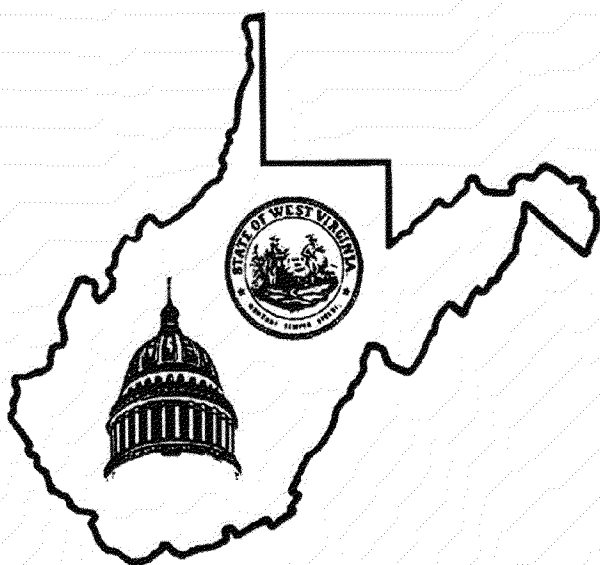




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**This week's publication includes documents submitted
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CHRONOLOGICAL INDEX

CHRONOLOGICAL INDEX, VOLUME XLIII ISSUE 35			
NO RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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



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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<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	FINAL FILE	EFFECTIVE
Agriculture (61-12) Sunset Provision	Structure for the Pesticide Control Act of 1990 Legislative				6/12/2026				
Agriculture (61-12C) Sunset Provision	Wood Destroying Insect Treatment Standards Legislative				6/8/2026				
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				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				

RULE MONITOR									
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				
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				
Foresters (200-04)	Schedule of Fees Legislative	1/27/2026	3/13/2026		3/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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/OCEA 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 8/1/2026	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	FINAL FILE	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 (58-63)	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 Administrations Legislative	5/6/2026	6/5/2026		7/31/2026				
Occupational Therapy (13-01)	Administrative 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 Filed 8/31/2026			
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				
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				

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	8/11/2026	9/11/2026	8/11/2026 Approved 8/18/2026	8/4/2026			
Personnel (143-01)	Administrative Rule of the West Virginia Division of Personnel Legislative	6/30/2026	7/30/2026					
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	7/30/2006		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		
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		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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				
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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (110-13(K))	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 (110-13(Y))	Disaster Repair and Recovery Tax Credit Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Tax (110-15(F)) Sunset Provision	Sales Tax Holiday Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-15(L)) Sunset Provision	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-15(M)) 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			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer (112-01)	West Virginia Security for Deposits Act Collateralization 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				
Veterans Assistance, Dept. of (86-05)	West Virginia Military Hall of Fame Legislative	8/12/2026	9/11/2026						
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				

RULE MONITOR							
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS
							FINAL FILE
							EFFECTIVE
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 8/11/2026			
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

eFILED

8/31/2026 10:13:14 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Occupational Therapy
RULE TYPE: Legislative
TITLE-SERIES: 13-01
RULE NAME: Administrative Rules of the Board of
Occupational Therapy and Licensure of
Occupational Therapists and
Occupational Therapy Assistants
CITE AUTHORITY: 30-28-7

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

Vonda K Mainikoff -- 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
26-1C-189317	Insurance Commission	American National Property & Casualty Company	8/31/2026

FILED

2016 SEP -3 P 12:53

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
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September 2, 2016

David Cook, General Counsel
West Virginia Secretary of State's Office
1900 Kanawha Blvd., East
Building 1, Room 157K
Charleston, W. Va. 25305

Dear Mr. Cook:

You have asked for an Opinion of the Attorney General concerning whether the State Election Commission may disqualify a candidate from the ballot under West Virginia Code § 3-5-19(a)(4) for lack of moral character.

We are issuing this Opinion pursuant to West Virginia Code § 5-3-1, which provides that the Attorney General "shall give written opinions ... upon questions of law ... whenever required to do so, in writing, by ... the Secretary of State." When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence and discussions with the Office of the Attorney General.

You explain that the State Election Commission has the power to disqualify ineligible political candidates from the ballot pursuant to West Virginia Code § 3-5-19(a)(4). You also explain that in 2005, the West Virginia Supreme Court of Appeals interpreted this statute and held that "[a] candidate is disqualified pursuant to W[est] V[irginia] Code § 3-5-19(a)(4) ... when any factor renders him/her ineligible, *unfit*, or unqualified for the office to which he/she seeks to be elected." Syl. pt. 5, *Tillis v. Wright*, 217 W. Va. 722, 619 S.E.2d 235 (2005) (emphasis added). With this case in mind, you've raised the following legal question:

May the State Election Commission disqualify a candidate from the ballot under West Virginia Code § 3-5-19(a)(4) as "unfit" based on a determination that the candidate lacks good moral character?

We conclude that the Commission may not disqualify a candidate for lack of good moral character. The Commission's disqualification decisions under Section 19(a)(4) should turn on objective criteria—for example, where the candidate resides, which party the candidate belongs

Mr. David Cook
Page 2

to, and the like. The decision should not involve a subjective judgment of the candidate's character or moral fitness. Although the *Tillis* Court described a disqualifying factor as one that renders a candidate "unfit," that word does not extend past hard, measurable eligibility requirements.

DISCUSSION

West Virginia Code § 3-5-19(a)(4) empowers the Commission to disqualify a candidate who is not "eligible" for office, and both the text and the controlling case law tie eligibility to objective, measurable requirements—residency, age, party affiliation, licensure—not to morality. Further, if the Commission disqualified a candidate for bad character, the Commission would undermine West Virginia's "strong public policy ... in favor of eligibility for public office." *State ex rel. Rist v. Underwood*, 206 W. Va. 258, 269, 524 S.E.2d 179, 190 (1999) (cleaned up).

West Virginia Code § 3-5-19(a)(4) obligates the Commission to review written requests showing "a candidate's ineligibility" for office and "explaining grounds why a candidate is not eligible to be placed on the general election ballot or not eligible to hold the office, if elected." W. VA. CODE § 3-5-19(a)(4). After review, the Commission must decide whether "circumstances warrant the disqualification" of a political candidate. *Id.* If the Commission's decision creates a "vacancy in nomination" at least 84 days before the general election, a political party's executive committee may appoint a new nominee, according to certain time restrictions. *Id.* The operative terms in Section 19(a)(4) are "disqualification," "ineligibility," and "eligible." *Id.* The word "unfit" does not appear in Section 19(a)(4).

Tillis is the seminal case on the "meaning and interpretation of" Section 19(a)(4). 217 W. Va. at 729, 619 S.E.2d at 242. In *Tillis*, the Putnam County Board of Ballot Commissioners refused to certify the appointment of a Republican nominee for Putnam County Commissioner because the nominee did not comply with party affiliation rules—that is, she wasn't a registered Republican. *Id.* at 725-26, 619 S.E.2d at 238-39. The Court considered "whether the Board's decision not to certify [the nominee] constituted a 'disqualification' as contemplated by [Section 19(a)(4)], and, therefore, created a vacancy in the Republican Party's nominee for the office of Putnam County Commissioner." *Id.* at 727, 729, 619 S.E.2d at 240, 242. The answer: yes. The Court held that "disqualification" "signifies that the named candidate is not eligible to seek the office for which he/she is a candidate." *Id.* at 731, 619 S.E.2d at 244. Accordingly, a candidate is "disqualified" under Section 19(a)(4) "when any factor renders him/her ineligible, unfit, or unqualified for the office to which he/she seeks to be elected." *Id.* at syl. pt. 5.

The *Tillis* Court drew the word "unfit" from the Sixth Edition of *Black's Law Dictionary's* definition of "disqualification," and that definition suggests "unfit" does not reach corrupt moral character in this context. The definition is self-limiting to hard, objective standards. It defines "disqualification," as "to divest or deprive of qualifications; to incapacitate; to render ineligible or *unfit*, as in speaking of the 'disqualification' ... of a candidate for public office by reason of non-residence, lack of statutory age, previous commission of a crime, etc." 217 W. Va. at 731, 619 S.E.2d at 244 (emphasis added) (quoting *BLACK'S LAW DICTIONARY* (6th ed. 1990)); see *id.* ("[D]isqualification' has further been construed as 'something that makes one ineligible.'" (quoting *BLACK'S LAW DICTIONARY* (7th ed. 1999))).

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Two features of that definition suggest an objective test. First, its examples of being “ineligible or unfit”—“non-residence, lack of statutory age, [and] previous commission of a crime”—are all facts that do not involve judgments about the quality of a candidate’s character. Second, the definition groups “unfit” with “deprive of qualifications” and “ineligible,” both of which refer only to objective qualifications for office. See *Ineligibility*, BLACK’S LAW DICTIONARY (6th ed. 1990) (defining “[i]neligibility” as “[d]isqualification or legal incapacity to be elected to an office or appointed to a particular position”); *Qualified*, BLACK’S LAW DICTIONARY (6th ed. 1990) (defining “[q]ualified” as “[a]ppointed to one who has taken the steps to prepare himself for an appointment or office, as by taking oath, giving bond, etc.”).

The Sixth Edition’s definition of “unfit”—though not specifically considered by the *Tillis* Court—independently confirms this reading. “Unfit” means “[u]nsuitable; incompetent; not adapted or qualified for a particular use or service; having no fitness.” *Unfit*, BLACK’S LAW DICTIONARY (6th ed. 1990). And the dictionary puts an important limitation on “unfit.” The term reaches “moral delinquency” in only one context—family law. *Id.* (noting that “unfit” may “import[] something of moral delinquency” in family law); *accord Unfit*, BLACK’S LAW DICTIONARY (7th ed. 1999) (defining “unfit” in only the “[f]amily [l]aw” arena as “[m]orally unqualified; incompetent” and, otherwise, as “[u]nsuitable; not adapted or qualified for a particular use or service”). So, the relevant definition of “unfit” points to objective criteria, even standing alone.

The *Tillis* Court applied the term “unfit” consistent with this understanding. The Court said that the nominee “was ineligible, unfit[,] and unqualified to run for the position,” because she had failed to comply with party affiliation rules. *Tillis*, 217 W. Va. at 732, 619 S.E.2d at 245. The Court applied all three words—together—to that single, objective defect. It did not treat the terms differently or give “unfit” any separate meaning. Accordingly, the Court understood “unfit” to be the same in kind as, if not synonymous with, “ineligible” and “unqualified.” *Cf. Banner Printing Co. v. Bykota Corp.*, 182 W. Va. 488, 491, 388 S.E.2d 844, 847 (1989) (“[T]he meaning of a word or phrase may be ascertained by reference to the meaning of other words or phrases with which it is associated.”) (cleaned up)).

And the Court confirmed that “ineligible” and “unqualified” historically referred to hard standards. It recognized that it had previously referred to the ideas interchangeably—and never to denote moral fitness. See *Tillis*, 217 W. Va. at 731, 619 S.E.2d at 244. In *State ex rel. Harden v. Hechler*, 187 W. Va. 670, 673, 421 S.E.2d 53, 56 (1992), a candidate for state senate was “ineligible” for office where he had not satisfied the constitutional five-year citizenship requirement. And in *State ex rel. Summerfield v. Maxwell*, 148 W. Va. 535, 543, 549-50, 135 S.E.2d 741, 746, 749-50 (1964), a candidate for prosecuting attorney was “not eligible” or “qualified” because he was not a licensed attorney at the time of the election. See *also* Act of Apr. 20, 1921, c. 78, §§ 4, 4b, 1921 W. Va. Acts 201, 201-203 (requiring licensure to practice law).

Together, these features indicate that the *Tillis* Court used “unfit” to reach only objective “factor[s]” governing eligibility found in constitutional, statutory, or regulatory sources. See *Tillis*, 217 W. Va. at 732, 619 S.E.2d at 245.

Modern definitions confirm the same understanding. The modern legal definition of “disqualification” contains no mention of the term “unfit.” It refers to “[s]omething that

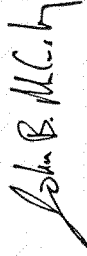
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incapacitates, disables, or makes one ineligible.” *Disqualification*, BLACK’S LAW DICTIONARY (12th ed. 2024). And “ineligible” means “*legally* disqualified to serve in office.” *Ineligible*, BLACK’S LAW DICTIONARY (12th ed. 2024) (emphasis added).

Context supports the conclusion that “unfit” does not cover bad character, too. The Legislature has built morality judgments into several other statutes, but not here. Consider West Virginia Code § 30-2-1, which requires applicants for admission to the West Virginia Bar prove that they are “person[s] of good moral character.” Veterinarians, barbers, real estate brokers, private investigators, gaming facility employees, and numerous others are all subject to a “good moral character” requirement for licensure as well. W. VA. CODE §§ 30-10-8, 30-27-8, 30-40-11, 30-18-2, 29-25-12. So, the Legislature’s decision to exclude language like this from Section 19(a)(4) must have been “intentional.” *State ex rel. Riffle v. Ranson*, 195 W. Va. 121, 128, 464 S.E.2d 763, 770 (1995).

Finally, reading Section 19(a)(4) to reach character and morality would raise constitutional questions that the narrower, eligibility-based construction avoids. Empowering an election agency to disqualify a candidate on subjective character grounds would invite due process and ballot-access challenges, and it would arguably lodge in the Commission a power courts have hesitated to allow even a legislative chamber—the power to override the voters’ choice on grounds beyond delineated qualifications for office. See *Powell v. McCormack*, 395 U.S. 486, 547-48, 550 (1969). Where two readings are available, the settled course is to choose the one that keeps clear of constitutional doubts. *Crowell v. Benson*, 285 U.S. 22, 62 (1932); *W. Va. Hum. Rts. Comm’n v. Garretson*, 196 W. Va. 118, 124, 468 S.E.2d 733, 739 (1996). That reading is the objective, eligibility-based one.

Sincerely,



John B. McCuskey
West Virginia Attorney General

Holly J. Wilson
Principal Deputy Solicitor General



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH
HUMAN SERVICES
SEPTEMBER 01, 2026 10:06 AM

Arvin Singh, EdD, MBA, MPH, MS, FACHE
Cabinet Secretary

Gordon C. Lane, Jr.
Interim Executive Director
General Counsel

OTHER

Notice of Review

September 1, 2026

NEWS ITEM

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

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, Weizel and Pleasant Counties in West Virginia. Capital Expenditure \$3,000,000.

August 25, 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, Cabel, 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, Weizel, Wirt and Wood Counties in West Virginia. Capital Expenditure \$4,000,000.

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

The review cycle begins on **August 31, 2026**.

On or before **September 29, 2026**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **October 5, 2026**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decision will be issued on or before **October 29, 2026**.

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

Sept 1, 2026
Date

Eddie Fulks
Eddie Fulks

CON Secretary
West Virginia Health Care Authority



FILED
WEST VIRGINIA HEALTH CARE AUTHORITY
SECRETARY OF STATE
CERTIFICATE OF NEED
AUGUST 31, 2026 10:18 AM
100 Dee Drive
Charleston, West Virginia 25311-1600
08/31/2026

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **08/28/2026**.

LETTER OF INTENT WITHDRAWN

August 28, 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. Letter of Intent Expired.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

August 25, 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.

PROJECTS EXEMPT FROM REVIEW

August 24, 2026 - GR&W Inc., CON File #26-9-13749-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 400 Foxcroft Avenue, Suite 101, Martinsburg, Berkeley County, West Virginia.

August 26, 2026 - AMENDED University Physicians & Surgeons, Inc., CON File #26-2-13647-X, for the provision of providing outpatient licensed behavioral health services located at 625 11St, Huntington, Cabell County, West Virginia. UP&S will operate a Medical Respite Triage Unit in partnership with the Huntington City Mission to be located in Huntington, WV. The proposed program will include 10 medical respite beds and 5 psychiatric triage chairs. The beds will allow for short-term stays and the chairs will allow for psychiatric evaluation and stay of less than 24 hours. On June 24,

2026, the Authority issued an exemption for the above program. This is amended to clarify the program is for 10 inpatient medical respite beds and 5 psychiatric triage chairs. The beds will allow for short-term stays and the chairs will allow for psychiatric evaluation and stay of less than 24 hours.

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

OTHER



WEST VIRGINIA
TAX DIVISION

Eric Nelson
Secretary of Revenue

Matthew R Irby
Tax Commissioner

OTHER

ADMINISTRATIVE NOTICE 2026-07
ACUTE CARE TAX RATE CHANGE

West Virginia Code §11-27-38(b) requires the State Tax Commissioner to publish applicable rates for the additional gross receipts tax on eligible acute care hospitals.

As allowed by the Centers for Medicare and Medicaid Services and calculated by the West Virginia Bureau for Medical Services, the rate of tax on eligible acute care hospitals pursuant to W. Va. Code §11-27-38(b) shall be 2.5%, effective 30 days from this notice.

Please consult the State Tax Division website, at <http://tax.wv.gov>, for additional information.

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

Issued: September 1, 2026

Matthew Irby
State Tax Commissioner



WEST VIRGINIA
TAX DIVISION

Eric Nelson
Secretary of Revenue

Matthew Irby
Tax Commissioner

September 1, 2026

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

Dear Secretary Warner:

Attached for filing in the State Register are final natural resource property valuation variables for the 2027 Tax Year that have been developed by the West Virginia Tax Division for use in determining the appraised value of coal, oil, natural gas, managed timberland and other natural resource properties for ad valorem tax purposes.

In accordance with the requirements of 110CSR1-1, 1-J and 1-K tentative variables were made available for public comments on July 1, 2026. The Division received comments on the tentative valuation variables.

The first comment related to the overall capitalization rate associated with producing gas properties with a particular focus on the calculation of the Industry Beta and the Capital Structure. After review, no change was supported on these items, but an adjustment to the Size premium was instead made to align more closely with the factors utilized under these components.

The next comment focused on the removal of the Individual Asset Risk Adjustment. After review, it was determined that a portion of the calculation that appeared in prior years should be included to account for individual risk. Therefore, an Unsystematic Risk Component was added to the calculation.

Sincerely,

Matthew R Irby
Tax Commissioner

Attachment

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25316-1771
Telephone 304-538-0751
Fax 304-538-8999

Legal Division, 1001 Lee Street East, P.O. Box 1005, Charleston, WV 25324-1005
Telephone 304-538-5330
Fax 304-538-8728