

# 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:**

Attorney General  
Barbers and Cosmetologists  
Coal Mine Health and Safety  
Corrections & Rehabilitation  
Health Care Authority  
Human Services  
    Bureau for Social Services  
Inspector General, WV Office of  
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Speech Language Pathology and Audiology  
Tax

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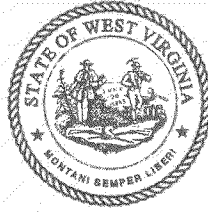
CHRONOLOGICAL INDEX, VOLUME XLIII ISSUE 17

NO RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>
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EMERGENCY RULES FILED THIS WEEK

AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE	COMMENT END DATE
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology	§30-32-7	ERD by June 9, 2026	Rule must be put out for Public Comment by May 28, 2026



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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

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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 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

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

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/IOCEA 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	HB4200 SB251 Bundled SB251	4/22/2026	7/21/2026
Agriculture (61-01B) Sunset Provision	Registration Forms and Tags for Registration, Taxation and Control of Dogs Legislative				6/23/2025	Modified & Approved 10/8/2025 Filed 10/21/2025	HB4265 SB312 Bundled HB4265		
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	HB4266 SB313 Bundled HB4265		
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	HB4267 SB314 Bundled HB4265		
Agriculture (61-11H) Sunset Provision	Licensing of Livestock Dealers Legislative				6/23/2025	Modified & Approved 8/5/2025 Filed 8/18/2025	HB4268 SB315 Bundled HB4265		
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	HB4269 SB316 Bundled HB4265		
Agriculture (61-37)	Agritourism Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025	HB4271 SB318 Bundled HB4265		
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	HB4272 SB310 Bundled HB4265		
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	HB4205 SB256 Bundled SB256	3/31/2026	6/1/2026
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025	HB4206 SB257 Bundled SB256	3/31/2026	6/1/2026
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	HB4207 SB258 Bundled SB256	3/31/2026	6/1/2026

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	HB4208 SB259 Bundled SB256	3/31/2026	6/1/2026
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	HB4209 SB260 Bundled SB256	3/31/2026	6/1/2026
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025	HB4210 SB261 Bundled SB256	3/31/2026	6/1/2026
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	HB4236 SB287 Bundled HB4245	4/7/2026	6/1/2026
Architects (2-01)	Registration of Architects Legislative	6/12/2025	7/12/2025		7/25/2025	Modified & Approved 10/2/2025 Filed 11/25/2025	HB4273 SB325 Bundled HB4265	4/6/2026	6/1/2026
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	HB4275 SB320 Bundled HB4265		
Attorney General (142-04)	Fair Treatment of Crime Victims and Witnesses Legislative					Authorized w/Certain Amendments 10/8/2025	HB4276 SB321 Bundled HB4265		
Attorney General (142-05)	Prevention of Unfair or Deceptive Acts or Practices in Home Improvement Transactions Legislative					Authorized w/Certain Amendments 10/8/2025	HB4277 SB322 Bundled HB4265		
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	HB4278 SB323 Bundled HB4265		
Attorney General (142-08)	Administration of Preneed Burial Contracts Legislative					Authorized w/Certain Amendments 10/8/2025	HB4279 SB324 Bundled HB4265		

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Auditor (155-08)	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body Legislative	4/22/2026	5/22/2026						
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	4/22/2026	5/22/2026						
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	HB4281 SB328 Bundled HB4265	4/24/2026	4/24/2026
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	HB4282 SB329 Bundled HB4265	4/24/2026	4/24/2026
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	HB4283 SB330 Bundled HB4265	4/27/2026	4/27/2026
Barbers and Cosmetologists (3-14)	Waxing Specialist Legislative	6/18/2025	7/25/2025		7/28/2025	Approved 9/5/2025	HB4284 SB331 Bundled HB4265	4/27/2026	4/27/2026
Coal Mine Health and Safety (36-15)	Rules and Regulations Governing Ventilation by Use of Mechanically Operated Fans and Intentional Changes in the Ventilation System Legislative Exempt	2/27/2026	3/30/2026					4/29/2026	6/1/2026
Contractor Licensing Board (28-01)	Board Organization and Meeting Procedures; Hearing Procedures Procedural	4/3/2026	5/4/2026						
Contractor Licensing Board (28-02)	West Virginia Contractor Licensing Act Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 9/10/2025	HB4285 SB335 Bundled HB4265	4/3/2026	5/4/2026
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/24/2025	7/24/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/24/2025	HB4230 SB281 Bundled SB281		

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	2/12/2026	3/16/2026	2/3/2026 Effective 3/17/2026	4/21/2026				
Economic Development (145-16) Sunset Provision	Tourism Development Districts Legislative				10/8/2024	Approved 8/5/2025	HB4323 SB374 Bundled SB374		
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	HB4237 SB336 Bundled HB4245	4/7/2026	5/1/2026
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	HB4238 SB337 Bundled HB4245	4/7/2026	5/1/2026
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	HB4239 SB338 Bundled HB4245	4/7/2026	5/1/2026
Financial Institution (106-21) Sunset Provision	Rule Pertaining to the Fintech Regulatory Sandbox Legislative				2/3/2025	Approved 8/5/2025	HB4240 SB339 Bundled HB4245	4/7/2026	5/1/2026
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	HB4231 SB282 Bundled SB281		
Foresters (200-04)	Schedule of Fees Legislative	1/27/2026	3/13/2026		3/31/2026				
Health (64-19)	Water Well Regulations Legislative					Authorized w/Certain Amendments 9/5/2025	HB4215 SB266 Bundled HB4215	4/13/2026	7/1/2026
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	HB4216 SB267 Bundled HB4215	4/13/2026	7/1/2026

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	HB4217 SB268 Bundled HB4215	4/13/2026	7/1/2026
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 Filed 12/5/2025	HB4218 SB269 Bundled HB4215	4/13/2026	7/1/2026
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	HB4219 SB270 Bundled HB4215	4/13/2026	7/1/2026
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 Filed 12/5/2025	HB4221 SB272 Bundled HB4215	4/13/2026	7/10/2026
Health (64-103)	Expedited Partner Therapy Legislative							4/13/2026	7/1/2026
Health (64-115)	Diabetes Self-Management Education Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4222 SB273 Bundled HB4215	4/13/2026	7/1/2026
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	HB5354	4/6/2026	5/6/2026
Higher Education Policy Commission (133-64)	Administrative Exemption Legislative	6/30/2025	7/30/2025		7/31/2025	Modified & Approved 12/8/2025 Filed 12/10/2025	HB5354	4/15/2026	5/15/2026
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/24/2025	7/24/2025		8/7/2025				
Highways (157-05)	Traffic and Safety Rules Legislative	11/10/2025	12/10/2025	11/10/2025 Effective 12/22/2025	12/11/2025				
Lottery Commission (179-10) Sunset Provision	West Virginia Lottery Interactive Wagering Rule Legislative				6/25/2025	Approved 8/5/2025	HB4249 SB296 Bundled HB4245	4/27/2026	4/27/2026
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	HB4292 SB343 Bundled HB4265	4/27/2026	7/1/2026

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4293 SB344 Bundled HB4265	4/27/2026	7/21/2026
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	HB4294 SB345 Bundled HB4265	4/2/2026	7/1/2026
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	HB4296 SB347 Bundled HB4265	4/2/2026	7/1/2026
Miners' Health Safety and Training (58-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia Legislative	12/15/2025	1/16/2026	12/15/2025 Effective 1/26/2026	1/23/2026				
Municipal Pensions Oversight Board (211-02) Sunset Provision	Exempt Purchasing Legislative				10/9/2024	Approved 8/5/2025	HB4297 SB348 Bundled HB4265		
Natural Resources (58-14, repeal)	Rules Governing Small Arms Hunting Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 8/5/2025	HB4327 SB378 Bundled SB374	4/30/2026	4/30/2026
Natural Resources (58-21)	Wildlife Rehabilitation Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 10/8/2025 Filed 12/11/2025	HB4328 SB379 Bundled SB374	4/30/2026	7/1/2026
Natural Resources (58-26)	Special Boating Rules Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4329 SB380 Bundled SB374	4/30/2026	4/30/2026
Natural Resources (58-38) Sunset Provision	Public Shooting Ranges Legislative				3/31/2026				
Natural Resources (58-46) Sunset Provision	Defining the Terms Used in All Hunting and Trapping Legislative				3/31/2025	Approved 8/5/2025	HB4330 SB381 Bundled SB374	4/30/2026	4/30/2026
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4331 SB382 Bundled SB374	4/30/2026	4/30/2026

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-50) Sunset Provision	Deer Hunting Rule Legislative				3/31/2025	Approved 8/5/2025	HB4332 SB383 Bundled SB374	4/30/2026	4/30/2026
Natural Resources (58-56) Sunset Provision	Special Migratory Game Bird Hunting Legislative				3/31/2025	Approved 8/5/2025	HB4333 SB384 Bundled SB374	4/30/2026	4/30/2026
Natural Resources (58-63) Sunset Provision	Commercial Sale of Wildlife Legislative				3/31/2026				
Occupational Therapy (13-04)	Continuing Education and Competence Legislative	4/17/2025	6/1/2025		6/3/2025	Approved 8/5/2025	HB4298 SB349 Bundled HB4265	4/7/2026	7/1/2026
Office of the Inspector General (71-15)	Nursing Home Licensure Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 12/10/2025 Filed 12/23/2025	HB4224 SB275 Bundled HB4215	4/8/2026	5/1/2026
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	Authorized with Certain Amendments 12/10/2025	HB4225 SB276 Bundled HB4215	4/8/2026	5/1/2026
Office of the Inspector General (71-21)	Assisted Living Residences Legislative					Authorized with Certain Amendments 12/10/2025	HB4226 SB277 Bundled HB4215	4/8/2026	5/1/2026
Office of the Inspector General (71-24)	Syringe Services Program Licensure Legislative	6/23/2025	7/23/2025		7/25/2025	Modified & Approved 12/10/2025 Filed 12/23/2025	HB4227 SB278 Bundled HB4215	4/8/2026	5/1/2026
Office of the Inspector General (71-25)	Behavioral Health Centers Licensure Legislative					Authorized with Certain Amendments 12/10/2025	HB4228 SB279 Bundled HB4215	4/8/2026	5/1/2026
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/25/2025	7/25/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 12/9/2025	HB4304 SB355 Bundled HB4265		
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/25/2025	7/25/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 12/9/2025	HB4305 SB356 Bundled HB4265		

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/IOCEA 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	HB4306 SB357 Bundled HB4265		
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 11/24/2025	HB4307 SB358 Bundled HB4265		
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 11/24/2025	HB4308 SB359 Bundled HB4265		
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 11/24/2025	HB4309 SB360 Bundled HB4265		
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 11/24/2025	HB4310 SB361 Bundled HB4265		
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	HB4311 SB362 Bundled HB4265		
Pharmacy (15-15)	Rules Governing Pharmacy Permits Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 11/24/2025	HB4312 SB363 Bundled HB4265		
Pharmacy (15-19)	Inspections Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025	HB4314 SB365 Bundled HB4265		
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	Modified & Approved 12/10/2025 Filed 12/19/2025	HB4317 SB368 Bundled HB4265		
Public Service Commission (150-37) Sunset Provision	Rules Governing the Occupancy of Customer-Provided Conduit Legislative				3/12/2025	Approved 8/5/2025	HB4318 SB369 Bundled HB4265		

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 11/5/2025	HB4250 SB297 Bundled HB4245		
Racing Commission (178-10) Sunset Provision	Advance Deposit Account Wagering (ADW) Legislative				7/22/2025	Approved 8/5/2025	HB4251 SB298 Bundled HB4245		
Rehabilitation Services (198-01) Sunset Provision	Ron Yost Personal Assistance Services Act Board Legislative				3/31/2025	Approved 8/5/2025	HB4334 SB385 Bundled SB374		
Senior Services (76-06) Sunset Provision	Shared Table Initiative for Senior Citizens Legislative				7/21/2025	Approved 10/8/2025	HB4321 SB372 Bundled HB4265		
Social Work Examiners (25-03) Sunset Provision	Fee Schedule Legislative				7/25/2025	Approved 8/5/2025	HB4322 SB373 Bundled HB4265		
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative			4/28/2026 ERD by 6/9/2026					
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	HB4232 SB283 Bundled SB281		
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	HB4233 SB284 Bundled SB281		
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	HB4234 SB285 Bundled SB281		
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	HB4235 SB286 Bundled SB281		
Tax (110-01H)	Valuation of Timberland and Managed Timberland Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/7/2025	HB4252 SB299 Bundled HB4245	4/28/2026	4/28/2026

**RULE MONITOR**

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	HB4253 SB300 Bundled HB4245	4/28/2026	4/28/2026
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	HB4254 SB301 Bundled HB4245	4/28/2026	4/28/2026
Tax (110-13GG) Sunset Provision	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative				3/31/2025	Approved 8/5/2025	HB4255 SB302 Bundled HB4245	4/28/2026	4/28/2026
Tax (110-13II) Sunset Provision	High-Wage Growth Business Tax Credit Legislative				3/31/2025	Approved 8/5/2025	HB4256 SB303 Bundled HB4245	4/28/2026	4/28/2026
Tax (110-13Q, repeal)	Commercial Patent Incentives Tax Credit Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/7/2025	HB4257 SB304 Bundled HB4245	4/28/2026	4/28/2026
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	HB4258 SB305 Bundled HB4245	4/28/2026	4/28/2026
Tax (110-19, repeal)	Soft Drinks Tax Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 8/5/2025	HB4259 SB306 Bundled HB4245	4/28/2026	4/28/2026
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	HB4260 SB307 Bundled HB4245	4/28/2026	4/28/2026
Tax (110-36)	Preneed Cemetery Companies Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/10/2025	HB4261 SB308 Bundled HB4245	4/28/2026	4/28/2026
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	Modified & Approved 12/10/2025 Filed 1/8/2026	HB4213 SB264 Bundled SB256	3/4/2026	7/1/2026



WEST VIRGINIA SECRETARY OF STATE  
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ADMINISTRATIVE LAW DIVISION

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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: Barbers And Cosmetologists TITLE-SERIES: 3-02  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: QUALIFICATIONS, TRAINING, EXAMINATION,  
 AND CERTIFICATION OF INSTRUCTORS IN  
 BARBERING, HAIR STYLING, NAIL  
 TECHNOLOGY, AESTHETICS, WAXING, AND  
 COSMETOLOGY  
 CITE STATUTORY AUTHORITY: §§ 30-27-6 and 30-27-16 et seq.  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill 4265  
 number)  
 Section HB Passed On 3/14/2026 12:00:00 AM

AGENCY: Barbers And Cosmetologists TITLE-SERIES: 3-04  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: OPERATIONAL STANDARDS FOR SCHOOLS  
 OF BARBERING, COSMETOLOGY, HAIR  
 STYLING, NAIL TECHNOLOGY, WAXING, AND  
 AESTHETICS  
 CITE STATUTORY AUTHORITY: W. Va. Code § 30-27-6. Related - W. Va. Code § 30-27-1 et seq.  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill 4265  
 number)  
 Section HB Passed On 3/14/2026 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
 April 24, 2026  
 This rule shall terminate and have no further force or effect from the following date:  
 August 01, 2036

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
 April 24, 2026  
 This rule shall terminate and have no further force or effect from the following date:  
 August 01, 2036

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.  
 Yes  
 Danielle J Cordle -- 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.  
 Yes  
 Danielle J Cordle -- 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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LEGISLATIVE

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

AGENCY: Barbers And Cosmetologists TITLE-SERIES: 3-13  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: BARBER APPRENTICESHIP  
 CITE STATUTORY AUTHORITY: W. Va. Code §30-27-8(a).  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) 4265  
 Section HB Passed On 3/14/2026 12:00:00 AM

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

April 27, 2026

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

August 01, 2036

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

Yes  
 Danielle J Cordle -- 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: Barbers And Cosmetologists TITLE-SERIES: 3-14  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: WAXING SPECIALIST  
 CITE STATUTORY AUTHORITY: W. Va. Code § 30-27-8b; W. Va. Code § 30-27-6;  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) 4265  
 Section HB Passed On 3/14/2026 12:00:00 AM

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

April 27, 2026

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

August 01, 2036

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

Yes  
 Danielle J Cordle -- 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**  
**KRIS WARNER**  
**ADMINISTRATIVE LAW DIVISION**

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2026 APR 30 A 10:44  
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**LEGISLATIVE**

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

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-15  
 RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Rules and Regulations Governing Ventilation by Use of Mechanically Operated Fans and Intentional Changes in the Ventilation System  
 CITE STATUTORY AUTHORITY: W. Va. Code § 22A-6-4

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
200.00	14 May 2026	Physical Plant in Prisons and Community Corrections Facilities
207.00	14 May 2026	Physical Plant in Jails
208.00	14 May 2026	Physical Plant in Juvenile Facilities
304.00	14 May 2026	Patrols and Inspections
309.00	14 May 2026	Key Control

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
 June 1, 2026

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

Yes

John F Willems -- 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  
Kris Warner  
Administrative Law Division

DO NOT MARK IN THIS BOX  
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West Virginia  
Secretary of State  
Kris Warner  
Administrative Law Division

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SECRETARY OF STATE

Changes to Social Service Manual

Agency: Department of Human Services  
Bureau: Bureau for Social Services  
Rule: 78 CSR 5  
Change Rule: 78 CSR 5  
Revision to Existing Manual:  Yes  No

Summary of Changes:  
Revisions to Child Locator Unit Policy

Two Copies Enclosed:  
Please file one and return a stamped copy to:

Theresa Kirk  
WV DoHS BSS  
350 Capitol Street, Rm B-18  
Charleston WV 25301

Changes to Social Service Manual

Agency: Department of Human Services  
Bureau: Bureau for Social Services  
Rule: 78 CSR 5  
Change Rule: CAS-AS-PI-26-3  
Revision to Existing Manual:  Yes  No

Summary of Changes:  
Revisions to Adult Services Policy

Two Copies Enclosed:  
Please file one and return a stamped copy to:

Theresa Kirk  
350 Capitol Street Rm B-18  
Charleston WV 25301  
Theresa.e.kirk@wv.gov

LEGISLATIVE



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2026 APR 24 P 2:24

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

April 17, 2026

The Honorable Kris Warner  
Secretary of State  
State Capitol Building, Suite 157-K  
Charleston, West Virginia 25305-0770

Dear Secretary Warner:

Please place within the Orders File of the State Register the attached Order and Fee Schedule revising the licensure fees for health care facilities licensed by the West Virginia Department of Health.

The health facility licensure fees will be increased by 2.6073 percent, which is the rate of growth to the Consumer Price Index over a period of 12 months from January 1, 2025, to December 31, 2025, pursuant to the following authorities:

- Hospitals and Similar Institutions, W. Va. Code §16B-3-4;
- Nursing Homes, W. Va. Code §16B-4-6;
- Assisted Living Residences, W. Va. Code §16B-5-6;
- Residential Care Communities, W. Va. Code §16B-9-6;
- Recovery Residences, W. Va. Code §16-59-4;
- Medication-Assisted Treatment/Opioid Treatment Programs, W. Va. Code R. §71-27-6;
- Medication-Assisted Treatment/Office-Based MAT, W. Va. Code R. §71-28-6; and
- Chronic Pain Management Clinics, W. Va. Code R. §71-26-4.

The health facility licensure fees for Hospice, Behavioral Health, and Syringe Services facilities are not subject to change based on the rate of growth to the Consumer Price Index. The licensure fees associated with these facility types are specified in the following regulations:

- Hospice, W. Va. Code R. §71-14-3;
- Syringe Services, W. Va. Code R. §71-24-3;
- Behavioral Health, W. Va. Code R. §71-25.

**The new licensure fees will become effective: June 1, 2026.**

Sincerely,

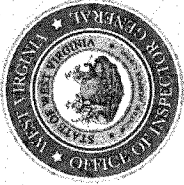
*Ann Vincent-Uriling*  
Ann Vincent-Uriling  
Inspector General

AVU/sw

Enclosures

cc: Mary Agnes Argento

Office of Health Facility Licensure & Certification • 1 Players Club Drive, Suite 301  
Charleston, West Virginia 25311 • 304.558.0050 • 304.977.7615 (fax)



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2026 APR 24 P 2:24

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

ORDER

In accordance with the provisions of W. Va. Code §16B-3-4; §16B-4-6; §16B-5-6; §16B-9-6; §16-59-4; and W. Va. Code R. §71-14-3; §71-24-3; §71-25; §71-26-4; §71-27-6; §71-28-6; the Inspector General hereby approves and files with the Secretary of State the attached schedule of licensure fees for certain health care facilities. The adjusted health care facility licensure fees shall become effective June 1, 2026.

*Ann Vincent-Uriling*

Ann V. Uriling  
Inspector General

Office of Health Facility Licensure & Certification • 1 Players Club Drive, Suite 301  
Charleston, West Virginia 25311 • 304.558.0050 • 304.977.7615 (fax)



STATE OF WEST VIRGINIA  
Offices of the Insurance Commissioner

Allan L. McVey  
Insurance Commissioner

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2026 APR 24 A 10:18

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

April 22, 2026

Maureen Lewis, Director  
Administrative Law Division  
West Virginia Secretary of State's Office  
State Capitol Building  
1900 Kanawha Blvd., East  
Charleston, WV 25305

LEGISLATIVE

Re: 64 CSR 89B, *Credentialing Verification Organization*

Ms. Lewis,

Please be advised that the West Virginia Legislature passed House Bill 4335 during the 2026 regular legislative session. This bill was made effective from passage, which occurred on February 20, 2026. The legislation repealed W. Va. Code §16-1A-9, which required the Insurance Commissioner and the Secretary of the Department of Health and Human Resources to jointly promulgate legislative rules relating to a statewide credentialing verification organization.

A legislative rule, 64 CSR 89B, was promulgated in 2012 pursuant to the above-referenced statutory rulemaking mandate. Because the enabling legislation requiring the rule has been repealed, I am asking the Secretary of State to deem the rule void effective immediately pursuant to W. Va. Code §29A-1-3(b).

Should you need any additional information or have any questions, please do not hesitate to contact me or Victor Mullins, Associate Counsel, regarding this matter. Mr. Mullins can be reached directly at (304) 414-8026.

Sincerely,

*Allan L. McVey*  
Allan L. McVey  
Insurance Commissioner

cc: Chanin W. Krivonyak, General Counsel  
West Virginia Department of Human Services

Telephone (304) 558-3354  
Facsimile (304) 558-0412  
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

EFFECTIVE: JUNE 1, 2026

Facility Type	Licensure Fees	
	Initial	Renewal
<b>Hospitals:</b>		
General, Psychiatric, Rehab	\$ 1,403.61	\$ 1,403.61
5-49 Beds	\$ 2,101.10	\$ 2,101.10
50-99 Beds	\$ 2,800.48	\$ 2,800.48
100-199 Beds	\$ 3,505.96	\$ 3,505.96
200 & Over	\$ 200.00	\$ 29.31 per bed
<b>Nursing Homes</b>	\$ 65.00	\$ 10.42 per bed
<b>Assisted Living Residences</b>	\$ 75.00	\$ 7.76 per bed
<b>Residential Care Communities</b>	\$ 256.52	\$ 256.52
<b>Recovery Residences</b>	\$ 250.00	\$ 50.00
<b>Syringe Services *</b>	\$ 100.00	\$ 50.00
<b>Hospice Facilities *</b>	\$ 100.00	\$ 100.00
Yearly caseload less than 10 Patients	\$ 10.00	\$ 10.00
Yearly caseload 10 or more Patients	\$ 10.00	\$ 10.00
<b>Behavioral Health Facilities *</b>	\$ 10.00	\$ 10.00
<b>Medication Assisted Treatment Program</b>		
<b>Opioid Treatment Programs:</b>		
1-499 Patients	\$ 250.00	\$ 684.01
500-1,000 Patients	\$ 250.00	\$ 1,368.04
1,001 or more Patients	\$ 250.00	\$ 2,052.04
<b>Office Based Programs:</b>		
1-50 Patients	\$ 250.00	\$ 342.01
51-100 Patients	\$ 250.00	\$ 410.41
101-200 Patients	\$ 250.00	\$ 547.20
201 or more Patients	\$ 250.00	\$ 684.01
<b>Chronic Pain Management Centers:</b>		
1-499 Patients	\$ 250.00	\$ 344.49
500-1,000 Patients	\$ 250.00	\$ 689.02
1,001 or more Patients	\$ 250.00	\$ 1,033.52

\* Fees for these facility types are not subject to annual adjustment for inflation based on the consumer price index.

Office of Health Facility Licensure & Certification • 1 Players Club Drive, Suite 301  
Charleston, West Virginia 25311 • 304.558.0050 • 304.957.7615 (fax)



WEST VIRGINIA SECRETARY OF STATE  
KRIS WARNER  
ADMINISTRATIVE LAW DIVISION

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WEST VIRGINIA SECRETARY OF STATE  
KRIS WARNER  
ADMINISTRATIVE LAW DIVISION

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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: Lottery Commission TITLE-SERIES: 179-10  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: West Virginia Lottery Interactive Wagering Rule  
 CITE STATUTORY AUTHORITY: W. Va. Code §29-22E-4; W. Va. Code §29-22A-1 et seq., and W. Va. Code §29A-3-1 et seq.

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

Authorization is cited in (house or senate bill number) 4245

Section 64-7-4 Passed On 3/14/2026 12:00:00 AM

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

April 27, 2026

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

August 01, 2031

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 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 4265

Section §64-9-11(a) Passed On 3/14/2026 12:00:00 AM

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

July 1, 2026

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

August 01, 2031

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  
KRIS WARNER  
ADMINISTRATIVE LAW DIVISION

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WEST VIRGINIA SECRETARY OF STATE  
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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 4265  
 number)  
 Section §64-9-11(b) Passed On 3/14/2026 12:00:00 AM

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

July 1, 2026

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

August 01, 2031

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: Natural Resources TITLE-SERIES: 58-14  
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes  
 RULE NAME: Rules Governing Small Arms Hunting  
 CITE STATUTORY AUTHORITY: §20-1-7(30)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB 374  
 number)  
 Section §60-10-5(a) Passed On 3/2/2026 12:00:00 AM

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

April 30, 2026

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

April 30, 2026

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

Yes

Garner Marks -- 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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LEGISLATIVE

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

AGENCY: Natural Resources TITLE-SERIES: 58-21  
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
 RULE NAME: Wildlife Rehabilitation  
 CITE STATUTORY AUTHORITY: §20-2D-3(f)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB.374  
 number)  
 Section §64-10-5(b) Passed On 3/2/2026 12:00:00 AM

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

July 1, 2026

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

August 01, 2031

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

Yes

Garner Marks -- 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: Natural Resources TITLE-SERIES: 58-26  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Special Boating Rules  
 CITE STATUTORY AUTHORITY: §20-1-7(31), §20-7-22 and §20-7-23  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB.374  
 number)  
 Section §64-10-5(c) Passed On 3/2/2026 12:00:00 AM

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

April 30, 2026

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

August 01, 2031

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

Yes

Garner Marks -- 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: Natural Resources TITLE-SERIES: 58-46  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Defining the Terms Used in all Hunting and Trapping  
 CITE STATUTORY AUTHORITY: §20-1-7(31)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB 374)  
 Section §60-10-5(d) Passed On 3/2/2026 12:00:00 AM

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

April 30, 2026

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

August 01, 2031

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

Yes  
 Garner Marks -- 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: Natural Resources TITLE-SERIES: 58-47  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: Prohibitions When Hunting and Trapping  
 CITE STATUTORY AUTHORITY: §20-1-7(31)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill SB 374)  
 Section §60-10-5(e) Passed On 3/2/2026 12:00:00 AM

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

April 30, 2026

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

August 01, 2031

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

Yes  
 Garner Marks -- 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  
BY THE WEST VIRGINIA LEGISLATURE

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

AGENCY: Natural Resources TITLE-SERIES: 58-50  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Deer Hunting Rule  
CITE STATUTORY AUTHORITY: §20-1-7(31)  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill SB 374  
number)  
Section §60-10-5(f) Passed On 3/2/2026 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
April 30, 2026  
This rule shall terminate and have no further force or effect from the following date:  
August 01, 2031

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

Yes  
Garner Marks -- 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: Natural Resources TITLE-SERIES: 58-56  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Special Migratory Game Bird Hunting  
CITE STATUTORY AUTHORITY: §20-1-7(31)  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill SB 374  
number)  
Section §60-10-5(g) Passed On 3/2/2026 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
April 30, 2026  
This rule shall terminate and have no further force or effect from the following date:  
August 01, 2031

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

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Garner Marks -- 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: Tax TITLE-SERIES: 110-01H  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: VALUATION OF TIMBERLAND AND MANAGED TIMBERLAND  
 CITE STATUTORY AUTHORITY: W. Va. Code §§11-1C-5(a)(2)(B), 11-1C-11(c)(1) and 11-1C-11b(c)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill) HB 4245  
 Section §64-7-6(a) Passed On 3/14/2026 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
April 28, 2026  
 This rule shall terminate and have no further force or effect from the following date:  
August 01, 2031

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

AGENCY: Tax TITLE-SERIES: 110-01M  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: VALUATION OF PUBLIC UTILITY PROPERTY FOR AD VALOREM PROPERTY TAX PURPOSES  
 CITE STATUTORY AUTHORITY: W. Va. Code §11-1C-5(b)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill) HB 4245  
 Section §64-7-6(b) Passed On 3/14/2026 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
April 28, 2026  
 This rule shall terminate and have no further force or effect from the following date:  
August 01, 2031

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

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 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: Tax TITLE-SERIES: 110-13FF  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: TAX CREDIT FOR PROVIDING VEHICLES TO LOW-INCOME WORKERS  
 CITE STATUTORY AUTHORITY: W. Va. Code §11-10-5 and §11-13FF-5  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill HB 4245)  
 Section §64-7-6(c) Passed On 3/14/2026 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
 April 28, 2026  
 This rule shall terminate and have no further force or effect from the following date:  
 August 01, 2031

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

AGENCY: Tax TITLE-SERIES: 110-13GG  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: DOWNSTREAM NATURAL GAS MANUFACTURING INVESTMENT TAX CREDIT  
 CITE STATUTORY AUTHORITY: W. Va. Code §11-10-5 and W. Va. Code §§11-13GG-5, 9, 16  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill HB 4245)  
 Section §64-7-6(d) Passed On 3/14/2026 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:  
 April 28, 2026  
 This rule shall terminate and have no further force or effect from the following date:  
 August 01, 2031

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.



WEST VIRGINIA SECRETARY OF STATE  
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LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-131I  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: HIGH-WAGE GROWTH BUSINESS TAX CREDIT  
 CITE STATUTORY AUTHORITY: W. Va. Code § 11-10-5 and § 11-131I-5  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) HB 4245  
 Section §64-7-6(e) Passed On 3/14/2026 12:00:00 AM

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

April 28, 2026

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

August 01, 2031

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

AGENCY: Tax TITLE-SERIES: 110-13Q  
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes  
 RULE NAME: COMMERCIAL PATENT INCENTIVES TAX CREDIT  
 CITE STATUTORY AUTHORITY: W. Va. Code §§11-13AA-10, 11-10-5 and 11-10-5d(f)  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) HB 4245  
 Section §64-7-6(f) Passed On 3/14/2026 12:00:00 AM

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

April 28, 2026

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

March 14, 2026

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.



WEST VIRGINIA SECRETARY OF STATE  
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LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-16A  
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
 RULE NAME: ON-LINE BINGO AND RAFFLES  
 CITE STATUTORY AUTHORITY: W. Va. Code §47-20-23 and §47-21A-23  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) HB 4245  
 Section §64-7-6(g) Passed On 3/14/2026 12:00:00 AM

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

April 28, 2026

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

August 01, 2031

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Yes  
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 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: Tax TITLE-SERIES: 110-19  
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes  
 RULE NAME: SOFT DRINKS TAX  
 CITE STATUTORY AUTHORITY: W. Va. Code §11-10-5  
 The above rule has been authorized by the West Virginia Legislature.  
 Authorization is cited in (house or senate bill number) HB 4245  
 Section §64-7-6(h) Passed On 3/14/2026 12:00:00 AM

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

April 28, 2026

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

March 14, 2026

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.



WEST VIRGINIA SECRETARY OF STATE  
KRIS WARNER  
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4/28/2026 3:13:39 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: Tax TITLE-SERIES: 110-21H  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: INCOME TAX CREDITS FOR PROPERTY TAXES PAID  
CITE STATUTORY AUTHORITY: W. Va. Code §11-13MM-6  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill number) HB4245  
Section ~~§64-7-6(i)~~ Passed On 3/14/2026 12:00:00 AM

AGENCY: Tax TITLE-SERIES: 110-36  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: PRENEED CEMETERY COMPANIES  
CITE STATUTORY AUTHORITY: W. Va. Code §5F-2-2(a)(12)  
The above rule has been authorized by the West Virginia Legislature.  
Authorization is cited in (house or senate bill number) HB4245  
Section ~~§64-7-6(i)~~ Passed On 3/14/2026 12:00:00 AM

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

April 28, 2026

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

August 01, 2031

April 28, 2026

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

August 01, 2031

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**  
**KRIS WARNER**  
**ADMINISTRATIVE LAW DIVISION**

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4/28/2026 9:57:15 AM  
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**EMERGENCY**

**NOTICE OF AN EMERGENCY RULE**

AGENCY: Speech Language Pathology And Audiology TITLE-SERIES: 29-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Licensure of Speech -Pathology and Audiology

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

30-32-7

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

**PRIMARY CONTACT:**

NAME: Pamela A Coughlin

ADDRESS: 99 Edmiston Way Ste 214 Box 11

Buckhannon, WV 26201

EMAIL: pamel.a.coughlin@wv.gov

PHONE NUMBER: 304-473-4289

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

# Orders Report

Docket Number	Agency	Respondent	Date Rendered
25-85-W	Medicine, West Virginia Board Of	Stephen Mark Pickstone, MD	4/23/2026
26-09-W	Medicine, West Virginia Board Of	Allan DIP-Figuera, MD	4/21/2026
25-116-W	Medicine, West Virginia Board Of	Colin Alexander Rose, MD	4/21/2026
26-02-W	Medicine, West Virginia Board Of	Nikola Bicak, DPM	4/23/2026
	Registered Nurses, WV Board of	Courtney Brooke Bennett	4/22/2026

FILED

2026 APR 29 P 1:52

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

AG



State of West Virginia  
Office of the Attorney General

John B. McCuskey  
Attorney General

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

April 29, 2026

The Honorable Rebecca L. Miller  
Hampshire County Prosecuting Attorney  
Hampshire County Courthouse  
50 South High Street  
Romney, West Virginia 26757

Dear Prosecutor Miller:

You have asked for an Opinion of the Attorney General about the Hampshire County Commission's lawful scope of expenditures for educational scholarships and public participation incentives under West Virginia law. This Opinion is 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." To the extent this Opinion relies on facts, it depends solely on the factual assertions in your correspondence and discussions with the Attorney General's Office.

Per your letter, the Hampshire County Commission is considering three initiatives. *First*, a potentially recurring agricultural "legacy farm" scholarship contribution to a local community foundation to further endow an existing scholarship fund for students to pursue post-secondary education in agriculture-related fields, all to promote farmland preservation and sustain legacy family farms. *Second*, an annual allocation to a scholarship fund administered by a qualified community foundation to assist active volunteer and employed firefighters and EMS personnel with tuition for postsecondary or certification programs given certain conditions. *Third*, offering modest-value gift cards to promote robust participation in public surveys.

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

1. May the Hampshire County Commission lawfully appropriate public funds to a community foundation for the purpose of establishing or expanding a scholarship fund benefiting local students studying agriculture or related fields, when that scholarship serves a stated public goal of farmland preservation and local farm viability?

2. May the Hampshire County Commission lawfully appropriate recurring public funds to a community foundation for scholarships or tuition reimbursement to volunteer emergency services personnel (fire or EMS), conditioned on continued volunteer service in the county?

3. May such a scholarship program lawfully include county-employed EMS personnel, provided the participation is conditioned prospectively on educational advancement and continued service, without running afoul of the prohibition on extra compensation for public employees?

4. Does the public purpose doctrine, or any provision of the West Virginia Code, permit the Hampshire County Commission to use public funds to purchase modest-value gift cards as incentives for residents to complete county-administered surveys or participate in county-related programs of high public importance, or would such incentives constitute an improper gift of public funds?

In short, the Hampshire County Commission lacks statutory authority to create a scholarship fund for agricultural purposes. And while specific and broad statutory authorizations allow it to create a scholarship fund for volunteer firefighters and EMS personnel given certain conditions, such a scholarship for current, contractual public employees is likely barred by the extra-compensation clause. Finally, the county commission's ability to distribute modest-value gift cards will depend on their specific purposes, which are not readily apparent in your letter.

#### DISCUSSION

##### I. The Hampshire County Commission Cannot Lawfully Administer an Agricultural Scholarship Program.

You first ask whether the Hampshire County Commission may lawfully administer an agricultural scholarship program when that scholarship serves a stated public goal of farmland preservation and local farm viability. It may not.

County commissions are "created by statute," and only possess "powers as are expressly conferred by the Constitution and legislature," and "reasonably and necessarily implied" to exercise those powers. *Syl. pt. 1, State ex rel. State Line Sparkler of WV, Ltd. v. Teach, 187 W. Va. 271, 418 S.E.2d 585 (1992)* (cleaned up). This Office has explained that "[i]f any reasonable doubt exists as to whether a county commission has a power, the power must be denied." *Off. of the W. Va. Att'y Gen., Opinion Letter Concerning County Commission Authority to Approve an Assignment of Lease* (June 18, 2024), 2024 WL 3380828, at \*4 (cleaned up) (quoting *syl. pt. 1, McCallister v. Nelson, 186 W. Va. 131, 411 S.E.2d 456 (1991)*).

Your letter has not referenced any “[c]lear[] and unmistakabl[e]” power of the county commission to issue scholarship funds for agricultural purposes. *Express*, BLACK’S LAW DICTIONARY (12th ed. 2024). On independent review, we can find no express provision in the West Virginia Constitution or Code that confers scholarship grant-making authority on county commissions. So, the question is whether this power is reasonably and necessarily implied within another authorization.

One power delegated to county commissions is the administration of the “fiscal affairs of their counties.” W. VA. CONST., art. IX, § 11. Though county commissions typically wield “wide discretion” in exercising this power, it can only be used as “prescribed by law.” *Id.*; *City Comm’n of Greenbrier City v. Cummings*, 228 W. Va. 464, 469, 720 S.E.2d 587, 592 (2011) (cleaned up). So, the West Virginia Legislature must independently authorize the county commission to expend funds for specific purposes. *See, e.g., Cummings*, 228 W. Va. at 469-70, 720 S.E.2d at 592-93 (evaluating county commission budgets under West Virginia Code § 7-7-7); *State ex rel. Farley v. Spaulding*, 203 W. Va. 275, 282-84, 507 S.E.2d 376, 383-85 (1998) (allowing county commissions to hire police personnel in part under West Virginia Code §§ 7-3-2, 7-1-3m).

Although the county’s fiscal powers are broad, they are not unlimited. Under the county commission’s fiscal power, the Legislature authorizes county commissions to expend funds on many things such as the “establishment and regulation of” public areas like “roads, ways, streets,” “bridges, public landings, ferries[,] and mills.” W. VA. CODE § 7-1-3. They may expend funds securing public services like sewage, radio, and garbage. *See id.* §§ 7-1-3a to 7-1-3r. And they set their own budgets. *Id.* § 7-7-7. They can provide emergency services. *Id.* § 7-15-4. And they can even establish farmland protection funds to buy land and easements. *Id.* §§ 8A-12-2, 8A-12-12. But the Legislature has not authorized county commissions to expend funds on agricultural scholarship programs.

The scholarship you describe appears to fall within the remit of the Commissioner of Agriculture. The West Virginia Constitution gives the power of administering agricultural affairs to the West Virginia Department of Agriculture. *See* W. VA. CONST., art. VII. The Commissioner of Agriculture is responsible for “[d]evis[ing] means of advancing the agricultural interests of the state.” W. VA. CODE § 19-1-4(a). The Commissioner has the “authority to call upon any ... county[] to cooperate in promoting the agricultural interests of the state.” *Id.* So, the Commissioner of Agriculture is responsible for agricultural initiatives in West Virginia—not county commissions.

By the same token, when creating scholarship programs, the Legislature typically uses explicit language in setting requirements and assigning administering bodies. For instance, the Legislature created the Hope Scholarship Program and committed its administration to the Board of Education with specific requirements. *See generally* W. VA. CODE § 18-31-5. Likewise, the Promise Scholarship Program is administered by the West Virginia Higher Education Policy Commission with detailed eligibility requirements. *See generally id.* §§ 18C-7-5, 18C-7-6. The Legislature further lists many such state scholarship programs like the Underwood-Smith Teacher Scholarship Program, the West Virginia Higher Education Program, and the Engineering, Science, and Technology Scholarship Program. *See, e.g., id.* § 18C-1-1(d)(1) to (14).

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But we can find no legislative authorizations to county commissions to administer agricultural scholarships. And in the presence of authorizations like those above, we “should assume” the Legislature’s silence on agricultural scholarships is “intentional.” *State ex rel. Riffe v. Ransom*, 195 W. Va. 121, 128, 464 S.E.2d 763, 770 (1995). Indeed, “[e]xplicit direction for something in one provision, and its absence in a parallel provision, implies an intent to negate it in the second context.” *Gibson v. Northfield Ins. Co.*, 219 W. Va. 40, 47, 631 S.E.2d 598, 605 (2005) (cleaned up). We must then “exclude from operation those items not included in the list of elements that are given effect expressly by statutory language.” *State ex rel. Roy Allen S. v. Stone*, 196 W. Va. 624, 630 n.11, 474 S.E.2d 554, 560 n.11 (1996). County commissions thus lack the authority to make agricultural scholarships.

That the scholarship fund would serve a stated public goal of farmland preservation and local farm viability is of no moment. An appropriate public purpose is sometimes a necessary (but not sufficient) condition for the expenditure of public funds. W. VA. CONST., art. X, § 6, and “the promotion, at public expense, of education beyond the age of sixteen and even in colleges and universities is regarded as fulfillment of a public purpose.” *State ex rel. Hughes v. Bd. of Educ. of Kanawha County*, 154 W. Va. 107, 118, 174 S.E.2d 711, 718 (1970). But even where a proposed action serves a valid public interest, a county commission may “do only such things as are authorized by law, and in the mode prescribed.” *T. Weston, Inc. v. Mineral County*, 219 W. Va. 564, 569, 638 S.E.2d 167, 172 (2006) (cleaned up).

This conclusion is reinforced by this Office’s past opinions. In 2015, West Virginia Conservation Districts asked whether they may award agricultural scholarships using public funds. *See Off. of the W. Va. Att’y Gen., Opinion Letter Concerning Legal Authority to Award Scholarships Using Public Funds* (Jan. 20, 2015), 2015 WL 336264. Just as here, “[w]e [could] not find among the Districts’ enumerated powers the authority to award the scholarships.” *Id.* at \*2. Like conservation districts, we have affirmed many times that county commissions may not use powers beyond the scope of authorizations necessarily implied in the Code. *See, e.g., Off. of the W. Va. Att’y Gen., Opinion Letter Concerning County Commission Authority to Review Fire Department Finances* (Sept. 4, 2025), 2025 WL 2655054.

In sum, the Hampshire County Commission lacks authority to fund an agricultural scholarship despite its intended beneficial public purposes. And because we have determined that the county does not have the power to fund these scholarships, we need not address whether these scholarships could be routed through a community foundation.

## II. Hampshire County May Create an Emergency Services Scholarship for Fire Fighters and EMS Personnel Conditioned on Continued Volunteer Service.

You also ask whether the Hampshire County Commission may fund an EMS scholarship or tuition reimbursement for volunteer firefighters and EMS personnel conditioned on continued volunteer service. It may with proper fund distribution oversight.

#### a. Volunteer Firefighting and EMS Scholarships

Your letter mentions plans for an EMS scholarship or tuition reimbursement for volunteer firefighters and EMS personnel. Unlike the limited power to administer agricultural scholarships, the Legislature provides county commissions authority to train volunteer fire fighters and EMS personnel.

Start with volunteer fire fighters. A county commission is "authorized and empowered to create a hazardous material accident response team" including "members of the fire departments." W. VA. CODE § 7-1-3aa. "The commission is [further] authorized to ... expend its own funds for ... training of the members of the team." *Id.* The operation of these fire departments serves "the general benefit of the public in the prevention of fires," "victim rescue, [and] cleanup of debris or hazardous materials." *See id.* § 7-1-3d(b) (authorizing county commissions to allocate and receive funds toward these purposes). Consistent with those aims, the Legislature allocates resources specifically for training fire personnel to accomplish their mission. *See id.* § 15A-11-9.

Your letter implies that an educational scholarship for volunteer fire companies would incentivize volunteer firefighters to prevent, fight, and clean up after fires. Of course, any scholarship should only be used for training purposes consistent with these public purposes. *See* Off. of the W. Va. Att'y Gen., Opinion Letter Concerning Teacher Trainee Scholarships (July 18, 1963), 1963 WL 66344, at \*2 (not allowing appropriations for college scholarships that don't necessarily benefit the public school system, *i.e.*, scholarships for purely private purposes); Off. of the W. Va. Att'y Gen., Opinion Letter Concerning Medical Student Scholarships (Aug. 12, 1974), 1974 WL 174315, at \*6-8 (scholarship programs must serve the stated public purpose). So, a scholarship or tuition reimbursement for training purposes is within your county commission's authority. *See* Off. of the W. Va. Att'y Gen., Opinion Letter Concerning Police Training Speech Course (Sept. 1, 1944), 1944 WL 28320, at \*1-2 (allowing policemen to receive educational reimbursements for a speech course related to their duties).

Our conclusion is confirmed by statutory provisions that empower county commissions to "render financial aid to any one or more public fire protection facilities in operation in the county for the general benefit of the public in the prevention of fires." W. VA. CODE § 7-1-3d(b). We have explained that county commissions "hav[e] statutory authority to allocate in [their] budget[s] public funds for use in rendering financial aid to volunteer fire companies." Off. of the W. Va. Atty. Gen., Opinion Letter Concerning County Commission Aid to Fire Fighting Companies (Apr. 3, 1968), 1968 WL 94102, at \*2. Providing training and financial retention incentives to these companies by way of a scholarship program would seem to be a straightforward form of financial aid. Indeed, scholarships are often described as "financial aid." *See Scholarship, BLACK'S LAW DICTIONARY* (12th ed. 2024) ("[m]oney or other aid granted to help a student pursue educational achievement; esp., a discrete instance of financial aid to someone who pursues a course of study, often in an institution of higher learning.—Also termed (in sense 4) *financial aid*.").

Now for volunteer EMS personnel. County commissions have "complete authority for the provision of emergency ambulance service[s]" within their boundaries. W. VA. CODE § 7-15-18. They are charged with the responsibility to "mak[e] available to all the residents of the county"

"emergency ambulance service[s]." *Id.* § 7-15-4. Indeed, the Legislature has authorized grants specifically for "training of emergency medical services providers and personnel," giving "priority" to "volunteer emergency medical service providers." *Id.* § 16-4C-24(b).

"[L]iberally constru[ing]" this provision "to accomplish its purpose" as the Legislature commands, W. VA. CODE § 7-15-18, scholarship funds for volunteer emergency service personnel appear to be permissible. These training scholarships further the goal of making emergency medical services available to all residents of the county by incentivizing volunteers to continue their volunteer service. The scholarship funds are therefore within the county commission's general power to administer the "fiscal affairs" of the county. W. VA. CONST., art. IX, § 11.

We also can find no prohibition on the county commission's conditioning scholarships on continued volunteer service. On the contrary, the West Virginia Code is replete with legislative precedent for doing so. For example, the STEM Scholarship requires recipients to work full-time in a STEM related field for each year the scholarship is received, otherwise the individual must repay the funds. W. VA. CODE §§ 18C-6-4(a)(2)(A) to (B). The Legislature applies the same concept in the way volunteer firefighters receive tax credits. *Id.* §§ 11-13jj-1, 11-13jj-3(b). And the Supreme Court of Appeals of West Virginia has upheld a law that granted sabbatical leave to pursue further graduate work with intermittent salary conditioned on returning to teach. *See State ex rel. W. Va. Bd. of Educ. v. Sims*, 139 W. Va. 802, 808-09, 81 S.E.2d 665, 668-69 (1954).

We therefore conclude that the proposed scholarship may be conditioned on continued volunteer service—indeed, the conditions reconfirm that the scholarships serve an appropriate public purpose.

#### b. Fund Distribution

Your letter suggests that a local community foundation will distribute the county's scholarship funds. This approach is possible with some additional oversight.

At the outset of this inquiry, we recognize that the West Virginia Constitution prohibits the State from taking on the "debts or liabilities of any county, city, township, corporation[,] or person." W. VA. CONST., art. X, § 6. We have explained this means that "the State may not permit a municipality to give aid to, or become a stockholder in, a private corporation involved in private pursuits." Off. of the W. Va. Att'y Gen., Opinion Letter Concerning City Appropriations to Certain Public Agencies and Nonprofit Corporations (Mar. 18, 1980), 1980 WL 119407, at \*6. Indeed, taxes cannot "be exercised in aid of enterprises strictly private." *Citizens' Savings & Loan Ass'n v. City of Topeka*, 87 U.S. (20 Wall.) 655, 656 (1874). So, public funds must be used for "public purposes." *State ex rel. W. Va. Hous. Dev. Fund v. Copenhaver*, 153 W. Va. 636, 644-45, 171 S.E.2d 545, 550 (1969). And as explained, firefighting and EMS services support public purposes. *See supra* Section II.a.

To distribute funds for those purposes, a county commission should exercise caution not to "expend [the] money ... [i]n an unauthorized manner." W. VA. CODE § 11-8-26. County commissions have two avenues to properly allocate these funds.

*First*, county commissions are "authorized and empowered to create and establish ... special funds" for firefighting and EMS service scholarships. W. VA. CODE § 7-1-9; *see supra* Section II.a. (advancing provisions of chapter seven). These special accounts are funded by the county commission's tax, levies or through "unexpended or surplus moneys in the county general fund." W. VA. CODE § 7-1-9. And such expenditures "shall be made only for the purpose for which the special fund was created and established." *Id.* Special funds provide the most direct way to fund the scholarship.

*Second*, county commissions may allocate funds to other agencies and private nonprofit corporations given greater oversight. Off. of the W. Va. Att'y Gen., Opinion Letter Concerning County Commission Aid to Volunteer Fire Fighting Companies (Apr. 3, 1968), 1968 WL 94102, at \*3. "Generally, no local fiscal body ... which levies taxes may transfer any of its public funds to another agency for disbursement" without "express authority" and "proper disbursement and audit controls." *Id.* at \*4. We initially applied that rule by requiring disbursements "item by item, upon the specific orders of the county [commission] ... after presentation to and the approval by the county [commission]." *Id.* We believed this standard would "assure that such funds are used for authorized public purposes." *Id.*

On further consideration, we explained that "[r]eleasing funds on an item-by-item basis as described in that opinion may not be appropriate or feasible in every instance." Op. Letter, 1980 WL 119407, at \*8. Since then, some municipalities continue to require itemized requests, while others "find it more effective to release the appropriation in a lump sum and then conduct periodic audits to determine that the appropriation is being spent for [the] public purpose." *Id.* The touchstone requirement now is that a government entity must "be able to determine that the money is spent for [the] public purpose." *Id.*

Your letter does not describe the precise nature of the "community foundation" that will disburse the funds. Assuming the "community foundation" is a private nonprofit organization, *see* W. VA. CODE § 44-6A-2, the county commission may disburse funds "provided that the State Tax Department is convinced" that the commission's "auditing procedures are such that [it] will be able to determine that the money is spent for" volunteer firefighting and EMS services. Op. Letter, 1980 WL 119407, at \*8.

Altogether then, the Hampshire County Commission may create an EMS scholarship for volunteer fire fighters and EMS personnel for training purposes conditioned on continued volunteer service. In doing so, the Commission should follow proper fund disbursement oversight.

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### III. An EMS Educational Reimbursement Runs Afoul the Prohibition on Extra Compensation for Current Public Employees.

You next ask whether the EMS scholarship scheme above may include employed EMS personnel and be conditioned prospectively on continued employment and educational advancement without running afoul the prohibition on extra compensation for public employees. The Legislature has not authorized scholarships for current EMS employees that exceed the extra-compensation clause's prohibitions.

We begin with the Legislature's authorizations. When a government entity provides reimbursement for employee educational expenses as part of their training, we have opined that "authority for such expenditures may be implied." Off. of the W. Va. Att'y Gen., Opinion Letter Concerning Reimbursement of Educational Expenses to State Employees (July 2, 1993), 1993 WL 361759, at \*6. They do not require "specific statutory authority," "nor a special appropriation for payment thereof." *Id.* To ascertain this implied authority, we instead look to "what purpose the expenses [will be] incurred, and whether the [department's] statutory mission will be directly advanced by the education and training." *Id.* As shown, educational reimbursements of this type incentivize firefighters and EMS personnel to further their statutory mission. *See supra* Section II.a.

But this implied authorization is not unlimited. "[W]e would draw the line at those educational expenses calculated to enable a person to become qualified for a different position, or help him or her obtain employment in another field." Op. Letter, 1993 WL 361759, at \*6. Such education and training also cannot transform a temporary employee into a permanent one. *Id.* In other words, "to be reimbursable," "[e]ducation or training expenses" "must be directly related to maintaining or improving the public employee's performance of his or her existing responsibilities." *Id.* So, the scholarship must be attached to current firefighting or EMS duties.

On to extra compensation. The West Virginia Constitution and Code provide that "[n]o extra compensation shall be granted or allowed to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract made." W. VA. CONST., art. VI, § 38; *see also* W. VA. CODE § 6-7-7. This prohibition serves to "safeguard the independence, the security, and the efficiency" of public officers. *Harbert v. Harrison Cnty. Ct.*, 129 W. Va. 54, 62, 39 S.E.2d 177, 185 (1946). It also "assures the people that those who serve them as public officers shall give their services during their terms for the amount of compensation for which they were willing to serve." *Delardas v. Cnty. Ct. of Monongalia Cnty.*, 155 W. Va. 776, 781, 186 S.E.2d 847, 851 (1972) (cleaned up).

We have not previously considered whether firefighters and EMS personnel are "public officer[s], agent[s], servant[s], or contractor[s]." W. VA. CONST., art. VI, § 38. But the Clause has been interpreted to apply to any public employee, including a variety of other public service professionals like county health officers. *Schwartz v. Cnty. Ct. of Hancock Cnty.*, 136 W. Va. 626, 639, 68 S.E.2d 64, 71 (1951), county school superintendents, *syl. pt. 1, Jackson v. Bd. of Educ. of Kanawha Cnty.*, 128 W. Va. 154, 35 S.E.2d 852 (1945), and teachers. Off. of the W. Va. Att'y Gen., Opinion Letter Concerning Compensating School Employees for Additional Duties (Aug. 14,

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\*2-3. So, the new duties cannot be purely incidental to previous duties. *Delardas*, 155 W. Va. at 789, 186 S.E.2d at 855-56.

Given the facts that you describe in your letter, a scholarship conditioned on educational advancement and further certification would fall into this third category and thus be constitutional even as to current employees. Educational advancement demands that current employees “embrace a new field” “beyond the scope or range” of their current employment. *Springer*, 117 W. Va. at \_\_\_, 185 S.E. at 694. Assuming the scholarship covers classes that would stretch current employees to exercise new duties that are not incidental to their current positions, the scholarships on top of current salaries would be constitutional. In that same vein, if the scholarship is for education wholly outside regular office duties in addition to present duties, the scholarship does not violate the Clause.

But this conclusion creates a separate problem: the only scholarships for current employees that the *Constitution* allows also happen to be the type of scholarships that current *statutes* do not authorize. Recall that the Legislature’s authorizations for employee training require it to be directly related to existing duties regardless of the constitutional analysis. So, a statutory gap exists because the Legislature has not authorized educational reimbursements in the only constitutionally permissible circumstances. At best, the Legislature authorizes funds for continued employment and training directly related to present duties. Op. Letter, 1993 WL 361759, at \*6; see *supra* Section II.a. Current employees have presumably already accomplished their work and set their service price. Giving them an additional scholarship would be a bonus simply for coming to work as they already agreed. So, the Legislature has not authorized the scholarships allowed by the West Virginia Constitution’s extra-compensation clause for current EMS employees.

The Hampshire County Commission may not create an EMS educational reimbursement fund for currently employed, contract fire fighters and EMS personnel, as such a program would either run afoul of the prohibition on extra compensation for public employees or exceed the authority that the Legislature has granted the county to create training programs.

#### IV. Hampshire County Might Have Authority to Distribute Modest-Value Gift Cards in Exchange for Public Purposes.

Finally, you ask whether the law permits the Hampshire County Commission to use public funds to purchase modest-value gift cards as incentives for residents to complete county-administered surveys or participate in county-related programs of high public importance. You ask specifically whether such an incentive would be an improper gift of public funds. The short answer is maybe.

We first address your more specific question. This Office has long defined a gift as “a voluntary transfer of [] property by one to another, without any consideration or compensation therefor.” Off. of the W. Va. Att’y Gen., Opinion Letter Concerning Prizes and Awards of Reasonable Value (Feb. 16, 1967), 1967 WL 93385, at \*3 (cleaned up). “An appropriation by the Legislature of public revenue for a purely private purpose is beyond its legitimate powers of legislation and, for that reason, is null and void.” *State ex rel. Bd. of Governors of W. Va. Univ. v.*

2024), 2024 WL 4357393, at \*2. So, firefighters and EMS personnel are covered public employees. See Off. of the W. Va. Att’y Gen., Opinion Letter Concerning Giving State Employees Extra Compensation (Aug. 17, 2015), 2015 WL 4977862, at \*4 (applying the clause to the “pay of public employees” without distinction).

The prohibition on extra compensation begins when “the [S]tate has purchased the person’s set services at an agreed-upon price.” Op. Letter, 2015 WL 4977862, at \*4. After that, counties “may not pay more for the services contracted for or rendered.” *Id.* In other words, “contractual employees cannot receive extra compensation after the [ir] contract is made, [and] non-contractual (at-will) employees, cannot receive extra compensation after their services have been rendered.” Op. Letter, 2024 WL 4357393, at \*2 (cleaned up); W. Va. CONST., art. VI, § 38. Otherwise, counties would be “paying the employee a bonus simply for having come to work.” Op. Letter, 2015 WL 4977862, at \*4 (cleaned up).

Of course, that bar is not absolute. We see three exceptions.

*First*, the Clause does not prohibit “bargained-for increases in compensation that occur prior to the start of the work.” Off. of the W. Va. Att’y Gen., Opinion Letter Concerning Contractual Performance Incentives (Oct. 1, 2013), 2013 WL 5508581, at \*2. For example, annual salary adjustments based on years of service are not impermissible bonuses. Off. of the W. Va. Att’y Gen., Opinion Letter Concerning Incremental Salary Increases (June 27, 1990), 1990 WL 596840, at \*2. Based on the language in your letter, it appears that this may be the case for “prospective” contractual employees yet to enter the workforce and non-contractual, at-will employees. See Op. Letter, 2015 WL 4977862, at \*6-7; see also Op. Letter, 2024 WL 4357393 (describing how these timing requirements apply different to contractual and non-contractual employees). So a scholarship program would be permissible for those employees.

*Second*, the bar on extra compensation does not hinder consideration that “exist[s] separately and apart from[] the salary of” the employee. *State ex rel. Patteson v. Sims*, 136 W. Va. 106, 119, 65 S.E.2d 730, 737 (1951). For example, retirement pensions are not extra compensation. *Campbell v. Kelly*, 157 W. Va. 453, 472-73, 202 S.E.2d 369, 381 (1974). And we have explained that statutory sick leave is excepted. Off. of the W. Va. Att’y Gen., Opinion Letter Concerning Proposed Sick Leave Plan for State Employees (Aug. 29, 1978), 1978 WL 33959, at \*2-3. But we’ve narrowed this exception to those two circumstances, so a scholarship program would not constitute “separate” consideration. See Op. Letter, 2015 WL 4977862, at \*4 n.4.

*Third*, the Clause does not “forbid the [county commission] from granting contemporaneous salary increases to employees who are newly expected to perform additional services.” Op. Letter, 2013 WL 5508581, at \*3. Where new duties “are not mere incidents of the [employment], but embrace a new field, and are beyond the scope or range of the [employment] as it ... existed,” increased compensation does not violate the clause. *Springer v. Bd. of Educ. of Ohio Cnty.*, 117 W. Va. 413, \_\_\_, 185 S.E. 692, 694 (1936). When an employee “performs work outside his duties,” *i.e.*, acting in a “capacity outside his regular office hours” to further an additional duty, the Clause is not violated. Off. of the W. Va. Att’y Gen., Opinion Letter Concerning Reimbursement for Services and Travel Expenses (July 3, 1947), 1947 WL 30381, at

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*Sims*, 140 W. Va. 64, 72, 82 S.E.2d 321, 326 (1954). And “[t]his prohibition applies not only to the Legislature, but also to municipalities” because “[m]unicipalities derive all their power as well as their existence from the Legislature.” Off. of the W. Va. Atty. Gen., Opinion Letter Concerning Use of Funds from Special Excess Levies (Mar. 31, 2017), 2017 WL 1377945, at \*3 (cleaned up). Just as “the Legislature lacks the ability to levy taxes for a private purpose, municipalities must likewise lack that power.” *Id.*


If, however, the modest-value gift cards are made for legitimate public interests, Op. Letter, 1967 WL 93385, at \*3, and tied to legitimate expenditure authorizations, *see supra* Section I, then there may be a way to use public funds to distribute modest-value gift cards. For example, the United States Government Accountability Office has allowed gift card distribution in response to public surveys related to telecommunications issues. *See* Nat’l Telecomm. & Info. Admin., B-310981 (Comp. Gen. Jan. 25, 2008), <https://tinyurl.com/3upam8te>.

You say that the gift cards would incentivize public participation in county-administered surveys providing valuable information for “programs of high public importance.” At first blush, it does not appear that this would violate the bar on public gifts, as the participation in the survey provides the necessary “consideration.” But we are left without the specific public purposes these gift cards serve and therefore unable to offer a definitive endorsement.

\* \* \*

The Hampshire County Commission lacks statutory authority to create a scholarship fund for agricultural purposes. It can create a scholarship fund for volunteer firefighters and EMS personnel given certain conditions. But training-focused scholarships—the only scholarships that the Legislature seems to have allowed—would run afoul of the West Virginia Constitution’s extra-compensation clause when it comes to *current, contract-based* public employees. Finally, the county commission’s ability to distribute modest-value gift cards depends on their purposes and statutory authorizations.

Sincerely,



John B. McCuskey  
West Virginia Attorney General

Matthew K. Niu  
Caldwell Fellow

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