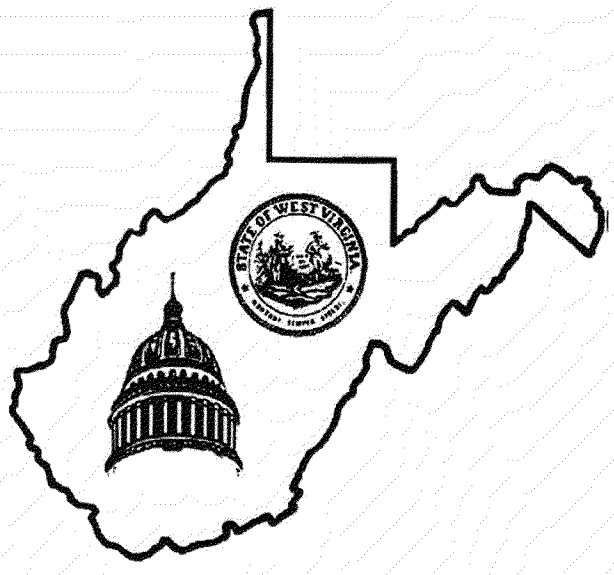


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This week's publication includes documents submitted by the following agencies:

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Family Protection Services Board
Health Care Authority
Higher Education Policy Commission
Human Services
Insurance Commission
Osteopathic Medicine

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NO RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED NURSES
TITLE	20	SANITARIANS
TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
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TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
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TITLE	53	PUBLIC ENERGY AUTHORITY
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
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TITLE	61	AGRICULTURE
TITLE	64	HEALTH
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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
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TITLE	114	INSURANCE COMMISSION
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TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
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TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	220	MULTIMODAL TRANSPORTATION FACILITIES

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/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	Modified & Approved 10/14/2026 Filed 10/19/2026			
Agriculture (61-01C)	Disposal of Poultry Mortality Legislative	6/9/2026	7/9/2026		7/9/2026	Modified & Approved 10/13/2026 Filed 10/22/2026			
Agriculture (61-01D)	List of Restricted Live, Modified Live and Killed Vaccines for Animals Legislative	6/10/2026	7/10/2026		7/24/2026	Modified & Approved 10/13/2026 Filed 10/22/2026			
Agriculture (61-02)	West Virginia Apiary Rule Legislative	6/17/2026	7/17/2026		7/24/2026	Modified & Approved 10/13/2026			
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	Modified & Approved 10/13/2026 Filed 10/29/2026			
Agriculture (61-04) Sunset Provision	Traditional Cheese Production Legislative				6/2/2026	Modified & Approved 10/13/2026 Filed 10/29/2026			
Agriculture (61-04A) Sunset Provision	Production of Milk and Cream for Manufacturing Purposes Legislative				6/10/2026	Modified & Approved 10/13/2026 Filed 10/22/2026			
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	Modified & Approved 10/13/2026 Filed 10/22/2026			
Agriculture (61-06D)	Nutrient Management Certification Legislative	6/9/2026	7/9/2026		7/9/2026	Modified & Approved 10/13/2026 Filed 10/22/2026			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-07A) Sunset Provision	Marketing of Eggs Rule Legislative				6/10/2026	Modified & Approved 10/13/2026 Filed 10/22/2026			
Agriculture (61-11)	Regulations Governing Public Markets Legislative	6/22/2026	7/22/2026		7/30/2026	Modified & Approved 10/13/2026 Filed 10/22/2026			
Agriculture (61-11B)	Auctioneers Legislative	5/27/2026	6/27/2026		6/30/2026	Modified & Approved 10/13/2026 Filed 10/22/2026			
Agriculture (61-12) Sunset Provision	Fee Structure for the Pesticide Control Act of 1990 Legislative				6/12/2026	Modified & Approved 10/13/2026 Filed 10/22/2026			
Agriculture (61-12C) Sunset Provision	Wood Destroying Insect Treatment Standards Legislative				6/8/2026	Modified & Approved 10/13/2026 Filed 10/22/2026			
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/30/2026	7/30/2026		7/31/2026	Modified & Approved 10/13/2026 Filed 10/29/2026			
Agriculture (61-28)	Poultry Litter and Manure Movement into Primary Poultry Breeder Rearing Areas Legislative	6/17/2026	7/17/2026		7/30/2026	Modified & Approved 10/13/2026 Filed 10/23/2026			
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	Modified & Approved 10/13/2026 Filed 10/29/2026			
Agriculture (61-34)	Captive Cervid Farming Legislative	6/22/2026	7/22/2026		7/30/2026	Modified & Approved 10/13/2026 Filed 10/23/2026			
Agriculture (61-38)	Farmers Market Legislative	6/9/2026	7/9/2026		7/9/2026	Modified & Approved 10/13/2026 Filed 10/23/2026			
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	Modified & Approved 10/13/2026 Filed 10/23/2026			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 10/13/2026 Filed 10/23/2026			
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	Approved 10/13/2026			
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	Modified & Approved 10/13/2026 Filed 10/14/2026			
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	Approved 10/13/2026			
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	6/4/2026	7/7/2026		7/31/2026	Modified & Approved 10/13/2026 Filed 10/14/2026			
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	Modified & Approved 10/13/2026 Filed 10/14/2026			
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	6/4/2026	7/7/2026		7/31/2026	Modified & Approved 10/13/2026 Filed 10/14/2026			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/4/2026	7/7/2026		7/31/2026	Approved 10/13/2026			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/4/2026	7/7/2026		7/31/2026	Approved 10/13/2026			
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	Modified & Approved 10/13/2026 Filed 10/14/2026			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/4/2026	7/7/2026		7/31/2026	Approved 10/13/2026			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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					Authorized w/Certain Amendments 10/8/2025	HB4275 SB320 Bundled HB4265		
Attorney General (142-04)	Fair Treatment of Crime Victims and Witnesses Legislative					Authorized w/Certain Amendments 10/8/2025	HB4276 SB321 Bundled HB4265		
Attorney General (142-05)	Prevention of Unfair or Deceptive Acts or Practices in Home Improvement Transactions Legislative					Authorized w/Certain Amendments 10/8/2025	HB4277 SB322 Bundled HB4265		
Attorney General (142-06)	Legislative Rule Pertaining to the Prevention of Unfair or Deceptive Acts or Practices in Sale of Damaged Goods or Damaged Products Legislative					Authorized w/Certain Amendments 10/8/2025	HB4278 SB323 Bundled HB4265		
Attorney General (142-08)	Administration of Preneed Burial Contracts Legislative					Authorized w/Certain Amendments 10/8/2025	HB4279 SB324 Bundled HB4265		
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	Modified & Approved 10/14/2026 Filed 10/14/2026			
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	4/22/2026	5/22/2026		7/29/2026	Modified & Approved 10/14/2026 Filed 10/14/2026			
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				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health & Safety (36-22)	Rule Governing No Act Permitted Endangering Security of Mine; Search for Intoxicants, Matches, Etc. Legislative Exempt	9/30/2026	10/31/2026						
Community & Tech. College Education (135-08)	West Virginia Invests Grant Program Legislative	6/5/2026	7/6/2026		7/27/2026	Modified & Approved 9/14/2026 Filed 9/16/2026			
Community & Tech. College Education (135-35)	Business, Occupational, and Trade Schools Legislative	6/8/2026	7/9/2026		8/14/2026	Approved 9/14/2026			
Communtiy & Tech. College Education (135-52) Sunset Provision	Annual Reauthorization of Degree-Granting Institutions Legislative				10/22/2026				
Community & Tech. College Education (135-55) Sunset Provision	Human Resources Administration Legislative				11/4/2026				
Counseling (27-02) Sunset Provision	Licensed Professional Counselors Fees Rule Legislative				10/13/2026				
Counseling (27-09) Sunset Provision	Marriage and Family Therapist Fees Rule Legislative				10/13/2026				
Counseling (27-10) Sunset Provision	Marriage and Family Therapist License Renewal and Continuing Professional Education Requirements Legislative				10/13/2026				
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	Modified & Approved 10/14/2026 Filed 10/23/2026			
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	Modified & Approved 10/14/2026 Filed 10/23/2026			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dentistry (5-14)	Mobile Dental Facilities & Portable Dental Units Legislative	5/21/2026	6/22/2026		7/21/2026	Modified & Approved 10/14/2026 Filed 10/23/2026			
Dentistry (5-16)	Teledentistry Legislative	5/21/2026	6/22/2026		7/21/2026	Modified & Approved 10/14/2026 Filed 10/23/2026			
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 Legisaltive	6/30/2026	7/30/2026		7/30/2026	Authorized as Modified w/Certain Amendments 10/15/2026 Filed 10/20/2026			
Family Protection Services Board (191-03)	Abuse Intervention Programs Licensure Standards Legislative	7/1/2026	7/31/2026		7/31/2026 Withdrawn by Agency 10/7/2026	Modified & Approved 10/13/2026 Filed 11/5/2026			
Fire Commission (87-04)	State Building Code Legisaltive	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/13/2026 Filed 10/14/2026			
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/13/2026 Filed 10/14/2026			
Fire Commission (87-10)	Volunteer and Part-Volunteer(Part-Paid) Fire Department Equipment and Training Grant Funding Disbursement Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/13/2026 Filed 10/14/2026			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AAFFF) 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	Modified & Approved 10/13/2026 Filed 10/14/2026			
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/13/2026 Filed 10/14/2026			
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 Establishement Requirements Legislative	6/15/2026	7/16/2026	6/16/2026 Approved 6/24/2026	7/20/2026	Modified & Approved 10/14/2026 Filed 10/19/2026			
Health (64-07) Sunset Provision	Reportable Diseases, Events, and Conditions Legislative				10/8/2026				
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 10/13/2026 Filed 10/26/2026			
Health (64-17)	Food Establishments Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 10/13/2026 Filed 10/26/2026			
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 (64-43) Sunset Provision	Food Manufacturing Facilities Legislative				10/8/2026				
Health (64-49, repeal)	Drinking Water Treatment Revolving Fund Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 10/13/2026			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (64-92) Sunset Provision	Clandestine Drug Laboratory Remediation Legislative				10/8/2026				
Health (64-97) Sunset Provision	Maternal Risk Screening Legislative				10/8/2026				
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			
Health (64-116)	Distrubution of Funds from Emergency Medical Services Crisis Response and Mental Health Treatment Fund Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 10/13/2026 Filed 10/26/2026			
Higher Education Policy Commission (133-02) Sunset Provision	Performance-Based Funding Formula Legislative								
Higher Education Policy Commission (133-06)	Higher Education Future Workforce Grant Program Legislative	6/12/2026	7/13/2026	10/2/2026 ERD by 11/13/2026	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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-12) Sunset Provision	Capital Project Management Legislative								
Higher Education Policy Commission (133-19) Sunset Provision	Dual Enrollment Pilot Program Legislative				10/30/2026				
Higher Education Policy Commission (133-32) Sunset Provision	Tuiton and Fee Policy Legislative								
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 (133-55) Sunset Provision	Human Resources Administration Legislative								
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	10/2/2026 ERD by 11/13/2026	7/16/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-52) Sunset Provision	Annual Reauthorization of Degree-Granting Institutions Legislative								
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				
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	Modifed & Approved 10/13/2026 Filed 11/5/2026			
Human Services (78-29)	Licensure and Certification of Alcohol and Drug Counselors Legislative	7/1/2026	7/31/2026		7/31/2026				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-42) Sunset Provision	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislaitve				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			
Labor (42-34)	Regulation of Heating, Ventilating, and Cooling Work Legislative	7/1/2026	7/31/2026		7/31/2026	Approved 10/14/2026			
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 Legisaltive	6/29/2026	7/29/2026		7/30/2026	Approved 10/14/2026			
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			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Couselors 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				
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) Sunset Provision	Collection of Tax on the Sale of a Vehicle Legislative				6/29/2026	Approved 8/12/2026			
Natural Resources (58-38) Sunset Provision	Public Shooting Ranges Legislative				3/31/2026	Approved 8/12/2026			
Natural Resources (58-63) Sunset Provision	Commercial Sale of Wildlife Legislative				3/31/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Natural Resources (58-69)	Wildlife Disease Management Legisaltive	6/26/2026	7/27/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 9/9/2026			
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 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	Modified & Approved 10/13/2026 Filed 10/20/2026			
Office of Inspector General (71-27)	Medication-Assisted Treatment - Opoid Treatment Programs Legislative	7/1/2026	7/31/2026		7/31/2026	Modified & Approved 10/13/2026 Filed 10/20/2026			
Office of Technology (163-02, repeal)	Chief Information Officer Review Legislative	6/26/2026	7/26/2026		7/29/2026	Approved 10/13/2026			
Office of Technology (163-03)	Cyber Reporting Legislative	6/26/2026	7/25/2026		7/29/2026	Modified & Approved 10/13/2026 Filed 10/21/2026			
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 Proceures for Osteopathic Physicians Legislative	8/11/2026	9/11/2026	8/11/2026 Approved 8/18/2026	10/9/2026				
Osteopathic Medicine (24-07) Sunset Provision	Practitioner Requirements for Controlled Substances Licensure and Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative				10/30/2026				
Osteopathic Medicine (24-10) Sunset Provision	Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants Legislative				10/30/2026				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 10/13/2026				
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			
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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-06)	Fees for Athletic Trainers Legisaltive	6/30/2026	7/30/2026		7/30/2026				
Public Service Commission (150-41)	Rules Governing Review and Regulation of Generating Capacity and Consumer Economic Dispatch of Electric Utilities Legislative	7/20/2026	8/20/2026 Exteneded Hearing 9/28/2026		10/15/2026				
Racing Commission (178-05) Sunset Provision	Pari-Mutuel Wagering Legislative				10/9/2026				
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 Legisaltive	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/14/2026 Filed 10/21/2026			
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	Modified & Approved 10/14/2026 Filed 10/21/2026			
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				6/26/206	Approved 8/12/2026			
Secretary of State (153-30) Sunset Provision	Use of Digial 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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (25-05) Sunset Provision	Continuing Education for Social Workers and Providers Legislative				10/9/2026				
Speech Language Pathology and Audiology (8-01) formerly Hearing Aid Dealers	Rule Governing The West Virginia Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/14/2026 Filed 10/20/2026			
Speech Language Pathology and Audiology (8-02) formerly Hearing Aid Dealers	Contested Case Hearing Procedure for Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/14/2026 Filed 10/20/2026			
Speech Language Pathology and Audiology (8-03) formerly Hearing Aid Dealers	Disciplinary and Complaint Procedures for Hearing-Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/14/2026 Filed 10/20/2026			
Speech Language Pathology and Audiology (8-04) formerly Hearing Aid Dealers	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/14/2026 Filed 10/20/2026			
Speech Language Pathology and Audiology (8-05) formerly Hearing Aid Dealers	Consideration of Prior Criminal Convictions in Initial Licensure Determinations for Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/14/2026 Filed 10/20/2026			
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	Modified & Approved 10/14/2026 Filed 10/20/2026			
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	Modified & Approved 10/14/2026 Filed 10/20/2026			
Speech Language Pathology and Audiology (29-05)	West Virginia Board of Examiners for Speech-Language Pathology and Audiology Code of Ethics Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 10/14/2026 Filed 10/20/2026			
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			
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 Legisaltive	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 Collateraltion 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 Legislativve	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 (112-17)	Exempt Purchasing Procedural	9/9/2026	10/9/2026					10/13/2026	11/12/2026
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		10/6/2026				
Veterinary Medicine (26-04)	Standards of Practice Legislative	6/15/2026	7/16/2026		7/27/2026	Modified & Approved 10/14/2026 Filed 10/15/2026			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-06)	Schedule of Fees Legislative	6/15/2026	7/16/2026		7/27/2026	Authorized as Modified w/Certain Amendments 10/14/2026 Filed 10/15/2026			
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 8/11/2026	9/28/2026				
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, Divison of Water and Waste Management (47-63)	Aboveground Storage Tanks Legislative	6/25/2026	7/27/2026		8/3/2026				

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LEGISLATIVE

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Community And Technical College Education TITLE-SERIES: 135-55

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: §18B-1B-6, §18B-4-2a, §18B-7, §18B-8, §18B-9A, §18B-9B

RULE NAME: 135-55 Human Resources Administration

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule establishes policy regarding human resources administration for the employees of the West Virginia Council for Community and Technical College Education, and the public higher education institutions in West Virginia under the jurisdiction of the Council. It provides guidelines for governing boards relative to decisions pertaining to public higher education employees.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

This legislatively mandated rule remains necessary for the establishment of policies supporting all aspects of personnel employment for Council employees and institutions under the jurisdiction of the West Virginia Council for Community and Technical College Education.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

NA

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

NA

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-55

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 135-55 Human Resources Administration

PRIMARY CONTACT

NAME: Angela Kerns

ADDRESS: 2001 Union Carbide Drive
Bldg 2000
South Charleston, WV 25303

EMAIL: kerns@wvctcs.edu

PHONE NUMBER: 304-558-0265

CITE STATUTORY AUTHORITY: §18B-1B-6, §18B-4-2a, §18B-7, §18B-8, §18B-9A, §18B-9B

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

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Family Protection Services Board

RULE TYPE: Legislative TITLE-SERIES: 191-03

RULE NAME: Batterer Intervention and Prevention Programs Licensure Standards

CITE AUTHORITY: W. Va. Code § 48-26-403

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

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

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NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-02

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 18B-1-6

RULE NAME: 133-02 Performance-Based Funding Formula

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy governs the performance-based funding formula for WV public colleges and universities.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

Provisions of rule remain intact.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

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LEGISLATIVE

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-12

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 18B-1-6

RULE NAME: 133-12 Capital Project Management

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Establishes policy for WV public colleges and universities capital projects.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

Provisions of rule remain in effect.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/5/2026 11:27:39 AM
Office of West Virginia Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-19

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 18B-1-6

RULE NAME: 133-19 Dual Enrollment Pilot Program

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

2 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Defines the responsibilities of public universities regarding the dual enrollment pilot program.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

Program remains in effect.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

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ADMINISTRATIVE LAW DIVISION

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10/30/2026 9:29:51 AM
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LEGISLATIVE

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-19

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 133-19 Dual Enrollment Pilot Program

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: 2001 Union Carbide Drive
Building 2000
South Charleston, WV 25303

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-6

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

18B-1-6

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

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

PUBLIC HEARING:

WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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11/5/2026 3:22:55 PM
Office of West Virginia Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-32

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 18B-1-6

RULE NAME: 133-32 Tuition and Fee Policy

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Establishes policy for WV public colleges and universities capital projects.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

Provisions of rule remain in effect.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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11/5/2026 11:57:13 AM
Office of West Virginia Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

LEGISLATIVE

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-55

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 18B-1-6

RULE NAME: 133-55 Human Resources Administration

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Establishes policies related to human resources administration for employees of the Commission and public higher education institutions.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

Policies continue to remain in effect.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/5/2026 11:00:29 AM
Office of West Virginia Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Human Services

RULE TYPE: Legislative TITLE-SERIES: 78-26

RULE NAME: Pilot Program for Drug Screening of Applicants

CITE AUTHORITY: W. Va. Code §9-3-6(n)

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

Daron A Light -- 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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10/30/2026 12:34:48 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-07

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 24-07 Practitioner Requirements for Controlled Substances Licensure and Accessing the West Virginia Controlled Substances Monitoring Program Database

PRIMARY CONTACT

NAME: Jonathan T Osborne

ADDRESS: 405 Capitol Street
Suite 800
Charleston, WV 25301

EMAIL: jonathan.t.osborne@wv.gov

PHONE NUMBER: 304-558-6095

CITE STATUTORY AUTHORITY: W. Va. Code§ 60A-9-5a(c) and§ 60A-3-301

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

W. Va. Code§ 60A-9-5a(c) and§ 60A-3-301

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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10/30/2026 12:38:46 PM

Office of West Virginia
Secretary Of State

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

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-10

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 24-10 Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants

PRIMARY CONTACT

NAME: Jonathan Osborne

ADDRESS: 405 Capitol Street
Suite 800
Charleston, WestVirginia 25301

EMAIL: jonathan.t.osborne@wv.gov

PHONE NUMBER: 304-558-6095

CITE STATUTORY AUTHORITY: W. Va. Code§ 30-1-26(b)

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

W. Va. Code§ 30-1-26(b)

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

Orders Report

Docket Number	Agency	Respondent	Date Rendered
26-1C-188290	Insurance Commission	Robert Clopper	10/30/2026

FILED
2026 NOV -4 P 1:30
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
AG

State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

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

November 4, 2026

The Honorable Michael A. Hicks
Calhoun County Prosecuting Attorney
PO Box 337
Grantsville, WV 26147

Dear Prosecutor Hicks:

You have asked for an Opinion of the Attorney General concerning whether a sitting county commissioner may serve on the West Virginia Infrastructure and Jobs Development Council ("IJDC").

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 Office of the Attorney General.

In answering your question, we note how the IJDC functions. First, project sponsors such as municipalities or county commissions develop project proposals, complete IJDC-issued applications, and apply for state funding. *See, e.g.*, W. VA. CODE §§ 31-15A-2(p), -4(b). The IJDC then conducts an initial review and determines the project's suitability based upon several factors. *See id.; see also* W. VA. CODE R. § 167-1-4.1. After writing a recommendation on the application (identifying the funding source, the amount of funding, and which agency or agencies should consider the project), *see* W. VA. CODE R. § 167-1-3.5, the IJDC routes it to the most appropriate state infrastructure agency for the project, *see* W. VA. CODE §§ 31-15A-2(u), -5(b). If the IJDC recommends denial and the agency agrees, the project receives no funding. If the IJDC recommends approval and the agency concurs, then the agency signs a written agreement with the project sponsor and handles any compliance issues that may arise. *See, e.g.*, W. VA. CODE § 31-15A-9(d); § 31-15-23a(e); § 22-28-3. The governing body of the agency or agency head can also reject a recommended project in certain circumstances. *See* W. VA. CODE § 31-15A-5(c). Once the agency has rejected the recommendation, the process ends.

Your letter raises one legal question:

Does any constitutional provision, statute, or other common-law doctrine prevent a sitting county commissioner from serving on the IJDC?

We conclude that no West Virginia constitutional provision or statute categorically prohibits a sitting county commissioner from serving on the IJDC. The two offices are not incompatible under the common law, but it would nevertheless be advisable for the commissioner to recuse when the IJDC considers an application from his or her own county.

DISCUSSION

I. Dual service does not violate the separation of powers.

Article V, § 1 of the West Virginia Constitution provides that no "person [may] exercise the powers of more than one" of the legislative, executive, and judicial departments "at the same time." The Supreme Court of Appeals strictly enforces this provision. *See O'Connor v. Margolin*, 170 W. Va. 762, 296 S.E.2d 892 (1982). But it is not implicated here. A county commission is a political subdivision, not a department of state government, so a commissioner exercises no legislative or judicial power of the State that could collide with the IJDC's executive functions. *See Amoroso v. Marion Cnty. Comm'n*, 172 W. Va. 342, 346 n.7, 305 S.E.2d 299, 303 n.7 (1983) ("[C]ounty commissions ... are not instrumentalities of the state.").

No other constitutional provision appears even distantly relevant. The Supreme Court of Appeals has recognized that the common-law doctrine of incompatibility (discussed further below) is "supplemented but not displaced" by constitutional provisions "inhibiting one person from holding more than one office at the same time." *State ex rel. Thomas v. Wysong*, 125 W. Va. 369, 374, 24 S.E.2d 463, 466 (1943). But where the Framers intended to bar dual office-holding, they said so expressly. *See, e.g.*, W. VA. CONST. art. VIII, § 7 (judicial officers may not "hold any other office, or accept any appointment or public trust"). No comparable provision applies to county commissioners. While the Constitution prescribes duties and eligibility requirements for commissioners, those provisions do not place limits on commissioners' ability to hold other offices. *See* W. VA. CONST. art. IX, §§ 9-10.

II. No statute prohibits a county commissioner from serving on the IJDC.

We look next to whether any statutes might be implicated by concurrent service on a county commission and the IJDC. As always, we begin with the text and "apply the statutory language as written without further interpretation." *Trulargo, LLC v. Pub. Serv. Comm'n*, 242 W. Va. 482, 486, 836 S.E.2d 449, 453 (2019).

A. West Virginia Code § 31-15A.

The IJDC's enabling statute places no limits on board members' ability to hold other positions. *See* W. VA. CODE § 31-15A-3. Elsewhere, the Legislature has expressly limited dual roles. *See id.* § 31-15-27 (voiding contracts and agreements made by the Economic Development Authority when a "member, officer or employee" of the authority is an "interested" party). The absence of a similar limit here suggests that the statute permits dual service.

B. West Virginia Code § 61-10-15.

West Virginia Code § 61-10-15 makes it "unlawful for any member of a county commission … to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract or service or in the furnishing of any supplies in the contract for or the awarding or letting of a contract if, as a member … he or she may have any voice, influence or control." W. VA. CODE § 61-10-15(a).

This provision does not reach a county commissioner's service on the IJDC for two reasons. First, the provision requires a contract or service that generates "proceeds." The IJDC makes funding recommendations, the State agency involved makes a final determination, and counties may then contract with individuals or businesses to carry out the projects. *See* W. VA. CODE § 31-15A-9(d). But the funding recommendation itself involves no contract or service that generates proceeds. *See, e.g., id.* §§ 31-15A-5(c), -9.

Second, a county commissioner ordinarily has no pecuniary interest in the funding of a county infrastructure or jobs project, as any resulting contract runs to the county, not the commissioner. To define the term's provisions, the West Virginia Supreme Court of Appeals has looked to the definition section of the Bribery and Corrupt Practices Act. *See State v. Neary*, 179 W. Va. 115, 123-24, 365 S.E.2d 395, 403-04 (1987). It defines "benefit" as "gain or advantage" and "pecuniary benefit" as "a benefit in the form of money, tangible or intangible property, commercial interests or anything else the primary significance of which is economic gain." W. VA. CODE § 61-5A-2(8). The definition also reaches gains to "any other person," and one might question whether a county's funding is such a gain. But Section 61-10-15 asks whether the commissioner is pecuniarily interested in the proceeds of a contract, and *Neary* applied that phrase to officials' personal economic stakes. A county's receipt of public infrastructure funding is not the commissioner's economic gain. And the state infrastructure agency, not the IJDC, is the contracting party. So, on neither side of the transaction does dual service create pecuniary interest.

Nor does a commissioner benefit because his or her county might improve from a funding recommendation. The Code excludes from "benefit" any "concurrence in official action in the course of legitimate compromise among public servants." W. VA. CODE § 61-5A-2(8). An IJDC funding recommendation is that kind of official action. It requires the support of other IJDC members and the agreement of the state infrastructure agency that enters the contract. So, any resulting benefit cannot be attributed to an individual county commissioner.

The Supreme Court of Appeals has also explained that the provision aims to "protect public funds, and give official recognition to the fact that a person cannot properly represent the public in transacting business with himself." *Neary*, 179 W. Va. at 118, 365 S.E.2d at 398 (cleaned up). For that reason, the Court applies an "absolute standard of conduct" when public officials have a "relationship with a private entity." *Summers Cnty. Citizens League, Inc. v. Tassos*, 179 W. Va. 261, 268, 367 S.E.2d 209, 216 (1988). But here, both positions are public, and IJDC funding recommendations create no financial interest. Thus, the statute does not bar dual service.

C. The Governmental Ethics Act.

Like Section 61-10-15, the Governmental Ethics Act focuses on financial interests that arise from public office. The Act restricts a public official from voting on a matter in which the

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official, "an immediate family member, or a business with which they or an immediate family member is associated have a financial interest." W. VA. CODE § 6B-2-5(j)(1)(A). Again, holding these two roles creates no financial interest, thus the Act does not bar dual service. And even if dual service did create a financial interest, the Act would require only recusal, not resignation. *See id.* § 6B-2-5(d)(1).

Our conclusions align with the Ethics Commission, which has already concluded that no provision of the Governmental Ethics Act prevents a county commissioner from serving on the IJDC. If a commissioner has a generalized interest in seeing a project in his or her county funded, the Ethics Commission has concluded that this interest "would not differ from that of any other citizen of the county." W. Va. Ethics Comm'n, Advisory Opinion No. 2026-07, at 4 n.1 (Sept. 3, 2026). And in response to a specific inquiry addressing these facts, the Commission found that the Act only reaches financial interests, not situations in which officials "wear two hats." Because of that financial focus, and because the commissioner receives no compensation from the IJDC, the Commission determined that dual service does not violate the Act.

III. Holding both offices does not violate the doctrine of incompatibility.

Apart from statutory prohibitions, a person may not hold two offices whose "inconsistent nature" and "relation to each other" make it "improper, from considerations of public policy, for one person to perform the duties of both." Syl. pt. 6, *Wysong*, 125 W. Va. 369, 24 S.E.2d 463. The doctrine "rests not upon physical inability to perform the duties of two offices but upon the inconsistent nature of the offices and their relation to each other." *Id.*

The doctrine applies only to public offices, so we first ask whether both positions qualify. The Supreme Court of Appeals considers several factors in deciding whether a role is a "public office," including whether the position was "created by the legislature," "whether the legislature in creating the position designated it an office, whether the qualifications for the appointee are prescribed, and whether the duties, tenure, salary, bond, and oath are prescribed or required, and whether the act constitutes the one occupying the position a representative of the sovereign." *State ex rel. Carson v. Wood*, 154 W. Va. 397, 411, 175 S.E.2d 482, 491 (1970).

Under these factors, both county commissioners and IJDC members are public officers. First, the Supreme Court of Appeals has long held that county commissioners are public officers. *See, e.g., State ex rel. Damron v. Ferrell*, 149 W. Va. 773, 143 S.E.2d 469 (1965); Off. of the W. Va. Att'y Gen., Opinion Letter to the Honorable Ken Hechler (Jan. 9, 1991), 1991 WL 628001. Article IX of West Virginia's Constitution establishes county commissions, making commissioners constitutional officers. *See* W. VA. CONST. art. IX, § 9. Second, IJDC members meet several key indicia of public office. The Legislature created the IJDC, the statute describes membership as an "office," it prescribes qualifications, including limits on the number of members from the same political party or the same county, and it defines the IJDC as a "governmental instrumentality of the state." W. VA. CODE § 31-15A-3(a)-(g).

Because both positions are public offices, the doctrine of incompatibility applies.

Incompatibility typically arises in two situations: when an officer becomes financially interested in an outcome he or she controls, or when one office directs and supervises another office held by the same person. *See, e.g.*, Hechler Opinion Letter, 1991 WL 628001 (finding the

offices of county commissioner and state legislator incompatible because the Legislature sets county commissioners' compensation); Off. of the W. Va. Att'y Gen., Opinion Letter to Eugene Simmons (Dec. 14, 2016), 2016 WL 7428074, at *2-3 (concluding that an attorney for a county commission could not also serve as a fiduciary commissioner because the county commission "maintains supervisory authority over the fiduciary commissioner" through its removal power, and that "no matter the nature of the legal services the person would render," there was a "lack of disinterestedness in the performance of each office").

Neither situation exists here. The IJDC holds no supervisory control over counties, and counties hold none over the IJDC. Once the IJDC makes its recommendation, its role ends. State infrastructure agencies make the final funding decision and resolve any subsequent compliance issues under the agreement with project sponsors. *See* W. VA. CODE § 31-15A-9(d). A recommendation may impact a project sponsor's chances of receiving funding, but that influence falls far short of the county commission's power to remove a fiduciary commissioner. *See* Simmons Opinion Letter, 2016 WL 7428074, at *2.

IV. The commissioner should consider recusing when his or her county applies to the IJDC for funding.

That leaves the narrow case in which the commissioner's county is a project sponsor—meaning it "intends to plan, acquire, construct, improve or otherwise develop a project"—while the commissioner sits on the IJDC. W. VA. CODE § 31-15A-2(p). This Office addressed a similar situation when a city council member sought to work as a deputy county assessor. *See* Off. of the W. Va. Att'y Gen., Opinion Letter to the Honorable John C. Skinner (Aug. 24, 1962), 1962 WL 75144. There, we recognized that most of a deputy assessor's work—such as assessing land outside the officer's city—was disinterested. *Id.* at *2. But assessing land within the city could create conflicts, because the assessor might be tempted to inflate city land values. *Id.* We did not conclude that one person could not hold both offices. Instead, we counseled that the "safest course is to refrain" from such conduct. *Id* at *3. The same is true here.

The duties of the two offices rarely intersect, except when the IJDC evaluates a proposal from the commissioner's county. Like the assessor, a commissioner on the IJDC might be tempted to vote to approve the county's application or to fund it more generously than necessary. An IJDC member has less control over the final outcome than a lone assessor does. But the ability to vote and to sway fellow members still creates a risk of impropriety. The same risk arises if the commissioner signs the application or advocates for the project before fellow IJDC members. On either side, the commissioner should not use his or her authority and relationships to influence the outcome. The same concern may extend to entities under a county commission that seek funding. So, the most prudent course is for the commissioner to recuse from the IJDC's consideration and to stay out of preparing or presenting the proposal as a county commissioner.

The Governmental Ethics Act provides a recusal mechanism. The official may leave the room, take no part in the discussion, decision-making, or vote, and have the recusal reflected in the meeting minutes. *See* W. VA. CODE § 6B-2-5(j)(3). Recusing this way protects the integrity of the IJDC's recommendation, though it creates no legal presumption against impropriety.

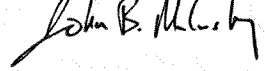
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Recusal is not what makes the offices compatible. The doctrine looks to the offices' "inconsistent nature." These offices are not inconsistent, as their duties meet only at an occasional, identifiable point that recusal addresses.

* * *

No constitutional provision, statute or recognized application of the common law forbids dual service. But a commissioner should not vote on applications from his or her own county or help present such proposals before the IJDC. If that circumstance arises, it may be wise for the commissioner to recuse (although no law strictly requires it).

Sincerely,



John B. McCuskey
Attorney General

Bradley T. Tidwell
Caldwell Fellow

FILED
STATE OF WEST VIRGINIA
WV SECRETARY OF STATE
NOVEMBER 02, 2026 08:03 AM

West Virginia Department of HEALTH

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

DEPARTMENT OF HEALTH
HEALTH CARE AUTHORITY

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

OTHER

Notice of Review

November 2, 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:

October 21, 2026 - Shana Caring Hands Home Care, LLC, CON File #26-9-13788-Z, for the establishment of a Medicare-certified home health agency in Jefferson County, West Virginia. Capital Expenditure $22,050.

October 26, 2026 - Thomas Memorial Hospital and THS Physician Partners, Inc., CON File #26-3-13793-P, for the development of an ambulatory health care facility in Charleston, Kanawha County, West Virginia through the acquisition of the assets of a physician office and the employment or contracting of the physician and staff. Capital Expenditure $451,000.

October 30, 2026 - Wetzel County Hospital, CON File #26-10-13798-P, for the development of an ambulatory health care facility in Wetzel County, West Virginia, through the relocation of certain services from the hospital campus to an off campus location. Capital Expenditure $132,000.

October 30, 2026 - Hospice of the Panhandle, Inc. d/b/a Hospice of the Panhandle, CON File #26-8/9-13800-P, for the development of medical adult day care ("MADC") services in a four-county services area consisting of Berkeley, Hampshire, Jefferson, and Morgan counties in West Virginia. Capital Expenditure $1,354,450.

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 **October 30, 2026.**

On or before **November 30, 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 **December 3, 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 **December 28, 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.

Nov. 2, 2026
Date

Eddie Fulks

Eddie Fulks
CON Secretary
West Virginia Health Care Authority

FILED
WV SECRETARY OF STATE
NOVEMBER 02, 2026 10:03 AM

WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED
100 Dee Drive
Charleston, West Virginia 25311-1600

OTHER

11/02/2026

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **10/30/2026**.

LETTER OF INTENT RECEIVED

October 26, 2026 - Grant Memorial Hospital, CON File #26-8-13812-P, for the development of an ambulatory health care facility in Hardy County, West Virginia. Capital Expenditure $390,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

October 26, 2026 - Hospice of the Panhandle, Inc., d/b/a Hospice of the Panhandle, CON File #26-8/9-13800-P, for the development of medical adult day care ("MADC") services in a four-county services area consisting of Berkeley, Hampshire, Jefferson, and Morgan counties in West Virginia. Capital Expenditure $1,354,450.

October 26, 2026 - Next Step IDD Solutions, LLC, CON File #26-2/3-13801-BH, for the development of community-based Intellectual/Developmental Disabilities Waiver (IDDW) services in Cabell, Wayne, Lincoln, Mason, and Putnam counties in West Virginia. Capital Expenditure $1,850.

October 26, 2026 - Wetzel County Hospital, CON File #26-10-13798-P, for the development of an ambulatory health care facility in Wetzel County, West Virginia, through the relocation of certain services from the hospital campus to an off campus location. Capital Expenditure $132,000.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

October 26, 2026 - Thomas Memorial Hospital, THS Physician Partners, Inc., CON File #26-3-13793-P, for the development of an ambulatory health care facility in Charleston, Kanawha County, West Virginia through the acquisition Of the assets of a physician office and the employment or contracting of the physician and Staff. Capital Expenditure $451 ,000.

October 30, 2026 - Hospice of the Panhandle, Inc., d/b/a Hospice of the Panhandle, CON File #26-8/9-13800-P, for the development of medical adult day care ("MADC") services in a four-county services area consisting of Berkeley, Hampshire, Jefferson, and Morgan counties in West Virginia. Capital Expenditure $1,354,450.

October 30, 2026 - Wetzel County Hospital, CON File #26-10-13798-P, for the development of an ambulatory health care facility in Wetzel County, West Virginia, through the relocation of certain services from the hospital campus to an off campus location. Capital Expenditure $132,000.

PROJECTS EXEMPT FROM REVIEW

October 26, 2026 - AMENDED Allness Health Corporation, CON File #24-1-12936-X, for the provision of becoming a Licensed Behavioral Health Center (LBHC) to be located at 182 Harper Road, Beckley, Raleigh County, West Virginia. On November 25, 2024, an amended request was submitted to the Authority for a correction of the address for the project. The correct address is 1842 Harper Road, Beckley, Raleigh County, West Virginia. On April 3, 2025, the Authority received an amended request to change the name and address on the above reference project to Physician Associates, PLLC located at 1828 Harper Road, Beckley, Raleigh County, West Virginia.The Authority corrected the exemption on April 21, 2025 reflecting the above change. On April 27, 2026, the Authority received a request to change the name from Beckley Area Medical Clinic to Allness Health Corporation with the same address and services being provided. The Authority received an amended request dated September 25, 2026, requesting the name of the facility Physician Associates, PLLC with no change in location of 1828 Harper Road, Beckley, Raleigh County, West Virginia.

October 26, 2026 - Jacob's Ladder at Brookside Farm, LLC, CON File #26-8-13789-X, for the provision of providing outpatient behavioral health services and substance abuse disorder treatment to be located at 2880 Fried Meat Ridge Road, Keyser, Mineral County, West Virginia.

October 26, 2026 - Potomac Highlands Guild, Inc., CON File #26-8-13811-X, for the provision of providing OBMAT Mobile Unit at 11532 Northwestern Turnpike, Augusta, Hampshire County, West Virginia.

October 26, 2026 - PursueCare, LLC and XRHealth, Inc., CON File #26-9-13799-X, for the acquisition of PursueCare, LLC by XRHealth, Inc.. No change is the service that is currently being provided.

October 26, 2026 - Safe Space Therapy, LLC, d/b/a Focused WV, CON File #26-7-13792-X, for the provision of providing outpatient community-based behavioral health services with an office location of 23 South Fork Plaza Drive, Buckhannon, Upshur County, West Virginia.

October 26, 2026 - Westbrook Health Services, Inc., CON File #26-10-13803-X, for an additional office located at 425 South 4th Avenue, Rooms 10-A and 13, Paden City, Tyler County, West Virginia.

Further information may be obtained on any of the above-referenced projects by contacting The West Virginia Healthcare Authority Staff at 304.558.7000.

OTHER