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Administrative Law Division

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CHRONOLOGICAL INDEX

CHRONOLOGICAL INDEX, VOLUME XLIII ISSUE 34			
NO RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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



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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendment Filed, Emergency Rule Decision Date (ERD), and Effective Date of Emergency Rule
Column	6.	Date Agency Approved Rule Filed (Legislative Rules Only)
Column	7.	Review date by the Legislative Rule-Making Review Committee or Legislative Oversight Commission on Education Accountability, and Action Taken
Column	8.	Legislative Action
Column	9.	Date Agency Final Files the Rule
Column	10.	Date Rule is Effective

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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	HIGHWAYS
TITLE 164	SCHOOL BUILDING AUTHORITY
TITLE 174	REAL ESTATE COMMISSION
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY COMMISSION
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 220	MULTIMODAL TRANSPORTATION FACILITIES

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/13/2026	6/26/2026		7/20/2026	Approved 8/12/2026			
Administration (148-03)	State-Owned Vehicles Legislative	6/29/2026	7/29/2026		7/30/2026				
Administration (148-26)	Construction Management At-Risk Contracting Legislative	6/25/2026	7/25/2026		7/29/2026				
Agriculture (61-01C)	Disposal of Poultry Mortality Legislative	6/9/2026	7/9/2026		7/9/2026				
Agriculture (61-01D)	List of Restricted Live, Modified Live and Killed Vaccines for Animals Legislative	6/10/2026	7/10/2026		7/24/2026				
Agriculture (61-02)	West Virginia Apiary Rule Legislative	6/17/2026	7/17/2026		7/24/2026				
Agriculture (61-02A) Sunset Provision	Labeling of Imported Honey, Honey Products or Honey Bee By-Products; Adulterated Honey, Honey Products or Honey Bee By-Products Legislative				6/5/2026				
Agriculture (61-04) Sunset Provision	Traditional Cheese Production Legislative				6/2/2026				
Agriculture (61-04A) Sunset Provision	Production of Milk and Cream for Manufacturing Purposes Legislative				6/10/2026				
Agriculture (61-04B)	Frozen Desserts and Imitation Frozen Desserts Legislative	5/15/2026	6/15/2026	5/15/2026 Approved 6/2/2026	6/17/2026				
Agriculture (61-06D)	Nutrient Management Certification Legislative	6/9/2026	7/9/2026		7/9/2026				
Agriculture (61-07A) Sunset Provision	Marketing of Eggs Rule Legislative				6/10/2026				
Agriculture (61-11)	Regulations Governing Public Markets Legislative	6/22/2026	7/22/2026		7/30/2026				
Agriculture (61-11B)	Auctioneers Legislative	5/27/2026	6/27/2026		6/30/2026				

RULE MONITOR							
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS
Agriculture (61-12) Sunset Provision	Structure for the Pesticide Control Act of 1990 Legislative				6/12/2026		
	Wood Destroying Insect Treatment Standards Legislative				6/8/2026		
Agriculture (61-12C) Sunset Provision							
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/30/2026	7/30/2026		7/31/2026		
Agriculture (61-28)	Poultry Litter and Manure Movement into Primary Poultry Breeder Rearing Areas Legislative	6/17/2026	7/17/2026		7/30/2026		
Agriculture (61-30)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products Hemp Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026	7/31/2026		
Agriculture (61-34)	Captive Cervid Farming Legislative	6/22/2026	7/22/2026		7/30/2026		
Agriculture (61-38)	Farmers Market Legislative	6/9/2026	7/9/2026		7/9/2026		
Agriculture (61-42)	Cottage Foods-Homemade Potentially Hazardous Food Items Legislative	6/1/2026	6/30/2026	6/1/2026 Approved 6/2/2026	7/1/2026		
Agriculture (61-43)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products-Kratom Legislative	6/24/2026	7/24/2026	6/24/2026 Approved 6/29/2026	7/30/2026		
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	6/4/2026	7/7/2026		7/31/2026		
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	6/4/2026	7/7/2026		7/31/2026		
Air Quality (45-05)	Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas Legislative	6/4/2026	7/7/2026		7/31/2026		
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	6/4/2026	7/7/2026		7/31/2026		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/4/2026	7/7/2026		7/31/2026				
Alcohol Beverage Control Commission (175-12)	Vape or Smoke Shop Licensure and Enforcement Legislative	6/22/2026	7/21/2026	6/22/2026 Approved 6/23/2026	7/29/2026				
Attorney General (142-03)	Legislative Rule Pertaining to the Establishment and Qualification of Third-Party Dispute Mechanisms Legislative	6/22/2026	7/21/2026			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		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Attorney General (142-08)	Administration of Preneed Burial Contracts Legislative					Authorized w/Certain Amendments 10/8/2025	HB4279 SB324 Bundled HB4265		
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		7/29/2026				
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	4/22/2026	5/22/2026		7/29/2026				
Chiropractic Examiners (4-06) Sunset Provision	Fees Pertaining to the Practice of Chiropractic Legislative				7/27/2026				
Chiropractic Examiners (4-09) Sunset Provision	Chiropractic Telehealth Practice Legislative				7/15/2026				
Community & Tech. College Education (135-08)	West Virginia Invests Grant Program Legislative	6/5/2026	7/6/2026		7/27/2026				
Community & Tech. College Education (135-35)	Business, Occupational, and Trade Schools Legislative	6/8/2026	7/9/2026		8/14/2026				
Corrections (90-01, repeal)	Incorporation of Policy Directives Manual Legislative	6/29/2026	7/29/2026		7/31/2026				
Corrections (90-08, repeal)	Fees for Electronic Monitoring of Offenders Legislative	6/29/2026	7/29/2026		7/31/2026				
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Dentistry (5-03)	Fees Established by the Board Legislative	5/21/2026	6/22/2026		7/21/2026				
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				
Dentistry (5-14)	Mobile Dental Facilities & Portable Dental Units Legislative	5/21/2026	6/22/2026		7/21/2026				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dentistry (5-16)	Teledentistry Legislative	5/21/2026	6/22/2026		7/21/2026				
Education (126-089)	West Virginia Design and Equipment Requirements for School Transportation Vehicles (4334) Legislative Exempt	5/14/2025	6/14/2025		8/3/2026				
Environmental Protection, Secretary's Office (60-13)	Design Build Program Procedural	6/25/2026	7/27/2026					8/3/2026	9/2/2026
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	6/30/2026	7/30/2026		7/30/2026				
Family Protection Services Board (191-03)	Batterer Intervention and Prevention Programs Licensure Legislative	7/1/2026	7/31/2026		7/31/2026				
Fire Commission (87-04)	State Building Code Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-11)	Specialized Membership Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Commission (87-12)	Junior Firefighters Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/29/2026	7/29/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Foresters (200-04)	Schedule of Fees Legislative	1/27/2026	3/13/2026		3/31/2026				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	6/15/2026	7/16/2026	6/16/2026 Approved 6/24/2026	7/20/2026				
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-17)	Food Establishments Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-18)	General Sanitation Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-24, repeal)	Newborn Hearing Screening Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-42)	Childhood Lead Screening Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-49, repeal)	Drinking Water Treatment Revolving Fund Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-81)	Birth Defects Information System Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-91)	Newborn Screening System Legislative	6/25/2026	7/25/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-100, repeal)	Pulse Oximetry Newborn Testing Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Health (64-112)	Medical Cannabis Program Dispensaries Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-116)	Distribution of Funds from Emergency Medical Services Crisis Response and Mental Health Treatment Fund Legislative	6/25/2026	7/25/2026		7/29/2026				
Hearing Aid Dealers (8-01)	Rule Governing the West Virginia Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-02)	Contested Case Hearing Procedure Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-03)	Disciplinary and Complaint Procedures for Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	6/29/2026	7/29/2026		7/31/2026				
Higher Education Policy Commission (133-06)	Higher Education Adult-Part Time Student (HEAPS) Grant Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-07)	West Virginia Providing Real Opportunities for Maximizing In- State Student Excellence (PROMISE) Scholarship Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-34)	Medical Student Loan Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-41)	Health Sciences Service Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-42)	West Virginia Higher Education Grant Program Legislative	6/15/2026	7/15/2026		7/16/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-63)	Mental Health Loan Repayment Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/24/2025 6/29/2026	7/24/2025 7/29/2026		8/7/2025 7/30/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-05)	Traffic and Safety Rules Legislative	11/10/2025 6/29/2026	12/10/2025 7/29/2025	11/10/2025 Effective 12/22/2025	12/11/2025 7/30/2026				
Human Services (78-26)	Pilot Program for Drug Screening of Applicants Legislative	7/1/2026	7/31/2026		7/31/2026				
Human Services (78-29)	Licensure and Certification of Alcohol and Drug Counselors Legislative	7/1/2026	7/31/2026		7/31/2026				
Insurance Commission (114-42) Sunset Provision	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative				5/13/2026	Approved 8/12/2026			
Insurance Commission (114-98) Sunset Provision	Adoption of Valuation Manual Legislative				5/13/2026	Approved 8/12/2026			
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/24/2026	7/24/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/17/2026			
Insurance Commission (114-102) Sunset Provision	Term and Universal Life Insurance Reserve Financing Legislative				5/13/2026	Approved 8/12/2026			
Juvenile Services (101-01, repeal)	West Virginia Minimum Standards for Structure, Operation, and Maintenance of Juvenile Detention and Correctional Facilities Legislative	6/29/2026	7/29/2026		7/31/2026				
Labor (42-34)	Regulation of Heating, Ventilating, and Cooling Work Legislative	7/1/2026	7/31/2026		7/31/2026				
Lottery Commission (179-01) Sunset Provision	West Virginia Lottery State Lottery Rules Legislative				5/7/2026	Approved 8/12/2026			
Lottery Commission (179-05)	West Virginia Lottery Limited Video Lottery Rule Legislative	6/29/2026	7/29/2026		7/30/2026				
Medicine (11-01A)	Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders Legislative	7/1/2026	7/31/2026	6/30/2026 Effective 8/11/2026	7/31/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-05) Sunset Provision	Dispensing of Prescription Drugs by Practitioners Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026	7/31/2026	Approved 8/12/2026			
Medicine (11-07)	Formation and Approval of Professional Limited Liability Companies Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-09, repeal)	Certification, Disciplinary and Complaint Procedures, Continuing Education, Radiologist Assistants Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-10) Sunset Provision	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-11, repeal)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-14) Sunset Provision	Registration to Practice During Declared State of Emergency Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-15) Sunset Provision	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physician Assistants Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-17)	Licensure and Regulation of Genetic Counselors and Active Candidate Status Permits Legislative	6/8/2026	7/8/2026	6/8/2026 Approved 6/9/2026	7/31/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-18)	Emeritus Status Licensure for Retired Providers Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Miners' Health Safety and Training (56-03)	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				

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026		
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/30/2026	7/30/2026		7/31/2026	Authorized w/Certain Amendments 8/12/2026		
Motor Vehicles (91-09)	Collection of Tax on the Sale of a Vehicle Legislative				6/29/2026	Approved 8/12/2026		
Natural Resources (58-38)	Public Shooting Ranges Legislative				3/31/2026	Approved 8/12/2026		
Natural Resources (58-45)	Hunting and Trapping Rules Legislative Exempt						8/26/2026	8/29/2026
Natural Resources (58-55)	Migratory Bird Hunting Rule Legislative Exempt						8/26/2026	9/1/2026
Natural Resources (58-57)	Waterfowl Hunting Rule Legislative Exempt						8/26/2026	9/1/2026
Natural Resources (58-59)	Special Waterfowl and Migratory Bird Hunting Areas Legislative Exempt						8/26/2026	9/1/2026
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative				3/31/2026	Approved 8/12/2026		
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/26/2026	7/27/2026		7/31/2026	Modified & Approved 8/12/2026		
Nursing Home Administration Licensing Board (21-01)	Nursing Home Administrators Legislative	5/6/2026	6/5/2026		7/31/2026			
Occupational Therapy (13-01)	Adminstrative Rules of the Board of Occupational Therapy and Licensure of Occupational Therapists and Occupational Therapy Assistants Legislative	6/10/2026	7/13/2026		7/14/2026	Modified & Approved 8/12/2026		
Office of Inspector General (71-11)	West Virginia Clearance for Access: Registry and Employment Screening Legislative	7/1/2026	7/31/2026		7/31/2026			
Office of Inspector General (71-27)	Medication-Assisted Treatment - Opioid Treatment Programs Legislative	7/1/2026	7/31/2026		7/31/2026			
Office of Technology (163-02, repeal)	Chief Information Officer Review Legislative	6/26/2026	7/26/2026		7/29/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Office of Technology (163-03)	Cyber Reporting Legislative	6/26/2026	7/25/2026		7/29/2026				
Oil and Gas (35-04)	Oil and Gas Wells and Other Wells Legislative	6/24/2026	7/24/2026		7/31/2026				
Oil and Gas (35-08)	Rules Governing Horizontal Well Development Legislative	6/24/2026	7/24/2026		7/31/2026				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	8/11/2026	9/11/2026	8/11/2026 Approved 8/18/2026					
Parkways Authority (184-06)	Purchasing Policy Manual Procedural	7/1/2026	7/30/2026					8/3/2026	9/2/2026
Personnel (143-01)	Administrative Rule of the West Virginia Division of Personnel Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-02)	Leave Donation Program Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-04)	Pre-Employment Reference and Inquires Rule Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-06)	Appeal of Adverse Suitability Determination Procedural	6/30/2026	7/30/2026						
Personnel (143-07)	Interdepartmental Transfer of Permanent State Employees Legislative	6/30/2026	7/30/2026		8/4/2026				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-03)	Board of Pharmacy Rules for Continuing Education for Licensure of Pharmacists Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	6/30/2026	7/30/2026		7/30/2026				
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistants Legislative	6/30/2026	7/30/2026		7/30/2026				
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	6/30/2026	7/30/2026		7/30/2026				
Property Valuation Training and Procedures Commission (189-03)	Statewide Procedures for the Maintenance and Publishing of Digital Surface Tax Maps Procedural	6/30/2026	7/30/2026					7/31/2026	8/30/2026
Public Service Commission (150-41)	General Investigation into Adopting and Implementing Rules Governing Electric Generating Capacity Regulations Legislative	7/20/2026	8/20/2026 Extended Hearing 9/28/2026						
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	6/9/2026	9/7/2026
Real Estate Appraiser Licensing and Certification Board (190-02)	Requirements for Licensure and Certification Legislative	6/10/2026	7/10/2026		7/30/2026				
Real Estate Appraiser Licensing and Certification Board (190-03)	Renewal of Licensure or Certification Legislative	6/10/2026	7/10/2026		7/30/2026				
Records Management and Preservation Board (100-01)	County Records Management and Preservation Grant Program Legislative	6/29/2026	7/29/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Records Management and Preservation Board (100-02)	Rules for General Management and Preservation of County Records Legislative	6/29/2026	7/29/2026		7/31/2026				
Secondary School Activities Commission (127-01)	Constitution Legislative Exempt	6/3/2026	7/6/2026					8/12/2026	9/11/2026
Secondary School Activities (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	6/11/2026	7/13/2026	6/11/2026 Effective 6/11/2026				8/12/2026	9/11/2026
Secondary School Activities Commission (127-03)	Provisions Governing Contests Legislative Exempt	6/3/2026	7/6/2026					8/12/2026	9/11/2026
Secondary School Activities Commission (127-04)	Provisions Governing Conduct Legislative Exempt	6/3/2026	7/6/2026					8/12/2026	9/11/2026
Secondary School Activities Commission (127-06)	Violations of the Rules Legislative Exempt	6/3/2026	7/6/2026					8/12/2026	9/11/2026
Secretary of State (153-03) Sunset Provision	Voter Registration at the Division of Motor Vehicles Legislative				6/24/2026	Approved 8/12/2026			
Secretary of State (153-05) Sunset Provision	Voter Registration List Maintenance by the Secretary of State Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-30) Sunset Provision	Use of Digital Signatures Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-43) Sunset Provision	Regulation of Political Party Headquarters Finances Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-45) Sunset Provision	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-48) Sunset Provision	Real Property Electronic Recording Standards and Regulations Legislative				6/29/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Securities Commission (111-01)	West Virginia Securities Rules and Regulations Legislative	7/1/2026	7/31/2026		7/31/2026				
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	5/26/2026 6/29/2026	6/26/2026 7/29/2026	4/28/2026 Approved 6/2/2026	7/31/2026				
Speech Language Pathology and Audiology (29-02)	Rule Governing Speech- Language Pathology and Audiology Assistants Legislative	6/29/2026	7/29/2026		7/31/2026				
Speech Language Pathology and Audiology (29-03)	Contested Case Hearing Procedure Procedural	6/29/2026	7/29/2026						
Speech Language Pathology and Audiology (29-04)	Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology Legislative	6/29/2026	7/29/2026		7/31/2026				
Speech Language Pathology and Audiology (29-05)	West Virginia Board of Examiners for Speech-Language Pathology and Audiology Legislative	6/29/2026	7/29/2026		7/31/2026				
State Police (81-20)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Tax (110-13KK)	West Virginia Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/23/2026	7/23/2026		7/30/2026	Approved 8/12/2026			
Tax (110-13Y)	Disaster Repair and Recovery Tax Credit Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Tax (110-15F) Sunset Provision	Sales Tax Holiday Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-15L) Sunset Provision	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative				5/6/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-15M) Sunset Provision	Vendor Absorption or Assumption of Sales and Use Tax Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-24) Sunset Provision	Corporation Net Income Tax Legislative				5/6/2026	Approved 8/12/2026			
Transportation (217-01, repeal)	Employment Procedures Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Treasurer (112-01)	West Virginia Security for Deposits Act Collateralall of Public Fund Deposits Legislative	6/26/2026	7/27/2026	6/26/2026 Effective 8/7/2026	7/30/2026				
Treasurer (112-02) Sunset Provision	Substitute Checks-Exceptional Items Fund Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-04)	Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/4/2026	7/6/2026	6/5/2026 Approved 6/24/2026	7/15/2026	Approved 8/12/2026			
Treasurer (112-06) Sunset Provision	Selection of State Depositories for Disbursement Accounts Through Competitive Bidding Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-07)	Selection of State Depositories for Receipt Accounts Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-08) Sunset Provision	Procedures for Processing Payments from the State Treasury Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-10)	Reporting Debt Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-12) Sunset Provision	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-13)	Procedures for Providing Services to Political Subdivision Legislative	5/8/2026	6/8/2026		6/26/2026	Approved 8/12/2026			
Treasurer (112-18)	Hope Scholarship Program Legislative	6/26/2026	7/27/2026		7/30/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterans Assistance, Dept. of (86-05)	West Virginia Military Hall of Fame Legislative	8/12/2026	9/11/2026						
Veterinary Medicine (26-02)	Disciplinary and Complaint Procedures of the West Virginia Board of Veterinary Medicine Procedural	6/15/2026	7/16/2026					7/27/2026	9/1/2026
Veterinary Medicine (26-04)	Standards of Practice Legislative	6/15/2026	7/16/2026		7/27/2026				
Veterinary Medicine (26-06)	Schedule of Fees Legislative	6/15/2026	7/16/2026		7/27/2026				
Water Resources, Div. of Water & Waste Mgmt. (47-05B)	Disaster Repair and Recovery Tax Credit Certification Process Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/1/2026					
Water Resources, Div. of Water & Waste Mgmt. (47-32)	Environmental Laboratories Certification and Standards of Performance Legislative	6/25/2026	7/27/2026		7/31/2026				
Water Resources, Division of Water and Waste Management (47-63)	Aboveground Storage Tanks Legislative	6/25/2026	7/27/2026		8/3/2026				



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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8/26/2026 11:17:59 AM
Office of West Virginia
Secretary Of State

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2026 AUG 27 P 12:00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health
RULE TYPE: Legislative
RULE NAME: MEDICAL CANNABIS PROGRAM GROWER/PROCESSORS
CITE AUTHORITY: W. Va. Code §16A-3-1(b), §16A-7-3, and §16A-13-7
TITLE-SERIES: 64-110

The above proposed legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

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

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
101.04	24 September 2026	Goals and Objectives
129.12	24 September 2026	Uniforms and Grooming Standards
401.05	24 September 2026	Selection Criteria for Specific Facilities
450.01	24 September 2026	Programs and Services in Jails
501.01	24 September 2026	Academic & Vocational Education in Prisons and Community Corrections Facilities
502.00	24 September 2026	Recreation in Prisons and Community Corrections Facilities
506.00	24 September 2026	Library Services in Prisons and Community Corrections Facilities
506.01	24 September 2026	Library Services in Juvenile Facilities
600.00	24 September 2026	Consultation Regarding Terrorism Matters



LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Medicine
RULE TYPE: Legislative
RULE NAME: Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders
CITE AUTHORITY: W. Va. Code §30-3-7(a)(1); §30-1D-1(d); §30-3-10(d)(4), and §30-1-26(b).

TITLE-SERIES: 11-01A

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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 RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Medicine
RULE TYPE: Legislative
RULE NAME: Dispensing of Prescription Drugs by Practitioners
CITE AUTHORITY: W. Va. Code §§30-3-7(a)(1), 30-3E-2(3) and 60A-3-301.

TITLE-SERIES: 11-05

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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.



LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Medicine
RULE TYPE: Legislative
RULE NAME: Practitioner Requirements for Accessing
the West Virginia Controlled Substances
Monitoring Program Database
CITE AUTHORITY: W.Va. Code §60A-9-5a(c)

TITLE-SERIES: 11-10

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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 RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Medicine
RULE TYPE: Legislative
RULE NAME: Registration to Practice During Declared
State of Emergency
CITE AUTHORITY: W. Va. Code §§30-3-7(a)(1) and 30-3E-3
(a).

TITLE-SERIES: 11-14

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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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8/25/2026 1:57:29 PM

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WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

8/25/2026 1:55:37 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Medicine
RULE TYPE: Legislative
RULE NAME: Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physician Assistants
CITE AUTHORITY: W. Va. Code § 30-1-26(b).

TITLE-SERIES: 11-15

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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.

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Medicine
RULE TYPE: Legislative
RULE NAME: Licensure and Regulation of Genetic Counselors and Active Candidate Status Permits
CITE AUTHORITY: W. Va. Code §30-3H-4, §30-1-7a, §30-1D-1(d).

TITLE-SERIES: 11-17

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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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8/26/2026 9:19 AM
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WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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8/26/2026 9:21 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Natural Resources TITLE-SERIES: 58-45
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Hunting and Trapping Rules
CITE STATUTORY AUTHORITY: §§20-1-17(b)(7), 20-2-5g(a), and 29A-1-3(c)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:
August 29, 2026

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

Yes

Alexis L Kessel -- 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 EXEMPT, INTERPRETIVE OR
PROCEDURAL RULE

AGENCY: Natural Resources TITLE-SERIES: 58-55
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: MIGRATORY BIRD HUNTING RULE
CITE STATUTORY AUTHORITY: §§20-1-17(b)(7) and 29A-1-3(c)

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

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

Yes

Alexis L Kessel -- 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 EXEMPT, INTERPRETIVE OR
PROCEDURAL RULE

AGENCY: Natural Resources TITLE-SERIES: 58-57
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: WATERFOWL HUNTING RULE
CITE STATUTORY AUTHORITY: §§29A-1-3(c) and 20-1-17(b)(7)

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

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

Yes

Alexis L Kessel -- 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 EXEMPT, INTERPRETIVE OR
PROCEDURAL RULE

AGENCY: Natural Resources TITLE-SERIES: 58-59
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: SPECIAL WATERFOWL AND MIGRATORY BIRD
HUNTING AREAS
CITE STATUTORY AUTHORITY: §§20-1-17(b)(7) and 29A-1-3(c)

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

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

Yes

Alexis L Kessel -- 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 RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy
RULE TYPE: Legislative
RULE NAME: LICENSURE AND PRACTICE OF PHARMACY
CITE AUTHORITY: §30-5-7

TITLE-SERIES: 15-01

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Krista Capehart -- 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 RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy
RULE TYPE: Legislative
RULE NAME: BOARD OF PHARMACY RULES FOR CONTINUING EDUCATION FOR LICENSURE OF PHARMACISTS
CITE AUTHORITY: §30-5-7

TITLE-SERIES: 15-03

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Krista Capehart -- 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 RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy
RULE TYPE: Legislative
RULE NAME: LICENSURE OF WHOLESALE DRUG DISTRIBUTORS, THIRD PARTY LOGISTICS PROVIDERS, AND MANUFACTURERS
CITE AUTHORITY: §60A-8-9

TITLE-SERIES: 15-05

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Krista Capehart -- 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 RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy
RULE TYPE: Legislative
RULE NAME: CONTROLLED SUBSTANCES MONITORING PROGRAM
CITE AUTHORITY: §§ 30-5-7, 60A-9-6, and 60A-9-9

TITLE-SERIES: 15-08

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Krista Capehart -- 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 RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy
RULE TYPE: Legislative
RULE NAME: BOARD OF PHARMACY RULES FOR
CENTRALIZED PRESCRIPTION
PROCESSING
TITLE-SERIES: 15-14

CITE AUTHORITY: §30-5-7

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Krista Capehart -- 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 RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy
RULE TYPE: Legislative
RULE NAME: REGULATIONS GOVERNING
PHARMACY PERMITS
TITLE-SERIES: 15-15
CITE AUTHORITY: §30-5-7

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Krista Capehart -- 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.

Orders Report

Docket Number	Agency	Respondent	Date Rendered
26-2-13542-A	Health Care Authority	Lifepoint Health Inc.	8/12/2026
26-1C-189897	Insurance Commission	Carli Reed	8/17/2026
26-1C-188058	Insurance Commission	Joshua Elizarraraz	8/19/2026
07-FY-2024	Medical Imaging And Radiation Therapy Technology Board Of Examiners	Catherine Hess	8/13/2026
26-13-S	Medicine, West Virginia Board Of	John Collett Veltman, MD	8/20/2026
26-18-W	Medicine, West Virginia Board Of	Ryan Christopher Hall, MD	8/20/2026

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE



State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

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

August 24, 2026

The Honorable Shawn R. Turak
Ohio County Prosecuting Attorney
1500 Chapline Street
Wheeling, WV 26003

Dear Prosecutor Turak:

You have asked for an Opinion of the Attorney General about whether a particular oil and gas lease is exempt from the excise tax on real property transfers. 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." When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence and discussions with the Attorney General's Office.

You explain that the Ohio County Clerk is considering whether to apply deed stamps to and collect excise tax for a 2025 oil and gas lease agreement between the State and an energy company, which you refer to as a "four year paid up lease." Under that agreement, the State grants the energy company the right to explore and drill for oil and gas underneath an approximately 78.4-acre segment of the Ohio River, in Ohio County. For that privilege, the energy company paid a \$196,097.50 "bonus" payment (\$2,500 per acre). The agreement provides that if the energy company finds, produces, and sells oil and gas from the property, it must pay the State 20% of the gross proceeds as a "royalty." The agreement remains in place for four years and as long thereafter as production continues. And the energy company may not enter the surface property or conduct surface operations; it must drill horizontally from adjoining property.

With those facts in mind, your letter raises the following question:

Does the oil and gas lease agreement qualify as a "lease" exempt from excise taxes pursuant to West Virginia Code § 11-22-1(9)?

We conclude that the specific oil and gas lease you've provided qualifies as a "lease" as that term is used in West Virginia Code § 11-22-1(9). Thus, the agreement is not a "document" subject to excise tax on real property transfers. W. VA. CODE § 11-22-1(9); *id.* § 11-22-2(a). The

terms of this agreement track traditional terms of oil and gas leases, and the West Virginia Supreme Court of Appeals has long held that leases for mineral rights, even those in which the lessee extracts the minerals, are indeed "leases"—not sales. The presence of a bonus is merely consideration for the agreement and doesn't affect this outcome.

DISCUSSION

To resolve whether the agreement is a "lease" under West Virginia Code § 11-22-1(9), we turn to the Supreme Court of Appeals' "well-established rules of statutory construction." *Ancient Energy, Ltd. v. Ferguson*, 239 W. Va. 723, 726, 806 S.E.2d 154, 157 (2017). Thus, "[w]e look first to the statute's language." *Appalachian Power Co. v. State Tax Dep't*, 195 W. Va. 573, 587, 466 S.E.2d 424, 438 (1995). If the statute's language "is free from ambiguity, its plain meaning is to be accepted and applied without resort to interpretation." Syl. pt. 2, *Crockett v. Andrews*, 153 W. Va. 714, 172 S.E.2d 384 (1970).

West Virginia Code § 11-22-2(a) provides that "[e]very person who delivers, accepts, or presents for recording any document" must pay "an excise tax upon the privilege of transferring title to real estate." Once the tax is paid, stamps are affixed to the document. *Id.* § 11-22-4. The County Clerk may not record any document without the necessary stamps. *Id.* § 11-22-6. A "document" is "any deed, or instrument or writing by which any real property within this state or any interest in real property is granted, conveyed or otherwise transferred to the grantee, purchaser or any other person." W. VA. CODE § 11-22-1. "Leases" do not qualify as "[d]ocument[s]." *Id.* § 11-22-1(9).

The statute does not define "leases," but "this lack of definition does not render the statute ambiguous." *State v. McClain*, 247 W. Va. 423, 429, 880 S.E.2d 889, 895 (2022). An undefined term must be given its "common, ordinary and accepted meaning." *State v. Soustek*, 233 W. Va. 422, 426, 758 S.E.2d 775, 779 (2014) (cleaned up). And the West Virginia Supreme Court of Appeals has previously provided that meaning: "[a] 'lease' is a letting out of property for use during a definite period which is always for a shorter term than the lessor has in the premises." Syl. pt. 2, *Green Line Terminal Co. v. Martin*, 122 W. Va. 483, 10 S.E.2d 901 (1940). It is both a "conveyance" of possession for a term and "a contract." *Teller v. McCoy*, 162 W. Va. 367, 383, 253 S.E.2d 114, 124 (1978).

The agreement here fits comfortably within that definition. Like most oil and gas leases, the agreement "is designed to accomplish the main purpose of the owner of the land and of the lessee (or its assignee) as operator of the oil and gas interests: securing production of oil or gas or both in paying quantities, quickly and for as long as production in paying quantities is obtainable." Syl. pt. 1, *McCullough Oil, Inc. v. Rezek*, 176 W. Va. 638, 346 S.E.2d 788 (1986). So, it is "both a conveyance and a contract." *Id.* It also "convey[s] an estate less than the [State] ha[s] in the premises; it ... remain[s] in force for the term of [four] years ... , and as long thereafter as oil or gas, or either of them, was produced from the premises." *Headley v. Hoopengartner*, 60 W. Va. 626, ___ 55 S.E. 744, 748 (1906). "[I]t contain[s] the usual words essential to its operation, which are, 'grant, lease and let.'" *Id.* It gives the energy company the right to enter the "lands for oil and gas operations, with the profits derived therefrom"—though only underground through adjoining property. *Id.* And "the [State] i[s] to be recompensed by [its] receiving a certain part of the

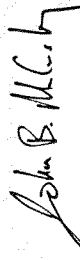
production as royalty.” *Id.* Also, the agreement contains a reversionary right, a right to reentry, and ongoing covenants benefiting the State, as lessor—all typical of a lease. *See Napier v. Napier*, 211 W. Va. 208, 212, 564 S.E.2d 418, 422 (2002); *McCoy*, 162 W. Va. at 383-87, 253 S.E.2d at 124-26; *Bowlby-Harman Lumber Co. v. Commodore Servs., Inc.*, 144 W. Va. 239, 246, 107 S.E.2d 602, 606 (1959).

The agreement’s contemplated end—extraction and sale of the minerals—confirms its character as a lease. The West Virginia Supreme Court of Appeals has drawn the line between the sale of minerals in place and a “lease” thereof. Where operations continue for a definite period and the lessee pays a royalty only on what it extracts, “such contract is a lease and not a sale.” *Babcock Coal & Coke Co. v. Brackens Creek Coal Land Co.*, 128 W. Va. 676, 680, 37 S.E.2d 519, 522 (1946). A “contract purporting to be a lease for mining purposes” can be considered a “sale and not a lease” only if the contract requires the lessee “to [extract] and pay for *all* the [minerals] in the land or to pay for [minerals] whether the same is [extracted] or not.” *Id.* at 680, 37 S.E.2d at 521 (emphasis added).¹ The agreement here does not require the energy company to pay for all of the oil and gas on the property. Rather, the energy company must only remit a royalty on oil and gas severed and sold.

The “bonus” doesn’t convert the agreement into a sale, either. The so-called “bonus” is simply “consideration” for the lease—not a purchase price for minerals. *See, e.g., syl. pt. 1, Pyle v. Henderson*, 65 W. Va. 39, 63 S.E. 762 (1909). Indeed, “[t]he Court has, for over a century, recognized that the payment of an up-front bonus is the consideration that will support an oil and gas lease when the lessee is not bound to drill or pay any other delay rentals.” *Chesapeake Appalachia, LLC v. Hickman*, 236 W. Va. 421, 443, 781 S.E.2d 198, 220 (2015). Without the bonus, the agreement might be defective; “royalty only” leases are “held unenforceable for lack of mutuality, based on the elementary principle of the law of contracts that if one party to a contract is under no obligation to perform at all, the contract is void.” *Id.* (cleaned up).²

Thus, the agreement is a “lease” under West Virginia Code § 11-22-1(9) exempt from excise taxes.

Sincerely,



John B. McCuskey
West Virginia Attorney General

¹ *Babcock* is a coal case, and coal is obviously a solid mineral in place. In contrast, “oil and gas are fugacious.” *Robinson v. Milam*, 125 W. Va. 218, ___, 24 S.E.2d 236, 239 (1942). But that difference is immaterial because “it is held in this jurisdiction that oil and gas in place are a part of the land.” *Id.*

² But even if the agreement was a sale, it still might be excluded from the definition of “document” as a “[t]ransfer[er] ... from the ... State of West Virginia, or ... any of [its] instrumentalities, agencies or political subdivisions, by ... deed.” W. VA. CODE § 11-22-1(15).

AG

Holly J. Wilson
Principal Deputy Solicitor General

Caleb A. Seckman
Assistant Solicitor General



State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

Mary Elizabeth Snead
Webster County Prosecuting Attorney
36 Church Street
Webster Springs, WV 26288

Dear Prosecutor Snead:

You have asked for an Opinion of the Attorney General about whether the Webster County Economic Development Authority may, through its bylaws, restrict the number of members serving on its board and thereby limit the number of members the Webster County Commission may appoint. 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." When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence and discussions with the Attorney General's Office.

The Authority contends that its statutory "management and control" of the authority's business and affairs includes the power to fix the size of its own board by bylaw—here, at eleven members. By extension, the Authority could then decline to seat Commission appointees above that number. The Commission maintains that the appointment power belongs to it alone and cannot be limited by the Authority's bylaws.

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

May a county development authority, through its bylaws, restrict the number of members on its board and limit the county commission's power to appoint members—for example, by refusing to seat four of fifteen members the county commission has appointed because the authority's bylaws cap the board at eleven?

We conclude that the Authority may not restrict the number of its own board seats. West Virginia Code § 7-12-3 lodges the appointment power in the county commission alone and fixes the permissible size of the board: "not fewer than seven nor more than 21" members. The choice of any number within that range is incident to appointment power, so it belongs to the county commission. The Authority's power to adopt bylaws reaches only bylaws "not inconsistent with

The Honorable Mary Elizabeth Snead
Page 2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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laws," W. VA. CODE § 7-12-7(a)(1), and a bylaw that overrides the Commission's statutory appointment power is inconsistent with Section 7-12-3. So if the County Commission appoints fifteen members—a number within the statutory range—the Authority must seat all fifteen, and its eleven-member bylaw cap is void as applied to those appointments. If a smaller board is desired, the statute gives the Commission—not the Authority—the tools to shrink it.

DISCUSSION

I. Section 7-12-3 Vests the Appointment Power—Including the Choice of Board Size Within the Statutory Range—in the County Commission.

County development authorities exist at the county commission's option. West Virginia Code § 7-12-1 authorizes the county commission of every county to "create and establish" a development authority; once created, the authority "constitute[s] a public corporation." W. VA. CODE §§ 7-12-1, 7-12-6. Section 7-12-3 then prescribes the Authority's governance: "The management and control of a county authority, its property, operations, business, and affairs shall be lodged in a board of not fewer than seven nor more than 21 persons who shall be appointed by the county commission and be known as members of the authority." W. VA. CODE § 7-12-3.

The section then repeats the point twice more: "The county commission shall appoint one member to represent the county commission on the board," and "[m]embers of the board shall be appointed by the county commission." *Id.* The commission also fills vacancies—"a successor shall be appointed by the county commission to fill out the remainder of [the departing member's] term"—and holds an unqualified removal power: "The county commission may at any time remove any member of the board by an order duly entered of record and may appoint a successor member for any member so removed." *Id.*; see also W. VA. CODE § 7-12-11 ("The ... county commission [is] hereby authorized and empowered to appoint members of the said authority.").

That text is clear, so we apply it as written. "Where the language of a statute is clear and without ambiguity the plain meaning is to be accepted without resorting to the rules of interpretation." Syl. pt. 2, *State v. Elder*, 152 W. Va. 571, 165 S.E.2d 108 (1968). Every membership function that Section 7-12-3 addresses—initial appointment, vacancies, and removal—belongs to the county commission. The statute assigns the Authority no role in selecting its own members.

The statute speaks to board size the same way. It sets the size as a range—"not fewer than seven nor more than 21"—and defines the board as consisting of the "persons who shall be appointed by the county commission." W. VA. CODE § 7-12-3. The number of members at any given time is thus a function of how many persons the commission has appointed and not removed. Someone must decide how many of the permissible seats to fill, and the statute answers that question by assigning the filling of seats to the commission. Put another way, aside from the statutory range, the size of the board is a product of the appointment power rather than a precondition to that power's exercise. Deciding how many members to appoint within the statutory band is thus an ordinary incident of the appointment power. Were it otherwise, an authority could otherwise impede the commission's authority by capping the number of seats and effectively vetoing appointments. But that would defeat the "wide discretion" the county

commission holds in the power's execution. Syl. pt. 1, *Cnty. Comm'n of Greenbrier Cnty. v. Cummings*, 228 W. Va. 464, 720 S.E.2d 587 (2011).

The structural relationship between the two bodies confirms this reading. The Commission creates the Authority, appoints its entire board, and may remove any member at any time. W. VA. CODE §§ 7-12-1, 7-12-3. And what the Commission creates, it may generally unmake: "Any body or tribunal having power to create a public office has implied power to abolish it, in the absence of a limitation imposed by the authority conferring the power." Syl., *Hatfield v. Cnty. Ct. of Mingo Cnty.*, 92 S.E. 245 (W. Va. 1917). Authority under Article 12 runs from the Commission to the Authority—not the other way around. Reading Section 7-12-3 to let the created board veto the creating commission's appointments would invert that hierarchy and defeat the presumption of propriety that attaches to commission appointments. See *McClure v. McClure*, 184 W. Va. 649, 651, 403 S.E.2d 197, 199 (1991).

Our Office's prior opinions further support this reading. In 2015, we considered whether a county commission could remove members of a county emergency ambulance authority under Article 15 of Chapter 7. We said no, because that article conferred no removal power. But we contrasted the development authority statute at issue here, which expressly provides that the county commission "may at any time remove any member of the [development authority] board by an order duly entered of record." W. Va. Att'y Gen., Opinion Letter Regarding a County Commission's Power Over an Ambulance Authority, at 3 (Nov. 12, 2015). The lesson of that opinion is that control over the membership of a county-created authority is a matter of express statutory allocation. Under Section 7-12-3, every express allocation runs to the county commission. See also W. Va. Att'y Gen., Opinion Letter Regarding Planning Commission, at 3 (Apr. 25, 1964) (noting that a county court—the predecessor to county commissions—"determines the number of members that shall constitute [a planning] commission").

II. The Authority's Bylaw Power Does Not Include the Power to Cap the Board or Refuse the Commission's Appointees.

The Authority points to its bylaw power in Section 7-12-7(a)(1) and the "management and control" clause of Section 7-12-3. Neither bears weight.

Begin with the bylaw power. Section 7-12-7(a)(1) empowers a development authority "[t]o make and adopt all necessary bylaws and rules for its organization and operations not inconsistent with laws." W. VA. CODE § 7-12-7(a)(1). So a limitation is built into this grant: the Authority's bylaws must yield to "laws," and Section 7-12-3 is one of those laws. A bylaw fixing the board at eleven members operates, in practice, as a rule that the county commission may appoint no more than eleven persons—something Section 7-12-3 nowhere says and its text, which permits up to twenty-one commission appointees, contradicts. W. Va. Att'y Gen., Opinion Letter Regarding a County Commission's Power Over an Ambulance Authority, at 3 (May 8, 2014) (applying analogous provisions of the Emergency Ambulance Service Act: "[T]he bylaws are inconsistent with the Act, insofar as they purport to alter or limit the County Commission's exclusive discretion to appoint members of the Board. In that circumstance, the Act must govern because an authority's bylaws are required to be consistent with and further the provisions of the Act.").

Indeed, by narrowing the range of permissible board sizes, the bylaws would appear to conflict directly with the Legislature's instructions that any board size of "not fewer than seven nor more than 21 persons" is permissible. W. VA. CODE § 7-12-3. A bylaw inconsistent with the statute is beyond the Authority's power to adopt and is void to the extent of the inconsistency. Cf. Syl. pt. 3, *Rowe v. W. Va. Dep't of Corr.*, 170 W. Va. 230, 292 S.E.2d 650 (1982) ("[A]n administrative agency may not issue a regulation which is inconsistent with, or which alters or limits its statutory authority.").

First principles point the same way. A development authority is a public corporation created by statute. W. VA. CODE § 7-12-6. Statutory bodies "must find within the statute warrant for the exercise of any authority which they claim," for "[i]f they have no general or common-law powers but only such as have been conferred upon them by law expressly or by implication." Syl. pt. 3, *Mountaineer Disposal Serv., Inc. v. Dyer*, 156 W. Va. 766, 197 S.E.2d 111 (1973). That principle governs even the county commissions themselves, which are "possessed only of such powers as are expressly conferred by the Constitution and legislature, together with such as are reasonably and necessarily implied in the full and proper exercise of the powers so expressly given." Syl. pt. 1, *State ex rel. State Line Sparkler of WV, Ltd. v. Teach*, 187 W. Va. 271, 418 S.E.2d 585 (1992). It applies at least as forcefully to the public corporations that county commissions create. And nothing in Article 12 confers on a development authority the power to determine the size of its own board or to pass on the number of the commission's appointees.

The Legislature's silence is especially meaningful because the Legislature addressed bylaws elsewhere in the very section at issue. Section 7-12-3's final sentence gives the authority a bylaw role touching membership—but a narrow one: "persons, firms, unincorporated associations, and corporations, who reside, maintain offices, or have economic interests in the county, are eligible to participate in and request the county commission to appoint members to the development authority as the said authority shall by its bylaws provide." W. VA. CODE § 7-12-3. The Authority may thus use its bylaws to structure who may ask the Commission to make appointments. The appointment decision itself stays with the Commission. "In the interpretation of statutory provisions the familiar maxim *expressio unius est exclusio alterius*, the express mention of one thing implies the exclusion of another, applies." Syl. pt. 3, *Manchin v. Dunfee*, 174 W. Va. 532, 327 S.E.2d 710 (1984). Having granted the Authority one carefully bounded bylaw role in the appointment process, the Legislature's decision not to grant a second—a power to cap the number of appointees—implies that no such power exists. After all, "we are obliged not to add to statutes something the Legislature purposely omitted." *Perito v. Cnty. of Brooke*, 215 W. Va. 178, 184, 597 S.E.2d 311, 317 (2004) (cleaned up).

Nor does "management and control" fill the gap. The Authority reads Section 7-12-3's opening clause—lodging "[t]he management and control of a county authority, its property, operations, business, and affairs" in the board—to make board size a matter of internal management, as it might be for a private business corporation. But the clause cannot be read in isolation from the sentence that contains it. The same sentence that lodges management and control "in a board" defines that board as one "of not fewer than seven nor more than 21 persons who shall be appointed by the county commission." W. VA. CODE § 7-12-3. The management-and-control clause describes what the board governs: the Authority's property, operations, business, and affairs—the subjects elaborated in Section 7-12-7, such as contracting, acquiring and

disposing of property, borrowing, issuing revenue bonds, and employing personnel. It does not describe who sits on the board or how many; the appointment clause does that, and it points to the Commission. *Accord* 2005 N.J.D. Op. Att'y Gen. No. L-08 (2005) (explaining that the county and city commissions that established a board of health and appointed its members had the power to shrink the size of the board, even though the board itself wished to increase its size).

Even if the two clauses were thought to overlap, the specific would control the general. "The general rule of statutory construction requires that a specific statute be given precedence over a general statute relating to the same subject matter where the two cannot be reconciled." Syl. pt. 10, *Barber v. Camden Clark Mem'l Hosp. Corp.*, 240 W. Va. 663, 815 S.E.2d 474 (2018). Section 7-12-3's specific directives about appointment would prevail over any general implication drawn from "management and control." But no conflict need be found at all, because the provisions are easily harmonized: Section 7-12-3 governs who serves and in what numbers; Sections 7-12-3 and 7-12-7 together give the board full control over what the Authority does. Read that way, every provision retains its full field of operation, consistent with the courts' practice of harmonizing statutes where reasonably possible. *State v. Schober*, 251 W. Va. 34, 41 n.21, 909 S.E.2d 69, 76 n.21 (2024). Only the Authority's reading creates a conflict—and when a bylaw conflicts with the Code, the bylaw loses by the express terms of Section 7-12-7(a)(1).

III. The Authority Must Seat All Fifteen Appointees; the Commission Holds the Lawful Means to a Smaller Board.

Your letter offers the following example: the Commission appoints fifteen members, but the Authority's bylaws cap the board at eleven. May the Authority refuse to accept four of the appointees? No. Fifteen falls within Section 7-12-3's range of seven to twenty-one, so the appointments are a lawful exercise of the Commission's power. The bylaw cap is inconsistent with that lawful exercise and void as applied, and the Authority must seat all fifteen members.

If the Authority nonetheless refused, the excluded appointees—or the Commission—would hold a clear legal right to the seats, enforceable by writ of mandamus. A writ of mandamus issues when three elements coexist: "(1) a clear legal right in the petitioner to the relief sought; (2) a legal duty on the part of respondent to do the thing which the petitioner seeks to compel; and (3) the absence of another adequate remedy." Syl. pt. 2, *State ex rel. Kucera v. City of Wheeling*, 153 W. Va. 538, 170 S.E.2d 367 (1969). Here, the Authority would have a clear legal duty to perform the ministerial task of seating the Commission's valid appointments. And no other remedy aside from mandamus would rectify a refusal to do so.

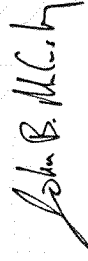
None of this leaves a county saddled with a larger board than it wants. The remedy for an oversized board simply belongs to the Commission rather than the Authority.

* * *

A county commission's power to appoint the members of a county development authority—including the choice of how many members to appoint within Section 7-12-3's range of seven to twenty-one—cannot be limited by the development authority through its bylaws. If the County Commission appoints fifteen members, the Authority must seat all fifteen; a bylaw capping the board at eleven is void to the extent it conflicts with those appointments.

AG

Sincerely,



John B. McCuskey
Attorney General

Michael R. Williams
Solicitor General

Mattie F. Shuler
Assistant Solicitor General

WEST VIRGINIA
HEALTH CARE AUTHORITY

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: Boone Memorial Hospital, Inc.
CON File #26-2-13639-P

OTHER

HEARING SCHEDULE

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

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

1. Hearing date: **Friday, November 13, 2026, at 9:00 a.m.**
2. Prehearing conference date: **Wednesday, November 4, 2026, at 1:30 p.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **Monday, August 31, 2026**

Pursuant to CSR §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

5. Motions for discovery to be filed by: **Monday, September 14, 2026**
6. Discovery completed on or before: **Wednesday, October 14, 2026**
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a

document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **October 30, 2026**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.
8. All requests for subpoena and/or subpoena duces tecum to be filed by: **Monday, October 26, 2026**

Entered this 14 day of August, 2026.



Gordon Lane Jr.
Interim Executive Director and
General Counsel
West Virginia Health Care Authority

Distribution List:

Richard Walters
Shaffer & Shaffer
2116 Kanawha Blvd., E.
Charleson, WV 25311
On behalf of Boone Memorial Hospital, Inc.

Alaina Crislip, Esq. (via email)
JacksonKelly P.O.
Box 553
Charleston, WV 25322
On behalf of Logan Regional Medical Center

Brent Tomblin
386 Airport Road
Chapmanville, WV 25508
On behalf of Coalfield Health

Raymona A. Kinneberg, President (via email)
RK SB Health Care Consulting 210
MacCorkle Avenue, S.E.
Charleston, WV 25314

The Honorable Kris Warner
West Virginia Secretary of State
State Capitol Complex
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dennis Garrison, Director
Consumer Advocacy Division
West Virginia Insurance Commission

The Honorable David A. Bishop (via email)

**WEST VIRGINIA
HEALTH CARE AUTHORITY**

In Re: Boone Memorial Hospital, Inc.
CON File #26-2-13639-P

OTHER

**CORRECTED
HEARING SCHEDULE**

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

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

1. Hearing date: **Friday, November 13 , 2026, at 9:00 a.m.**
2. Prehearing conference date: **Wednesday, November 4, 2026, at 1:30 p.m.**
3. Settlement conference (optional): **N/A**
4. All replacement pages to CON application to be filed by: **Monday, August 31, 2026**

Pursuant to CSR §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

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OTHER

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8. All requests for subpoena and/or subpoena duces tecum to be filed by:
Monday, October 26, 2026
9. All motion responses to be filed by: **Friday, October 30, 2026.**

Entered this 14 day of August, 2026.



Gordan Lane Jr.
Interim Executive Director and
General Counsel
West Virginia Health Care Authority

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The Honorable David A. Bishop (via email)

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

100 Dee Drive
Charleston, West Virginia 25311-1600

08/24/2026

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **08/21/2026**.

LETTER OF INTENT RECEIVED

August 18, 2026 - Shana Caring Hands Home Care, LLC, CON File #26-9-13762-Z, for the establishment of a Medicare-certified home health agency in Jefferson County, West Virginia. Capital Expenditure \$22,050.

CERTIFICATE OF NEED APPLICATION RECEIVED

August 17, 2026 - Home Care Regional Holdings, LLC, CON File #26-2/3/4/5/6/7/8/9/10/11-13746-A, for the acquisition of the home health services provided by Stonerise Home Health Services, LLC and Stonerise Reliable Healthcare, LLC who services Berkeley, Boone, Braxton, Brooke, Cabell, Clay, Fayette, Gilmer, Grant, Hancock, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, Monongalia, Nicholas, Ohio, Pleasants, Preston, Putnam, Ritchie, Roane, Taylor, Tucker, Tyler, Wayne, Wetzel, Wirt and Wood Counties in West Virginia. Capital Expenditure \$4,000,000.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

August 17, 2026 - UPMC Trinity, Inc., CON File #26-11-13740-A, for the asset acquisition of Trinity Health System, which includes an ambulatory health care facility located at 485 Colliers Way Extension, Weirton, Brooke County, West Virginia. Capital Expenditure \$274,200.

August 19, 2026 - Amedisys Hospice, LLC d/b/a Amedisys Hospice of Vienna, CON File #26-5/10-13739-A, for the acquisition of certain assets currently held by Memorial Health System who services Tyler, Wetzel and Pleasants Counties in West Virginia. Capital Expenditure \$3,000,000.

EXPEDITED APPLICATIONS

August 3, 2026 - Charleston Area Medical Center, Inc. CON File #26-3-13720-P, to acquire Premier Women's Health Specialists, PLLC, located at 1003 Oakhurst Drive in Charleston, Kanawha County, West Virginia and develop an ambulatory health care

OTHER

facility that provides obstetrics and gynecology services. Capital Expenditure \$680,000.

August 3, 2026 - Majestic Care of Morgantown, LLC and 967 Grafton Road WVA Realty, LLC, CON File #26-6-13686-NH, for the development of a 105 bed nursing home in Monongalia County, West Virginia. Capital Expenditure \$30,360,000.

August 7, 2026 - 3M's Services, LLC, CON File #26-1/2/3/4/5/6/7/8/9/10/11-13553-BH, for the development of Intellectual/Developmental Disabilities Waiver services in Hancock, Hampshire, Greenbrier, Grant, Gilmer, Fayette, Doddridge, Clay, Calhoun, Cabell, Brooke, Braxton, Boone, Berkeley, Hardy, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming Counties in West Virginia. Capital Expenditure \$28,000.

August 7, 2026 - New BayMark Parent, LLC, CON File #26-6-13724-A, for the acquisition of the ownership interests of BayMark Holdings, Inc. Through a subsidiary, BayMark operates a licensed opioid treatment program in Morgantown, Monongalia County, West Virginia. Capital Expenditure \$2,000,000.

August 17, 2026 - UPMC Trinity, Inc. CON File #26-11-13740-A, for the asset acquisition of Trinity Health System, which includes an ambulatory health care facility located at 485 Colliers Way Extension, Weirton, Brooke County, West Virginia. Capital Expenditure \$274,200.

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

August 17, 2026 - Review cycle begins;

September 15, 2026 - Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

September 21, 2026 - If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

October 15, 2026 - Decision on the project will be issued by the Authority.

ORDER TO WITHDRAW CON APPLICATION ISSUED

August 12, 2026 - Lifepoint Health Inc., CON File #26-2-13542-A, for the restructuring transaction involving Lifepoint's acquisition of Logan General Hospital, LLC d/b/a Logan Regional Medical Center in Logan County, West Virginia. Capital

Expenditure \$41,035,000.

August 12, 2026 - Soleo Health, Inc., CON File #26-11-13529-P, for the establishment of a freestanding ambulatory infusion suite at 204 Ivy Street, Weirton, Hancock County, West Virginia. Capital Expenditure \$35,000.

PROJECTS DETERMINED NOT REVIEWABLE

August 12, 2026 - 180 Ranch, Inc., CON File #26-5-13743-X, for the acquisition and operation of the foster care residential campus in Kenna, West Virginia. The capital cost related to the proposed project is approximately \$3,400,000.

August 12, 2026 - Charleston Area Medical Center, Inc., CON File #26-5-13715-X, for an operating ambulatory health care facility to become a Rural Health Clinic ("RHC"). There is no capital expenditure associated with this project.

August 12, 2026 - Charleston Area Medical Center, Inc., CON File #26-5-13716-X, for an operating ambulatory health care facility to become a Rural Health Clinic ("RHC"). There is no capital expenditure associated with this project.

August 12, 2026 - Havilla Care Services LLC, CON File #26-6-13722-X, for the relocation of its administrative office. The capital expenditure associated with the project is \$800,000.

August 12, 2026 - Marietta Memorial Hospital, CON File #26-5-13662-X, for the relocation of its ambulatory care center located in Parkersburg, West Virginia. The capital expenditure associated with the project is estimated to be \$2,400,000.

August 12, 2026 - Weirton Medical Center, CON File #26-11-13718-X, to expand its emergency department on the hospital campus. Capital expenditure is projected to be approximately \$18,000,000.

August 12, 2026 - WVPS, Inc., CON File #26-10-13726-X, for the private office practice of medicine. The capital cost related to the proposed project is approximately \$250,000.

PROJECTS EXEMPT FROM REVIEW

August 17, 2026 - GR&W Inc. d/b/a Harmony, CON File #26-10-13751-X, for the transfer from GR&W's existing shareholders, Ryan J. Wakim, M.D. ("Dr. Wakim") and Scott Gilchrist, M.D. ("Dr. Gilchrist") and, collectively with Dr. Wakim, the "Shareholders"), who each currently own fifty percent (50%) of the shares of capital stock of GR&W (the "Shares"), have agreed that Wakim will transfer his Shares to Dr. Gilchrist, and Dr. Gilchrist will become the sole Shareholder of GR&W. The location of this facility is 1100 Main Street, Suite 104, Wheeling, Ohio County, West Virginia.

OTHER

August 17, 2026 - GR&W Inc. d/b/a Harmony, CON File #26-6-13750-X, for the transfer from GR&W's existing shareholders, Ryan J. Wakim, M.D. ("Dr. Wakim") and Scott Gilchrist, M.D. ("Dr. Gilchrist") and, collectively with Dr. Wakim, the "Shareholders"), who each currently own fifty percent (50%) of the shares of capital stock of GR&W (the "Shares"), have agreed that Wakim will transfer his Shares to Dr. Gilchrist, and Dr. Gilchrist will become the sole Shareholder of GR&W. The location of this facility is 1005 White Willow Way, Morgantown, Monongalia County, West Virginia.

August 17, 2026 - GR&W Inc. d/b/a Harmony, CON File #26-3-13748-X, for the transfer from GR&W's existing shareholders, Ryan J. Wakim, M.D. ("Dr. Wakim") and Scott Gilchrist, M.D. ("Dr. Gilchrist") and, collectively with Dr. Wakim, the "Shareholders"), who each currently own fifty percent (50%) of the shares of capital stock of GR&W (the "Shares"), have agreed that Wakim will transfer his Shares to Dr. Gilchrist, and Dr. Gilchrist will become the sole Shareholder of GR&W. The location of this facility is 1 Kenton Drive Suite 200, Charleston, Kanawha County, West Virginia.

August 17, 2026 - GR&W Inc. d/b/a Harmony, CON File #26-6-13747-X, for the transfer from GR&W's existing shareholders, Ryan J. Wakim, M.D. ("Dr. Wakim") and Scott Gilchrist, M.D. ("Dr. Gilchrist") and, collectively with Dr. Wakim, the "Shareholders"), who each currently own fifty percent (50%) of the shares of capital stock of GR&W (the "Shares"), have agreed that Wakim will transfer his Shares to Dr. Gilchrist, and Dr. Gilchrist will become the sole Shareholder of GR&W. The location of this facility is 120 Professional Place Suite 101, Bridgeport, Harrison County, West Virginia.

August 17, 2026 - Impact Social Solutions, CON File #26-9-13719-X, for the provision of providing outpatient behavioral health services and Foster Care Services/Placement located at 115 Alkens Center, Suite 11A, Martinsburg, Berkeley County, West Virginia, until September 1, 2026 due to them moving to a new location which will be at 445 Mid Atlantic Parkway, Suite C, Martinsburg, Berkeley County, West Virginia.

August 17, 2026 - The Healing House, Inc., CON File #26-3-13753-X, for the provision of providing outpatient behavioral health services located at 410 Tennessee Avenue, Charleston, Kanawha County, West Virginia.

August 17, 2026 - The Healing House, Inc., CON File #26-3-13752-X, for the provision of providing outpatient behavioral health services located at 503 Grant Street, Kanawha County, West Virginia.

August 17, 2026 - Westbrook Health Services, Inc., CON File #26-5-13745-X, for the provision of providing outpatient behavioral health services located at 409 Market Street, Parkersburg, Wood County, West Virginia. The new location provides additional space for centralized administrative operations and supports the future expansion of behavioral health treatment and related services.

August 17, 2026 - Westbrook Health Services, Inc., CON File #26-5-13742-X, for

the provision of relocating the WHS Ripley (Jackson County) outpatient office from 3066 Charleston Road to 3987 Cedar Lakes Drive, Ripley, Jackson County, West Virginia.

August 17, 2026 - Westbrook Health Services, Inc., CON File #26-5-13741-X, for the provision of providing outpatient behavioral health services located at 2601 Dudley Avenue, Suite 4, Parkersburg, Wood County, West Virginia. The new location provides additional space for centralized administrative operations and supports the future expansion of behavioral health treatment and related services.

CERTIFICATE OF NEED APPROVAL ISSUED

August 12, 2026 - Raleigh General Hospital, CON File #26-4-13640-P, for establishing an ambulatory health care facility in Fayette County, West Virginia to provide wound care center services to residents of Fayette County in space leased from New River Health a Federally Qualified Health Center in Oak Hill, West Virginia. The capital expenditure associated with the project is \$25,000.00.

August 12, 2026 - Weirton Medical Center, Inc., CON File #26-11-13630-H, for the construction of a cancer treatment center on its campus and the development of a complete comprehensive cancer center to include radiation therapy. The capital expenditure associated with the project is \$24,260,000.

August 12, 2026 - WMC Physician Practices, LLC, CON File #26-11-13628-P, for the development of an ambulatory health care facility in Weirton, Hancock County, West Virginia through the relocation of two existing pediatrician practices. The capital expenditure associated with the project is \$810,000.00.

RENEWAL GRANTED

August 12, 2026 - Wetzel County Hospital, CON File #25-5-13227-P, development of an ambulatory health care facility in Sistersville, Tyler County, West Virginia. The total capital expenditure remains \$1,300,000. Renewal granted through August 31, 2027.

August 12, 2026 - Wheeling Hospital, CON File #25-10-13283-P, the development of an ambulatory health care facility in Wheeling, Ohio County, West Virginia through the creation of a Regional Cancer Center. The total capital expenditure remains \$140,760,000. Renewal granted through August 31, 2027.

NOTICE OF SUBSTANTIAL COMPLIANCE

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

August 12, 2026 - Berkeley Medical Center, CON File #26-9-13507-P, for the development of an ambulatory health care facility in Spring Mills, Martinsburg, West

Virginia, through the acquisition of an existing physician practice. Capital expenditures to date are \$5,732.

OTHER

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