



**WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

STATE CAPITOL

CHARLESTON, WEST VIRGINIA 25305

February 1, 2017

West Virginia Legislature
State Capitol
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairpersons of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or recommend rejection has been drafted by the staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:

Agriculture, Department of
Dangerous Wild Animals, 61CSR30

Agriculture, Department of
Livestock Care Standards, 61CSR31

Barbers and Cosmetologists, W.Va. Board of
Licensing Schools of Barbering, Cosmetology, Nail Technology and Aesthetics,
3CSR3

DEP - Air Quality Board
Alternative Emission Limitations During Startup, Shutdown and Maintenance
Operations, 45CSR1

DEP - Air Quality Board
Ambient Air Quality Standards, 45CSR8

DEP - Air Quality Board
Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Admin. Updates, Temporary Permits, General Permits, Permission to Commence Construction and Procedures for Evaluation, 45CSR13

DEP - Air Quality Board
Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality, 45CSR14

DEP - Air Quality Board
Standards of Performance for New Stationary Sources, 45CSR16

DEP - Air Quality Board
Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45CSR25

DEP - Air Quality Board
Emission Standards for Hazardous Air Pollutants, 45CSR34

DEP - Secretary's Office
Voluntary Remediation and Redevelopment Rule, 60CSR3

DEP - Water and Waste Management
Awarding of Matching Grants for Local Litter Control Programs, 33CSR41

Insurance Commission
Adoption of Valuation Manual, 114CSR98

Natural Resources, Division of
Point System for the Revocation of Hunting - Repeal, 58CSR24

Physical Therapy, W.Va. Board of
Fees for Physical Therapist and Physical Therapist Assistant, 16CSR4

The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:

Agriculture, Department of
Animal Disease Control, 61CSR1

Agriculture, Department of
Captive Cervid, 61CSR34

Architects, W.Va. Board of
Registration of Architects, 2CSR1

Athletic Commission, W.Va. State
Administrative Rules of the WV State Athletic Commission, 177CSR1

Athletic Commission, W.Va. State
Regulation of Mixed Martial Arts, 177CSR2

Auditor, W.Va. State Auditor
Procedure for Local Levying Bodies to Apply for Permission to Extend Time to
Meet as Levying Body, 155CSR8

Barbers and Cosmetologists, W.Va. Board of
Qualifications, Training, Examination and Certification of Instructors in Barbering
and Cosmetology, 3CSR2

Barbers and Cosmetologists, W.Va. Board of
Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail
Technology and Aesthetics, 3CSR4

Barbers and Cosmetologists, W.Va. Board of
Operation of Barber, Beauty, Nail and Aesthetic Shops/Salons, and Schools of
Barbering and Beauty Culture, 3CSR5

Barbers and Cosmetologists, W.Va. Board of
Schedule of Fees, 3CSR6

Barbers and Cosmetologists, W.Va. Board of
Barber Apprenticeship, 3CSR13

Counseling, W.Va. Board of Examiners in
Licensed Professional Counselor Fees, 27CSR2

Counseling, W.Va. Board of Examiners in
Licensed Professional Counselor License Renewal and Continuing Professional
Education Requirements, 27CSR3

Counseling, W.Va. Board of Examiners in
Marriage and Family Therapists Fees 27CSR9

Counseling, W.Va. Board of Examiners in
Marriage and Family Therapist License Renewal and Continuing Professional
Education Requirements, 27CSR10

Dangerous Wild Animals, W.Va. Board of
Dangerous Wild Animals, 74CSR1

Dentistry, W.Va. Board of
Rule for the WV Board of Dentistry, 5CSR1

Ethics Commission, W.Va. State
Private Gain, 158CSR6

Fire Marshall, W.Va. State
Regulation of Fireworks and Related Explosive Materials, 103CSR4

Governor's Committee on Crime, Delinquency and Correction
Law Enforcement Training and Certification Standards, 149CSR2

Governor's Committee on Crime, Delinquency and Correction
William R. Laird IV - Second Chance Driver's License Program, 149CSR9

Health and Human Resources, WV Department of
Clinical Laboratory Technician and Technologist Licensure and Certification,
64CSR57

Health and Human Resources, WV Department of
Clandestine Drug Laboratory Remediation, 64CSR92

Health and Human Resources, WV Department of
Expedited Partner Therapy, 64CSR103

Health and Human Resources, WV Department of
Medication - Assisted Treatment - Opioid Treatment Programs, 69CSR11

Health and Human Resources, WV Department of
Medication - Assisted Treatment - Office - Based Medication Assisted Treatment,
69CSR12

Health Care Authority, W.Va. State
Exemption From Certificate of Need, 65CSR29

Health Care Authority, W.Va. State
Rural Health Systems Grant Program, 65CSR30

Health Care Authority, W.Va. State
Hospital Assistance Grant Program, 65CSR31

Health Care Authority, W.Va. State
Certificate of Need Rule, 65CSR32

Lottery Commission, W.Va. State
Limited Video Lottery, 179CSR5

Medicine, WV Board of
Licensing and Disciplinary Procedures: Physicians; Podiatrists, 11CSR1A

Medicine, WV Board of
Licensure, Disciplinary and Complaint Procedures, Continuing Education,
Physician Assistants, 11CSR1B

Medicine, WV Board of
Dispensing of Legend Drugs by Practitioners, 11CSR5

Miners' Health, Safety and Training, W.Va. Office of
Certification, Recertification and Training of EMT-Miners and the Certification of
EMT-M Instructors, 56CSR22

Natural Resources, WV Division of
Revocation of Hunting and Fishing Licenses, 58CSR23

Natural Resources, WV Division of
Special Waterfowl Hunting, 58CSR58

Natural Resources, WV Division of
Commercial Sale of Wild Life, 58CSR63

Natural Resources, WV Division of
Miscellaneous Permits and Licenses, 58CSR64

Optometry, W.Va. Board of
Continuing Education, 14CSR10

Osteopathic Medicine, W.Va. Board of
Licensing Procedures for Osteopathic Physicians, 24CSR1

Osteopathic Medicine, W.Va. Board of
Osteopathic Physician Assistants, 24CSR2

Pharmacy, WV Board of
Licensure and Practice of Pharmacy, 15CSR1

Pharmacy, WV Board of
Mail-Order and Non-Resident Pharmacies, 15CSR6

Pharmacy, WV Board of
Controlled Substances Monitoring Program, 15CSR8

Public Service Commission, W.Va.
Telephone Conduit Occupancy, 150CSR37

Racing Commission, W.Va.
Thoroughbred Racing, 178CSR1

Racing Commission, W.Va.
Pari-Mutuel Wagering, 178CSR5

Registered Professional Nurses, W.Va. Board of Examiners for
Requirements for Registration and Licensure and Conduct Constituting
Professional Misconduct, 19CSR3

Registered Professional Nurses, W.Va. Board of Examiners for
Limited Prescriptive Authority for Nurses in Advanced Practice, 19CSR8

Risk and Insurance Management, W.Va. State Board of
Mine Subsidence Insurance, 115CSR1

Risk and Insurance Management, W.Va. State Board of
Patient Injury Compensation Fund, 115CSR7

Sanitarians, W.Va. State Board of
Practice of Public Health Sanitation, 20CSR4

Secretary of State
Voter Registration at the Division of Motor Vehicles, 153CSR3

Secretary of State
Voter Registration List Maintenance by the Secretary of State, 153CSR5

Social Work, W.Va. Board of
Continuing Education for Social Workers and Providers, 25CSR5

Speech-Language Pathology and Audiology, WV Board of Examiners for
Licensure of Speech-Pathology and Audiology, 29CSR1

Treasurer's Office, W.Va. State
Procedures for Deposit of Monies with the State Treasurer's Office by State
Agencies, 112CSR4

Treasurer's Office, W.Va. State
Selection of State Depositories for Disbursement Accounts through Competitive
Bidding, 112CSR6

Treasurer's Office, W.Va. State
Selection of State Depositories for Receipt Accounts, 112CSR7

Treasurer's Office, W.Va. State
Procedures for Processing Payments from the State Treasury, 112CSR8

Treasurer's Office, W.Va. State
Procedure for Fees in Collections by Charge, Credit or Debit Card or by Electronic
Payment, 112CSR12

Treasurer's Office, W.Va. State
Procedures for Providing Services to Political Subdivisions, 112CSR13

Veterinary Medicine, W.Va. Board of
Standards of Practice, 26CSR4

The Committee submits the following legislative rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was approved by the Committee with the modifications and with the recommendation that the rule be authorized for adoption by the agency with amendments:

Auditor, W.Va. State
Standards for Requisitions for Payment Issued by State Officers on the Auditor,
155CSR1

Barbers and Cosmetologists, W.Va. Board of
Continuing Education, 3CSR11

The Committee submits the following legislative rule in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the rule be rejected:

Barbers and Cosmetologists, W.Va. Board of
Waxing Specialist, 3CSR14