher Education Policy Commission (133-63)	Mental Health Loan Repayment Program Legislative	6/30/2025	7/30/2025		7/31/2025	Approved 9/12/2025			
Higher Education Policy Commission (133-64)	Administrative Exemption Legislative	6/30/2025	7/30/2025		7/31/2025				
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/24/2025	7/24/2025		8/7/2025				
Insurance Comm. (114-02A) Sunset Provision	Fingerprinting Requirements for Applicants for Insurance Producer and Insurance Adjuster License Legislative				4/16/2025	Approved 8/5/2025			
Insurance Comm. (114-07, repeal)	Premium Financing of Life Insurance for College Students Legislative	6/19/2025	7/19/2025		7/22/2025	Approved 8/5/2025			
Insurance Comm. (114-09, repeal)	Mass Marketing of Property and Liability Insurance Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 8/5/2025			
Insurance Comm. (114-10, repeal)	Advertisement of Accident and Sickness Insurance Legislative	6/19/2025	7/19/2025		7/22/2025	Approved 8/5/2025			
Insurance Comm. (114-25) Sunset Provision	Insurance Adjusters Legislative				4/16/2025	Approved 8/5/2025			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-35)	Insurance Holding Company Systems Legislative	6/19/2025	7/19/2025		7/22/2025	Modified & Approved 8/12/2025 Filed 8/21/2025			
Insurance Comm. (114-40) Sunset Provision	Credit for Reinsurance Legislative				4/16/2025	Modified & Approved 8/13/2025 Filed 8/21/2025			
Insurance Comm. (114-64) Sunset Provision	Mental Health Parity Legislative				4/16/2025	Approved 8/5/2025			
Labor (42-09)	Child Labor Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/10/2025			
Landscape Architects (9-03)	Fees Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 10/8/2025			
Landscape Architects (9-04) Sunset Provision	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative				7/25/2025	Approved 8/5/2025			
Lottery Commission (179-10) Sunset Provision	West Virginia Lottery Interactive Wagering Rule Legislative				6/25/2025	Approved 8/5/2025			
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025			
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025			
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-01)	WV Medical Imaging and Radiation Therapy Tech. Board of Examiners Legislative	4/11/2025	5/31/2025		6/3/2025	Modified & Approved 8/5/2025 Filed 8/13/2025			
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-02, repeal)	Continuing Education Legislative	4/1/2025	5/31/2025		6/3/2025	Approved 8/5/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-05)	Standard of Ethics Legislative	6/13/2025	7/15/2025		7/16/2025	Modified & Approved 8/5/2025 Filed 8/13/2025			
Miners Health Safety and Training (56-08) Sunset Provision	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia Legislative				9/24/2024	Approved 8/5/2025			
Motor Vehicles (91-11, repeal)	Motor Vehicle Equipment Legislative	6/23/2025	7/23/2025		7/24/2025	Approved 8/5/2025			
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/22/2025			
Motor Vehicles (91-25) Sunset Provision	Special Purpose Vehicles Legislative				6/23/2025	Approved 8/5/2025			
Municipal Pensions Oversight Board (211-02) Sunset Provision	Exempt Purchasing Legislative				10/9/2024	Approved 8/5/2025			
Natural Resources (58-14, repeal)	Rules Governing Small Arms Hunting Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 8/5/2025			
Natural Resources (58-21)	Wildlife Rehabilitation Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 10/8/2025			
Natural Resources (58-26)	Special Boating Rules Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025			
Natural Resources (58-46) Sunset Provision	Defining the Terms Used in All Hunting and Trapping Legislative				3/31/2025	Approved 8/5/2025			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025			
Natural Resources (58-50) Sunset Provision	Deer Hunting Rule Legislative				3/31/2025	Approved 8/5/2025			
Natural Resources (58-56) Sunset Provision	Special Migratory Game Bird Hunting Legislative				3/31/2025	Approved 8/5/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Occupational Therapy (13-04)	Continuing Education and Competence Legislative	4/17/2025	6/1/2025		6/3/2025	Approved 8/5/2025			
Office of Technology (163-03) Sunset Provision	Cyber Reporting Legislative				7/18/2025	Modified & Approved 8/5/2025 Filed 8/14/2025			
Office of the Inspector General (71-15)	Nursing Home Licensure Legislative	6/24/2025	7/24/2025		7/25/2025				
Office of the Inspector General (71-17)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	6/23/2025	7/23/2025		7/25/2025				
Office of the Inspector General (71-24)	Syringe Services Program Licensure Legislative	6/23/2025	7/23/2025		7/25/2025				
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025			
Optometry (14-02)	Oral Pharmaceutical Certificate Legislative	6/10/2025	7/10/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025			
Optometry (14-05)	Schedule of Fees Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025			
Optometry (14-08)	Licensure by Reciprocity Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025			
Optometry (14-10)	Continuing Education Legislative	6/10/2025	7/10/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025			
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/25/2025	7/25/2025		7/28/2025	Modified & Approved 10/8/2025			
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/25/2025	7/25/2025		7/28/2025	Modified & Approved 10/8/2025			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-09) Sunset Provision	Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness Legislative				3/27/2025	Approved 8/5/2025			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-06)	Mail-Order and Non-Resident Pharmacies Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-07)	Board of Pharmacy Rules for Registration of Pharmacy Technicians Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-10)	Board of Pharmacy Rules for Pharmacist Recovery Networks Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-12)	Board of Pharmacy Rules for Immunizations Administered by Pharmacists, Pharmacy Interns, and Pharmacy Technicians Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-15)	Rules Governing Pharmacy Permits Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 10/22/2025			
Pharmacy (15-16)	Rules Governing Pharmacist Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-19)	Inspections Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	2/25/2025 6/17/2025	3/28/2025 7/17/2025	2/21/2025 Approved 2/25/2025	4/1/2025 7/24/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	6/17/2025	7/17/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE EFFECTIVE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Psychologists (17-03)	Requirements for Licensure as a Psychologist And/Or a School Psychologist Legislative	7/16/2025	8/16/2025	7/9/2025 Effective 8/20/2025	8/18/2025				
Public Service Commission (150-37) Sunset Provision	Rules Governing the Occupancy of Customer-Provided Conduit Legislative				3/12/2025	Approved 8/5/2025			
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 10/8/2025			
Racing Commission (178-10) Sunset Provision	Advance Deposit Account Wagering (ADW) Legislative				7/22/2025	Approved 8/5/2025			
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	7/1/2025	7/30/2025		7/31/2025	Modified & Approved 9/10/2025 Filed 9/18/2025			
Rehabilitation Services (198-01) Sunset Provision	Ron Yost Personal Assistance Services Act Board Legislative				3/31/2025	Approved 8/5/2025			
Risk and Insurance Management (115-01) Sunset Provision	Mine Subsidance Insurance Legislative				7/18/2025	Modified & Approved 8/5/2025 Filed 8/14/2025			
Risk and Insurance Management (115-02)	Public Entities Insurance Program Legislative	6/2/2025	7/1/2025		7/8/2025	Modified & Approved 10/2/2025 Filed 10/10/2025			
Risk and Insurance Management (115-06, repeal)	Preferred Medical Liability and High Risk Medical Liability Program Legislative	6/19/2025	7/20/2025		7/21/2025	Approved 8/5/2025			
Secretary of State (153-10) Sunset Provision	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades Legislative				6/24/2025	Approved 8/5/2025			
Senior Services (76-06) Sunset Provision	Shared Table Initiative for Senior Citizens Legislative				7/21/2025	Approved 10/8/2025			
Social Work Examiners (25-03) Sunset Provision	Fee Schedule Legislative				7/25/2025	Approved 8/5/2025			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
State Emergency Response Commission (55-01) Sunset Provision	Emergency Planning and Community Right-To-Know Legislative				1/8/2025	Modified & Approved 8/5/2025 Filed 8/13/2025			
State Police (81-03)	West Virginia State Police Career Progression System Legislative	6/23/2025	7/23/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/24/2025			
State Police (81-05)	Contracted Police or Security Services Legislative	6/23/2025	7/23/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/24/2025			
State Police (81-08)	West Virginia State Police Member Grievance Procedure Legislative	6/23/2025	7/23/2025		7/23/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Tax (110-01H)	Valuation of Timberland and Managed Timberland Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/7/2025			
Tax (110-01M)	Valuation of Public Utility Property for Ad Valorem Property Tax Purposes Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Tax (110-13FF) Sunset Provision	Tax Credit for Providing Vehicles to Low-Income Workers Legislative				3/31/2025	Modified & Approved 8/5/2025 Filed 8/26/2025			
Tax (110-13GG) Sunset Provision	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative				3/31/2025	Approved 8/5/2025			
Tax (110-13II) Sunset Provision	High-Wage Growth Business Tax Credit Legislative				3/31/2025	Approved 8/5/2025			
Tax (110-13Q, repeal)	Commercial Patent Incentives Tax Credit Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/7/2025			
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Tax (110-19, repeal)	Soft Drinks Tax Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 8/5/2025			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Tax (110-36)	Preneed Cemetery Companies Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/10/2025			
Treasurer (112-14)	Travel Rules Legislative Exempt							10/30/2025	12/1/2025
Treasurer (112-17)	Exempt Purchasing Procedural	10/21/2025	11/20/2025						
Waste Mgmt. Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	5/30/2025	7/15/2025		7/23/2025	Approved 10/8/2025			
Water Resources, Division of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/30/2025	7/15/2025 Extended to 7/21/2025		7/24/2025				
Water Resources, Division of Water & Waste Mgmt. (47-09B)	Carbon Dioxide Sequestration Fee Schedule Legislative	5/30/2025	7/15/2025		7/24/2025				



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/30/2025 10:22 AM
Office of West Virginia
Secretary Of State

FILED
2025 OCT 29 A 10:26
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Treasurer TITLE-SERIES: 112-14
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Travel Rules
CITE STATUTORY AUTHORITY: §12-3-11

This rule is filed with the Secretary of State. This rule becomes effective on the following date:
December 1, 2025

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

Yes

James G Fuerhoff -- 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 DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
112.00	26 November 2025	Budget Process
124.01	26 November 2025	Position Control
138.00	26 November 2025	Employee Performance Appraisals
154.00	26 November 2025	Internships
306.02	26 November 2025	Transportation of Offenders
335.02	26 November 2025	Juvenile Grievance Procedure
335.03	26 November 2025	Juvenile Resident Rights

Orders Report

Docket Number	Agency	Respondent	Date Rendered
25-IC-179101	Insurance Commission	Progressive Classic Insurance Company	10/24/2025



State of West Virginia

John B. McCuskey
Attorney General

Office of the Attorney General
State Capitol, Bldg. 1, Rm E-26
1900 Kanawha Blvd., E.
Charleston, WV 25305

(304) 558-2021
Fax: (304) 558-0140
www.wvago.gov

AG OPINION

October 27, 2025

FILED
2025 OCT 27 AM 11:17
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

The Honorable Mark A. Hunt
West Virginia Auditor
1900 Kanawha Blvd. East,
Building 1, Room W-100
Charleston, WV 25305

Dear Auditor Hunt:

You requested an Opinion of the Attorney General about whether a member of the West Virginia Legislature can serve as either a contractor or an employee of a West Virginia executive agency. We are issuing this opinion under West Virginia Code § 5-3-1, which provides that the Attorney General "shall give written opinions and advice upon questions of law ... whenever required to do so, in writing, by ... the Auditor."

Your letter asks us to identify "any prohibitions—statutory, constitutional, or otherwise—on a sitting member of the West Virginia Legislature also serving as either a contractor or an employee of an agency within the executive branch of our state government." The letter does not provide further explanation.

As to the "employee" aspect of your question, the answer is clear: a sitting member of the West Virginia Legislature cannot, under any circumstances, serve as "an employee of an agency within the executive branch of our state government." Article VI, Section 13 of the West Virginia Constitution is unequivocal: "No person holding ... employment under this state ... shall be eligible to a seat in the Legislature." Working as an employee would necessarily constitute "employment under this state." W. VA. CONST. art. VI, § 13.

"This [restriction] is a fundamental tenet of the separation of powers doctrine contained in our Constitution." *State ex rel. Rist v. Underwood*, 206 W. Va. 258, 262, 524 S.E.2d 179, 183 (1999). As one court explained in describing its state's similar constitutional provision, it is designed "to prevent the acceptance by a legislator of any position under the state, ... which creates the opportunity for private aggrandizement, pecuniary in nature or otherwise." *Parker v. Riley*, 113 P.2d 873, 875 (Cal. 1941).

The Honorable Mark A. Hunt
Page 2

But without more information, we are unable to offer an opinion as to whether a "contractor" role would offend any prohibition.

West Virginia state law might impose many restrictions on a "contractor's" ability to perform certain functions. For instance, we can conceive of a contractor role that would constitute *de facto* state employment, which could in turn violate Article VI, Section 13. *Cf. Exp.-Imp. Bank of the U.S. v. Asia Pulp & Paper Co.*, 232 F.R.D. 103, 113 (S.D.N.Y. 2005) (describing the "functional equivalent" doctrine, under which, "by virtue of assuming the functions and duties of a full-time employee, the contractor is a *de facto* employee of the company"). Similarly, we could imagine a contractor role that could violate Section 13's prohibition against legislators holding "lucrative office." W. VA. CONST. art. VI, § 13; *see, e.g., Dawkins v. Meyer*, 825 S.W.2d 444, 446-47 (Tex. 1992) (holding that a state board member who received a modest per diem for meeting attendance held a "lucrative office"); *see also* W. VA. CONST. art. VI, § 15 ("No senator or delegate, during the term for which he shall have been elected, shall be elected or appointed to any civil office of profit under this state, which has been created, or the emoluments of which have been increased during such term, except offices to be filled by election by the people."). Or we could envision situations that create "incompatibility" that, under the common law, could preclude a contractor from serving in the Legislature. *See, e.g., State ex rel. Thomas v. Wysock*, 125 W. Va. 369, 24 S.E.2d 463, 466 (1943) (describing such common-law doctrines).

Apart from these function-focused provisions, state statutory and constitutional law both impose restrictions on a legislator's ability to contract more generally. Article VI, Section 15 of the West Virginia Constitution is perhaps the most obvious restraint; it flatly declares that no member of the Legislature may "be interested, directly or indirectly, in any contract with the state, or any county thereof, authorized by any law passed during the term for which he shall have been elected." But that provision hardly stands alone. For example, the Ethics Act places certain restrictions on the ability of legislators to enter public contracts. *See* W. VA. CODE § 6B-2-5(d).

All the above suggests that a person should exercise caution before purporting to act as both a "contractor" of an executive agency and a sitting legislator. But without more details about the specific nature of the "contractor" relationship your letter contemplates, we are unable to confirm every legal provision that might apply and whether any such provision would prohibit concurrent service to both the Legislature and the agency.

Sincerely,

John B. McCuskey
Attorney General

FILED

2025 OCT 27 A 11:17

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE



State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

Phone: (304) 558-2021
Fax: (304) 558-0140

October 27, 2025

The Honorable Savannah Hull Wilkins
Tucker County Prosecuting Attorney
211 First Street, Suite 207
Parsons, WV 26287

Dear Prosecutor Wilkins:

You have asked for an Opinion of the Attorney General about the Sheriff's authority to obtain local businesses' sales records to collect Tucker County's hotel occupancy tax and special emergency ambulance service fee. This Opinion is being issued under West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence and discussions with the Office of the Attorney General.

In your request, you explain that Tucker County businesses are subject to a 6% hotel tax and a 2% special emergency ambulance service fee. The hotel tax is due monthly, in accordance with West Virginia Code § 7-18-10, and the EMS fee is due quarterly, as required by a local ordinance enacted under West Virginia Code § 7-15-17. "Hotel operator[s]" in Tucker County collect the hotel tax as part of the price of a "hotel room." W. VA. CODE § 7-18-1(d); *see also* W. VA. CODE § 7-18-3 (defining terms). And the EMS fee applies to revenue from "recreational and amusement" sales including "[s]hort-term rentals," "camping," "watercraft rentals, and skiing fees." Tucker Cty., W. Va., Ordinance, Special Emergency Ambulance Serv. Fee (Jan. 31, 2025).

The County Commission suspects that some businesses haven't paid their full hotel taxes and EMS fees. The Tucker County Sheriff has thus sent delinquency letters requesting payment. But without access to businesses' sales records, neither the Sheriff nor the County Commission can determine the exact amounts owed, as both the tax and fee are calculated as percentages of total sales.

With these facts in mind, your letter raises the following legal questions:

- (1) Does the Sheriff have the authority to request sales information from businesses to determine amounts owed?
- (2) Can the Sheriff send a subpoena to the businesses to obtain the needed information?

We conclude that the Sheriff has the authority to request sales information directly from businesses. The Sheriff has a potential alternative route too: the Tax Commissioner may be able to provide the sought after information to the Sheriff. Separately, you should not use a subpoena, except in limited circumstances.

DISCUSSION

I. The Sheriff can directly request the information.

Because treasurers are "created by statute," they are "possessed only of such powers as are expressly conferred by the Constitution and legislature, together with such as are reasonably and necessarily implied in the full and proper exercise of the powers so expressly given." Syl. Pt. 1, *State ex rel. State Line Sparkler of WV, Ltd. v. Teach*, 187 W. Va. 271, 272, 418 S.E.2d 585, 586 (1992) (discussing powers of county commissions).

The "sheriff is a constitutional officer and[,] by statute, ... [he] is also ex officio the county treasurer." *State ex rel. Damron v. Ferrell*, 149 W. Va. 773, 776, 143 S.E.2d 469, 471 (1965); W. VA. CODE § 7-5-1. In his role as county treasurer, the Sheriff has limited powers: he "shall receive, collect and disburse all moneys due" to the county. W. VA. CODE § 7-5-1. And his responsibilities are mandatory. *Ferrell*, 149 W. Va. at 778-79, 143 S.E.2d at 472-473. Even where—like here—the Legislature has granted county commissions the power to collect taxes and fees directly, the Sheriff must continue to do so unless the commission opts to use another individual or entity. *See* W. VA. CODE § 7-15-17 (stating that "a county commission may ... collect" an EMS fee); W. VA. CODE § 7-18-1(a) (giving county commissions ability to "impose[] and collect[]" a hotel tax); *see* Letter from Att'y Gen. of W. Va. to the Hon. Raymond LaMora, 2020 WL 4209605, *1-2 (July 9, 2020) (explaining power to collect is coextensive).

The Sheriff has the implied authority to request sales information from businesses. Both the hotel tax statute and the ambulance fee statute are to be liberally construed in favor of the Sheriff's power. As to the tax, "courts have been tolerant in construing statutes prescribing the procedure for assessments[]" ... the factor of administrative convenience in the enforcement and collection of taxes is taken into consideration by the courts." *Calhoun Cnty. Assessor v. Consol. Gas Supply Corp.*, 178 W. Va. 230, 232, 358 S.E.2d 791, 793 (1987) (cleaned up). And as to the fee, the law decrees that the statute must be "liberally construed" to achieve its purpose of funding and providing necessary emergency ambulance services. W. VA. CODE § 7-15-2(c).

As noted, the Sheriff, as treasurer, has the express power to "collect ... moneys" owed to the county. W. VA. CODE § 7-5-1. Meaning, the Sheriff must "gather or exact from a number of persons or sources" all "funds" or "sums of money" owed to the county. *Collect*, MERRIAM-

AG OPINION

WEBSTER.COM, <https://tinyurl.com/495n3687> (last visited Oct. 24, 2025); *Money*, BLACK'S LAW DICTIONARY (12th ed. 2024). The hotel tax and EMS fee qualify as "moneys due" to the county. W. VA. CODE § 7-5-1. So the Sheriff must collect them. *Id.* But the Sheriff will not be able to fulfill his charge here unless and until he has businesses' sales information in hand, given that the hotel tax and EMS fee are percentage-based amounts. *Cf. State ex rel. Pub. Serv. Comm'n of W. Va. v. Lackawanna Transp. Co.*, 230 W. Va. 144, 148, 736 S.E.2d 741, 745 (2012) (explaining how the Public Service Commission's Power to "investigate and review" appropriate rates included the power to demand certain tax records of an affiliate to a regulated business). So, making a request to businesses is necessary for the Sheriff to fulfill his mandatory duty to "collect" as treasurer. *Cf. In re Shonk Land Co.*, 157 W. Va. 757, 761, 204 S.E.2d 68, 70 (1974) (explaining how a county tax assessor is empowered to "seek out all information which would enable him to properly fulfill his legal obligation," including by requiring an annual report of all coal properties). The power to request that information from businesses is thus "reasonably and necessarily implied in the full and proper exercise of the powers so expressly given." *Syl. Pt. 4, State ex rel. W. Va. Parkways Auth. v. Barr*, 228 W. Va. 27, 716 S.E.2d 689 (2011).

The Tax Commissioner might also be able to provide the information the Sheriff needs. Although the Tax Commissioner is generally obligated to keep sales tax information confidential, he may disclose returns to county commissions in a few specific circumstances. Relevant here, the Tax Commissioner can enter into a written exchange-of-information agreement with the Sheriff for the Sheriff to obtain or inspect tax forms. W. VA. CODE § 11-10-5d(i). Under such an agreement, the county would also have to provide information to the Tax Commissioner. *Id.* The Sheriff may also be able to obtain the tax information as part of a criminal investigation by ex parte order. W. VA. CODE § 11-10-5d(e). The Sheriff should explore these alternatives if his direct inquiries are unsuccessful.

III. The Sheriff should use a subpoena only when appropriate.

Based on the facts you've presented, a subpoena would not be appropriate at this time. While courts do issue subpoenas in both criminal and civil matters, and officials may also issue administrative subpoenas in certain statutorily specified circumstances, you have not identified any pending proceeding or investigation that would serve as a basis for issuing a subpoena, whether civil, criminal, or administrative. *See* W. VA. R. CRIM. P. 17(c) (permitting subpoenas that "command the person to whom it is directed to produce" "documentary evidence"); W. VA. R. CIV. P. 45(g)(1)(A)(iii) (permitting subpoenas to "produce designated documents"); W. VA. CODE § 52-2-11 (permitting grand jury subpoenas); *see, e.g.,* W. VA. CODE § 5-16-12a(d) (permitting administrative subpoenas for PEIA fraud).

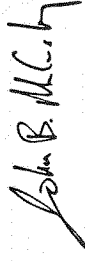
That doesn't mean subpoenas are never appropriate. The County Commission may collect unpaid EMS fees by civil action. *See Syl. Pt. 6, Randy Waugh*, 236 W. Va. 468, 781 S.E.2d 379

^{*} As noted above, the county commission itself also has the power to collect these taxes and fees. As to the ambulance service fees, our Office has already recognized that nothing in the relevant statute "constrains the manner by which commissions may collect unpaid fees." Letter from Att'y Gen. to Raymond K. LaMora III, 2018 WL 4608630, at *2 (July 18, 2018). And as to the hotel taxes, county commissions can "promulgate such regulations and return forms as may be necessary or desirable for the administration and collection of the tax." W. VA. CODE § 7-18-13(a). Given that the Sheriff's power to collect is co-extensive with the Commission's, it would make sense that the Sheriff has the same broad means of collection available that the Commission would. 2018 WL 4608630, at *2.

AG OPINION

(confirming that "a civil action" is an appropriate means of collection); *see also* Letter from Att'y Gen. to Raymond K. LaMora III, 2018 WL 4608630, at *2 (July 18, 2018) ("[T]here is no doubt that [a civil action] is a permissible, legal method to collect delinquent special emergency ambulance service fees."). The hotel tax is enforceable by civil action as well. *See* W. VA. CODE § 7-18-13(a) ("[T]he sheriff ... shall be the county's agent for administration and collection of the tax and shall have the power to distraint property and to initiate civil suits for collection."). Civil subpoenas would be available if collection advances to litigation, subject to the limits of the Fifth Amendment. W. VA. R. CIV. P. 45(a)(1)(A)(iii); *see State ex rel. McGraw v. Pawn Am.*, 205 W. Va. 431, 434, 518 S.E.2d 859, 862 (1998). Further, failure to comply with the hotel tax's requirements carries criminal penalties, meaning your office is empowered to investigate these offenses. *See* W. VA. CODE § 7-18-15(d) ("Proceedings against any person under this section shall be initiated in the county ... wherein such person resides if any element of the offense occurs" there, "or if no element of the offense occurs in such county of residence, then in the county where the offense was committed."). And as part of a criminal investigation, prosecutors could obtain tax information by grand jury subpoena (or, as discussed, by ex parte order). W. VA. CODE § 52-2-11; W. VA. CODE § 11-10-5d(e). Once charges are brought, you have trial subpoenas at your disposal. *See* W. VA. R. CRIM. P. 17(c).

Sincerely,



John B. McCuskey
West Virginia Attorney General

Holly J. Wilson
Principal Deputy Solicitor General

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

100 Dee Drive
Charleston, West Virginia 25311-1600

10/27/2025

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **10/24/2025**.

LETTER OF INTENT RECEIVED

October 22, 2025 - Berkeley Medical Center, CON File #25-9-13450-P, for the provision of provider-based services at a private physician practice in Morgan County, West Virginia, thereby creating an ambulatory health care facility at the private practice physician office. Capital Expenditure \$20,000.

October 22, 2025 - Linx Community Services, CON File #25-7/8-13448-BH, for the provision of IDD Waiver Services in Barbour, Grant, Hampshire, Hardy, Mineral and Tucker Counties in West Virginia. Capital Expenditure \$210,000.

LETTER OF INTENT WITHDRAWN

October 22, 2025 - Berkeley Medical Center, CON File #25-9-13434-P, for the provision of provider-based services at a private physician practice in Berkeley County, West Virginia, thereby creating an ambulatory health care facility at the private practice physician office. Capital Expenditure \$20,000.

October 24, 2025 - ProSource Staffing, LLC, CON File #25-2/3-13435-Z, for the establishment of a Home Health Agency providing services to Wayne, Putnam, Lincoln and Cabell Counties in West Virginia. Capital Expenditure \$64,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

October 20, 2025 - Berkeley Medical Center, CON File #25-9-13432-P, for the development of an ambulatory health care facility in Berkeley Springs, Morgan County, West Virginia. Capital Expenditure \$350,000.

PROJECTS DETERMINED NOT REVIEWABLE

October 24, 2025 - Wheeling Hospital, Inc., CON File #25-10-13371-X, for the addition of 32 acute care inpatient beds to WH's acute care hospital license. There is no capital cost related to the proposed addition of beds.

OTHER

PROJECTS EXEMPT FROM REVIEW

October 21, 2025 - Arch Recovery Group LLC, CON File #25-6-13399-X, to amend the existing bed split between detox (3.7) and residential beds (3.5) to be 7 detox and 66 residential beds and 10 of those 66 residential beds can swing to 3.1 if needed. The location is 132 William Lane, Mt. Clare, Harrison County, West Virginia.

October 21, 2025 - Arch Recovery Group LLC, CON File #25-7-13394-X, for the development of a substance abuse residential treatment facility for 80 beds. They will be 3.1 level ASAM beds and the location is 14928 Barbour County Highway, Phillippi, Barbour County, West Virginia.

October 21, 2025 - Liberty Community Programs - WV LLC, CON File #25-8-13413-X, for the establishment and provision of providing a Substance Abuse Group Homes for Adults. See below for the breakdown of the homes located in Sugar Grove, Pendleton County, West Virginia.

October 21, 2025 - Liberty Community Programs - WV LLC, CON File #25-8-13414-X, for the establishment and provision of providing a Substance Abuse Group Homes for Adolescents. See below for the breakdown of the homes located in Sugar Grove, Pendleton County, West Virginia.

Further information may be obtained on any of the above-referenced projects by contacting The West Virginia Healthcare Authority Staff at 305.558.7000.