

## Form #6

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Taunja Willia Miller, Secretary  
Department of Health and Human Resources

## Office of the Chief Medical Examiner

Fees established by rule 64CSR84 (Medical Examiner Rule for Postmortem Inquiries) and 64CSR51(Division of Health Fees for Services Rule).

- 1) **Staff Testimony** (or deposition) out of the office: \$300/hr. or fraction thereof, for total time away from the office, up to \$2400/day maximum.(64CSR84.26).
- 2) **Deposition**, in office: \$150/hr or fraction thereof (64CSR84.26).
- 3) **Consultation**, in office: \$100/hr, or fraction thereof (64CSR84.26).
- 4) **Use of autopsy suite**: \$300/hr, or fraction thereof (64CSR84.25).
- 5) **Use of OCME Office for deposition**: \$100/hr. or fraction thereof (64CSR84.25).
- 6) **Histology Services**,: fashioning micro slides: \$25 per slide (64CSR84.21.8.c).
- 7) **Copying x-rays**: \$25/film (64CSR51.4.3 & 4.4).
- 8) **Photocopying, duplication, etc.**: 25¢ per page (64CSR51.4.3 & 4.4).
- 9) **Autopsy Reports**: \$200 per case (64CSR84.19.7) Except as specified in 64CSR84.19.7a.1 through 64CSR84.19.7a.5.
- 10) **Medicolegal Investigation Training Course**: \$50 to \$150 per attendee based on location and associated services required (64CSR84.4.3).
- 11) **Cremation Permits**: \$25 per case (64CSR84.13.8).

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

[PROPOSED]

TITLE 64

WEST VIRGINIA LEGISLATIVE RULES

FEES FOR SERVICES

SERIES 51

1991

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Modifications requested by the  
Legislative Rule-Making Review Committee

[PROPOSED]  
WEST VIRGINIA LEGISLATIVE RULES

FEES FOR SERVICES

64 CSR 51

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[PROPOSED]  
TITLE 64  
WEST VIRGINIA LEGISLATIVE RULES

SERIES 51  
FEES FOR SERVICES

§ 64-51-1. General

1.1. Scope - This legislative rule establishes reasonable fees for services provided by the division of health and local boards of health. This legislative rule does not supersede other rules which establish fees for services.

1.2. Authority - W. Va. Code §§16-1-21, 29-1H-6 and 29B-1-3

1.3. Filing Date -

1.4. Effective Date -

1.5. Public Hearing - June 22, 1990

1.6. Final Approval - This rule was approved by the director of the division of health on January 4, 1991.

§64-51-2. Application and Enforcement

2.1. Application - This rule applies to persons receiving services from the division of health or from local boards of health as created in W. Va. Code §§16-2-1 et seq. or 16-2A-1 et seq. and also applies to such local boards of health.

2.2. Enforcement - This rule is enforced by the director of the West Virginia division of health or his or her lawful designee.

§64-51-3. Definitions

3.1. Ambulatory Surgical Facility - A facility which provides surgical treatment to patients not requiring hospitalization. This definition does not include the legally authorized practice of surgery by any one or more persons in the private office of any health care provider.

3.2. Asbestos - The asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite, and which material contains more than one (1) percent asbestos by weight.

3.3. Asbestos Abatement - Procedures to control fiber release from asbestos-containing materials. These procedures include removal, encapsulation, enclosure, repair, demolition, renovation, and similar activities.

3.4 Behavioral Health Center - An organization that provides behavioral health services, including all of its locations.

3.5. Behavioral Health Services - Those services intended to help individuals gain or regain the capacity to function adaptively in their environment, to care for themselves and their families, and to be accepted by society. This includes services to individuals with emotional or mental disorders, alcohol or drug abuse problems, and mental retardation or other developmental disabilities.

3.6. Bottled Water - Any natural or artificial mineral, spring, well, distilled or other water bottled or containerized for use primarily as drinking water.

3.7. Director - The director of the West Virginia division of health.

3.8. Drinking Water - Water free from biological, chemical, physical and radiological contaminants which cause disease or harmful physiological effects.

3.9. Generator - A person whose activity results in the production of low-level radioactive waste requiring long-term storage and disposal.

3.10. Health Programs - Community-oriented strategies and activities devised by a local health department to address an identified community health problem, the solution of which will lower a morbidity or mortality statistic.

3.11. Hospital - Any institution, place, building or agency in which an accommodation of five (5) or more beds is maintained, furnished or offered for the hospitalization of the sick or injured.

3.12. Innovative/Alternative Type Sewage System - A method of sewage disposal for a single family dwelling or establishment for which design standards have been prepared and listed in the Sewage Treatment and Collection System Design Standards, 64 CSR 47, as an innovative or alternative system.

3.13. Local Board of Health - A county, municipal, or combined board of health created under W. Va. Code §§16-2-1 et seq. or 16-2A-1 et seq.

3.14. Low-Level Radioactive Waste - Radioactive waste that:

a. Is neither high-level waste or transuranic waste, nor spent nuclear fuel, nor by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of 1954 (42 U.S.C. §2014(e)) as amended; and

b. Is classified by the federal government as low-level waste, consistent with existing law; but does not include waste generated as a result of atomic energy defense activities of the

federal government, as defined in Public Law 96-573 (42 U.S.C. §2021b), or federal research and development activities.

3.15. **Municipal Sewer System** - A system or group of systems as a whole which receives sewage from more than one (1) dwelling or establishment and is operated and maintained by an incorporated municipality, or public service district or sanitary board.

3.16. **Nursing Home** - Any institution, residence or place, or any part or unit thereof, however named, which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing accommodations and care, for a period of more than twenty-four (24) hours, for three (3) or more persons who are ill or otherwise incapacitated and in need of extensive on-going nursing care due to physical or mental impairment or which provides services for the rehabilitation of persons who are convalescing from illness or incapacitation.

3.17. **Permit** - As used in this rule, a written document issued by the director giving a designated person permission to:

a. Construct, operate, alter or renovate a specific public water system, or bottled water plant;

b. Construct, install, extend, alter or operate an approved sewer system or method of sewage disposal, or to collect, remove, transport or dispose of sewage; or

c. Construct, alter or renovate a swimming pool or to operate such facility.

3.18. **Person** - An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency or any other entity recognized by law.

3.19. **Personal Care Home** - Any institution, residence or place, or any part or unit thereof, however named, which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing accommodations and personal assistance, for a period of more than twenty-four (24) hours, to three (3) or more persons who are dependent upon the services of others by reason of physical or mental impairment but who do not require extensive, on-going nursing care.

3.20. **Professional Health Services** - Therapeutic interventions of assessment, counseling, screening, diagnosis or treatment of health problems by physicians, physician's assistants, dentists, registered nurses, dieticians, health educators, master's prepared social workers or other currently licensed health care professionals in the state of West Virginia who are employed by the local health department.

3.21. **Public Sewer System** - A sewage collection system or systems with or without treatment facilities and serving more than one (1) dwelling or establishment. Ownership of the system is held by and maintenance performed by a single entity. This definition includes municipal sewer systems.

3.22. **Public Water System** - Any water system or supply which regularly supplies or offers to supply piped water to the public for human consumption, if serving at least an average of twenty-five (25) individuals per day for at least sixty (60) days per year, or which has at least fifteen (15) service connections, and includes: (1) any collection, treatment, storage, and distribution facilities under the control of the owner or operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system does not include a system which meets all of the following conditions: (1) which consists only of distribution and storage facilities (and does not have any collection and treatment facilities); (2) which obtains all of its water from, but is not owned or operated by a public water system which otherwise meets the definition; (3) which does not sell water to any person; and (4) which is not a carrier conveying passengers in interstate commerce.

3.23. **Residential Board and Care Home** - Any institution, residence or place, or any part thereof, however named, which is advertised, offered, maintained or operated by the ownership or management, whether for consideration or not, for the express or implied purpose of providing accommodations and personal assistance, for a period of more than twenty-four (24) hours, to no fewer than three (3) and no more than eight (8) persons who are dependent upon the services of others by reason of physical or mental impairment but who are capable of self-preservation and do not require nursing care.

3.24. **Sewage** - Any excreta or liquid waste containing animal, vegetable, or mineral matter in suspension or solution including, but not limited to, waste from water closets, urinals, lavatories, bathtubs, laundry tubs, washing machines, drinking fountains, sinks, kitchen equipment and other sanitary fixtures or facilities.

3.25. **Sewage Holding Tank** - A watertight receptacle designed and constructed to receive and retain untreated or partially treated sewage on a temporary basis. This does not include septic tanks, portable toilets or privies.

3.26. **Sliding Fee Scale** - A set of varying amounts (percentages of the maximum fee) to be charged for services to individuals receiving varying levels of income.

3.27. **Swimming Pool** - Any artificial basin, chamber, or tank used or intended to be used by the public for swimming,



diving or recreational type bathing. The term "swimming pool" does not include baths where the main purpose is cleaning the body, nor individual type therapeutic tubs or tanks. Swimming pools are classified according to the following:

a. Recirculation Type - A pool from which the water is withdrawn, treated, and returned to the pool;

b. Fill and Draw Type - A pool to which water is added, used for a period, then discarded; and

c. Flow Through Type - A pool to which water is added continuously thereby replacing and causing water to overflow to waste.

3.28. Water Well - Any excavation or penetration in the ground, whether drilled, bored, cored, driven or jetted that enters or passes through an aquifer for purposes that may include, but are not limited to: a water supply, exploration for water, dewatering or heat pump wells, except that this definition does not include ground water monitoring activities and all activities for the exploration, development, production, storage and recovery of coal, oil and gas and other mineral resources which are regulated under W. Va. Code, Chapters 22, 22A or 22B.

#### \$64-51-4. Fees Generally

4.1. Authority to Assess and Collect Fees - The director of the division of health and local boards of health may assess and collect the fees listed in the appendices to this rule for the provision of services. Except as specified in Sections 4.2, 5.2 and 9.2 of this rule, the director and local boards of health may require payment of fees in advance for services.

4.2. Exemption from Fees Generally - No individual may be denied health care services because of the inability of the individual to pay for services when services are provided to similarly situated individuals who have the ability to pay for them.

4.3. Fees for Copies of Public Records - Copies of public records which may be disclosed may be furnished at a charge of twenty-five cents (25¢) per page on 8½ x 11" or 8½ x 14" paper. Copies of documents produced on larger paper may be furnished at actual cost, which includes but is not limited to materials, operator's time, and transportation and delivery charges. Copying fees may be required to be paid before issuance of the copies.

4.4. Fee for Record Searches and Compilation of Information - Requests for information estimated to require more than ten (10) minutes to search records or to compile may be charged at the rate of twenty-five dollars (\$25) per hour, and payment may be required before issuance of the information.

4.5. Fee for Address Label Printing - When the service provided is printing mailing labels of licensees, permit holders, or other persons, the fee shall be at the rate of ten cents (10¢) per label.

**\$64-51-5. Laboratory Service Fees**

5.1. Laboratory Services for Which a Fee May be Charged - Except as provided in Section 5.2 of this rule, the director may charge a fee for each test or group of tests listed in Appendix 64-51-1 of this rule for bacteriological and chemical analyses of environmental potable water samples and may charge the fees listed in Appendix 64-51-1 of this rule for the certification of laboratories to conduct drinking water tests.

5.2. Exemption from Laboratory Fees - Fees shall not be charged when:

a. Laboratory tests are authorized by the director as part of an epidemiological investigation or the charging of the fee would significantly and adversely affect the public health;

b. Tests on second or additional specimens are required by the director because of the inability to make or complete a test, or because the testing operation or procedure is unsatisfactory for any reason;

c. Specimens are determined to be unsatisfactory for testing at the time of submission; or

d. The exemption of fees provision of Section 4.2 of this rule applies.

**\$64-51-6. Environmental Health Fees**

The director may charge a fee for each environmental health service listed in Appendix 64-51-2 of this rule.

**\$64-51-7. Health Facility Fees**

The director may charge a fee for each service provided to health facilities listed in Appendix 64-51-3 of this rule.

**\$64-51-8. Epidemiology and Health Promotion Fees [Reserved]**

**\$64-51-9. Fees for Services Provided by Local Boards of Health**

9.1. Services for Which a Local Board of Health May Propose Fees - Except as provided below, a local board of health may propose fees for all its services, including but not limited to professional health services, screenings, injections, assessments, counseling done for health-related issues, classes which teach healthy habits, lifestyles, or maintenance of health when there is a preexisting disease condition present, case management

on behalf of patients whether in the home, clinic or through written and oral communications by letter or phone, and inspections.

9.2. Exception from Local Board of Health Fees - The public health mission to provide first for general community safety means that fees for service will not be charged to individuals in the following circumstances:

a. In the case of a community epidemic, natural disaster, civil upheaval, toxic contamination, and other like situations where common good is at issue;

b. In the case of individuals seeking medical evaluation, treatment or epidemiologic follow-up, including administrative costs, associated with sexually transmitted disease and tuberculosis; or

c. In the case where the exemption from fees provision of Section 4.2 of this rule applies.

9.3. Basis for Fees - Local board of health maximum fees may be based on the actual cost of service delivery plus administrative overhead. Administrative overhead may include but is not limited to: 1) salaries and wages; 2) other direct costs; and 3) that portion of the general and administrative costs, to include the administrator, secretaries, clerks, depreciation and other overhead expenses, which contributes to the delivery of the service.

9.4. Fee Proposals By Local Boards of Health - A local board of health proposing to charge fees under this rule shall approve a budget plan and program document including:

a. Proposed health programs as defined in Section 3.10 of this rule;

b. An accounting of fee collections in the previous fiscal year and in the current fiscal year, and projected fee collections in the remainder of the current fiscal year and during the next fiscal year;

c. A proposed schedule of fees; and

d. A proposed sliding fee scale to be implemented by the local board. The sliding fee scale may be based on annual federal poverty level guidelines as published by the division of health for other programs or on an alternative system proposed by a local board of health for providing services at a reduced fee based on an individual's ability to pay.

9.5. Posting of Proposed Fees - After a local board of health's adoption of a proposed schedule of fees and sliding fee scale, the board shall post, publish or otherwise inform the

public living in the area served by the board of such proposal and allow for a thirty (30) day comment period.

9.6. Submission of Proposal for Approval - A local board of health proposing to charge fees shall submit to the director of the division of health:

a. A budget plan and program document including the information required in Section 9.4 of this rule;

b. A copy of the posted notice of such proposed fees and a description of the public notice process;

c. A copy of comments received on the proposed fees; and

d. A response to such comments.

9.7. Emergency Fees - Establishment of fees other than in accordance with Section 9.6 of this rule may be accomplished only upon petition by the local board of health to the director in response to an emergency.

9.8. Approval or Rejection of Fees of Local Boards of Health by the Director of Health - The director shall approve or reject a local board of health's budget plan and program document and fees proposed. If there is a rejection, the local board of health shall be allowed to propose a revision. Approval by the director of the proposed fees shall be in the form of an order filed with the secretary of state as an appendix to this rule, and the local board of health may charge the approved fees upon such filing. The director shall provide a copy of such order to the local board of health.

9.9. Notice of Free Care - Signs shall be prominently displayed in a public health clinic in as many languages as a substantial number of patients speak, as well as signs in pictures for those who do not read, that inform the public that services related to sexually transmitted disease and tuberculosis, and other health care services in the public health clinic may not be denied for inability to pay.

9.10. Local Board of Health Account - All local board of health fees collected together with accounting documentation will be deposited with the treasurer of the county or municipality and used only for funding local board of health programs.

9.11. Annual Audits - Local boards of health are subject to annual audits by the state tax commissioner under W. Va. Code §6-9-7.

§64-51-10. Administrative Due Process - Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the Rules of Proce-

dure for Protested Case Hearings and Declaratory Rulings, 64 CSR 1. In the case of a request for a hearing on a local board of health fee, the director may direct the local board of health to conduct the hearing.

§64-51-11. Severability - The provisions of this rule are severable. If any provisions of this rule are held invalid, the remaining provisions shall remain in effect.

## Appendix 64-51.1. Laboratory Service Fees

## 1. Fees for Environmental Chemistry Laboratory Service

## A. Inorganic Chemicals/Miscellaneous Individual Tests

Arsenic	\$10.00
Barium	10.00
Cadmium	10.00
Chromium	10.00
Lead	10.00
Selenium	10.00
Silver	10.00
Mercury	12.00
Iron	12.00
Manganese	12.00
Copper	12.00
Zinc	12.00
Sodium	12.00
Calcium	12.00
Magnesium	12.00
Surfactants	12.00
Potassium	12.00
Aluminum	12.00
Nitrate	10.00
Fluoride	8.00
Alkalinity Methyl Orange/ Phenolphthalein	4.00
Chlorides	4.00
Hardness	4.00
pH	4.00
Total Dissolved Solids	4.00
Sulfates	12.00
Conductivity	8.00
Chlorine Residual: Free	8.00
Chlorine Residual: Total	8.00
Hydrogen Sulfide	12.00
Turbidity	5.00

B. Tests to meet Environmental Protection Agency  
Minimum inorganic compliance requirements for public  
water supplies: arsenic, barium, cadmium, chromium,  
fluoride, lead, mercury, selenium, silver, and  
nitrates

\$100.00

C. Tests to meet West Virginia Secondary contam-  
inants compliance requirements for public water  
supplies: pH, copper, manganese, sodium, aluminum,  
alkalinity, hardness, iron

\$72.00

## D. Tests for Organic Chemicals

Pesticides: Endrin, Lindane, Methoxychlor, and  
Toxaphene \$175.00

Herbicides: 2,4-Dichlorophenoxyacetic Acid (2,4D)  
and 2-(2,4,5-Trichlorophenoxy) Propi-  
onic Acid (2,4,5-TP/Silvex) \$175.00

2. Fees for Environmental Microbiology Laboratory  
Service Water Specimens \$10.00

3. Fees for Certification of Laboratories to Conduct  
Drinking Water Tests: Certification to perform  
laboratory testing on water to meet state and  
Environmental Protection Agency requirements  
under the Safe Drinking Water Act.\*

## A. Chemical Testing

1. Inorganic Tests \$500.00
2. Trihalomethanes and Volatile Organic  
Compounds 500.00
3. All Other Organic Tests 500.00

B. Microbiological Testing \$500.00

\*Laboratories located outside the borders of West  
Virginia will be assessed the certification fee for  
the test(s) approved and will be required to pay all  
reasonable expenses required for an on-site inspection.

## Appendix 64-51.2. Environmental Health Services Fees

## 1. Water Systems, Sewage Systems and Swimming Pools

A. Construction/Installation Permits	
Public Water System Project	\$ 300.00
Public Sewer System or Facility Project	300.00
Public Swimming Pool Project	200.00
Sewage Holding Tank Project	1,000.00
On-Site Innovative/Alternative Type Sewage System	150.00
B. Water Well Permits (New Construction)	
Public Water System	\$150.00

## 2. Bottled Drinking Water/Water Vending Machine Permits

A. Producers and Distributors, Annually	\$100.00
B. Vending Machines, Annually	\$100.00
Plus per machine	10.00

## 3. Diagnostic X-Ray Machine Registration

A. Hospital: First tube/each additional tube	\$225.00/\$20.00
B. Dental: First tube/each additional tube	55.00/20.00
C. Other (e.g., ambulatory healthcare facilities, ambulatory surgical facilities, mobil vans, schools, offices of chiropractors, physicians, podiatrists and veterinarians):	
First tube/each additional tube	175.00/20.00

## 4. Asbestos Abatement

A. Training Accreditation	
Course Approval	
Per discipline/maximum	\$1000.00/\$3000.00
Review Course Approval	500.00
B. Notification - Inspection of Projects	
Class I: 10-100 linear ft. or 50-200 sq. ft.	\$ 50.00
Class II: 101-1000 linear ft. or 201-2000 sq. ft.	200.00
Class III: 1001-3000 linear ft. or 2001-4000 sq. ft.	500.00
Class IV: Annual Industrial Facility	1500.00

## 5. Annual Low-Level Radioactive Waste Generator or Storer Fee (Maximum)

\$12,500.00



## Appendix 64-51-3. Maximum Health Facility Fees

## 1. Site Inspections for New Construction or Major Renovation

A. Hospitals	\$300.00
B. Ambulatory Surgical Centers	250.00
C. Nursing Homes	300.00
D. Personal Care Homes	250.00
E. Residential Board and Care Homes	150.00
F. Behavioral Health Center Locations	150.00

## 2. Architect's Review of Plans

A. Hospitals	
New Hospitals and Major Additions	\$500.00
Minor Additions and Renovations	300.00
B. Ambulatory Surgical Centers	\$300.00
C. Nursing Homes	
New Homes and Major Additions	\$350.00
Minor Additions and Renovations	200.00
D. Personal Care Homes	
New Home and Major Additions	\$250.00
Minor Additions and Renovations	150.00
E. Residential Board and Care Homes	\$150.00
F. Behavioral Health Center Group Homes	\$150.00
G. Overtime Review Requested by Facility (Per hour)	\$50.00

## 3. Inspection of New Projects Prior to Opening

A. Hospitals	\$300.00
B. Ambulatory Surgical Centers	250.00
C. Nursing Homes	300.00
D. Personal Care Homes	250.00
E. Residential Board and Care Homes	150.00
F. Behavioral Health Center Locations	150.00

Appendix 64-51.4. Epidemiology and Health Promotion  
Fees [Reserved]

Appendix 64-51-5. Local Board of Health Fees [Reserved]

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

A. RENEE COE  
Deputy Secretary of State

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## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

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*Fees for Services*

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

(Plus all the volunteer  
help we can get)

TO: Kay Howard

AGENCY: Health

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 51 TITLE: 64 Health

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Kay Howard

TITLE OF PERSON SIGNING: Quicks, Regulatory Development

DATE: 7/15/92

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.