

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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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: Division of Health TITLE NUMBER: 64

CITE AUTHORITY W. Va. Code §§16-2H-2(d) and 16-2H-3

AMENDMENT TO AN EXISTING RULE: YES___ NO X


IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 71

TITLE OF RULE BEING PROPOSED: Primary Care Center Seed Money Grants

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



W. Donald Weston, M.D.
Acting Secretary

FISCAL NOTE FOR PROPOSED RULES

RECEIVED

1992 SEP -3 11:12

Rule Title: Primary Care Seed Money Grants

Type of Rule: X Legislative Interpretive Procedural

Agency Department of Health and Address Building 3, Capitol Complex
Human Resources Charleston, W. Va. 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$1,000,000	\$1,000,000	\$1,000,000
Personal Services			68,724	68,724	68,724
Current Expense			931,276	931,276	931,276
Repairs and Alterations			-0-	-0-	-0-
Equipment			-0-	-0-	-0-
Other			-0-	-0-	-0-

2. Explanation of above estimates.

Personal Services

Director (.5 FTE)	\$	17,500
Tech. Asst. II (1 FTE)		21,612
Tech. Asst. II (1 FTE)		21,612
Secretary (.5 FTE)		8,000

Current Expense

Fringe Benefits	29,118
Other Expenses	2,158
Grants	900,000
TOTAL	\$1,000,000

The Legislature appropriated \$1,000,000 for the primary care support program in the budget bill, S.B. 20. The Legislature specified its intent in the budget digest that \$100,000 could be expended for funding employee salaries and benefits for the Primary Care Support Program of the Division of Health.

3. Objectives of these rules:

This proposed new legislative rule establishes general standards and procedures for awarding seed money grants and technical assistance to assist nonprofit, community-based organizations with the creation of new primary care, preventive care and health education services. These grants are intended to stimulate the provision of new primary care services, including health education and promotion programs, throughout the State.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

The grant program regulated by this rule will require annual funding from the general revenue fund for grant awards and program administration.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens.


The grant program will benefit non-profit organizations which provide primary care services to their communities and will improve individual access to primary health care services.

C. Economic Impact on Citizens/Public at Large.

No direct impact. Increased access to primary health care services in the community may hold down the overall cost of health care and on a long-range basis prevention and education activities should reduce cost of health care.

Date August 20, 1992

Signature of Agency Head or Authorized Representative



W. Donald Weston, Acting Secretary
Department of Health and Human Resources

DATE: NOVEMBER 2, 1992

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: DIVISION OF HEALTH

LEGISLATIVE RULE TITLE: PRIMARY CARE CENTER SEED MONEY GRANTS

1. Authorizing statute(s) citation W. Va. Code §§16-2H-2(d)
and 16-2H-3

2. a. Date filed in State Register with Notice of Hearing:

September 9, 1992

b. What other notice, including advertising, did you give of the hearing?

Notice was sent to primary care centers, hospitals, and
various professional associations.

c. Date of hearing(s): Public Comment Period September 9,
1992 through October 9, 1992

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

November 2, 1992

f. Name and phone number of agency person to contact for additional information:

Kay Howard - 558-3223

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: _____ N/A _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached _____ N/A _____

RULE ABSTRACT

Agency: Department of Health and Human Resources

Rule Title: Primary Care Seed Money Grants

CSR Title and Series: 64 CSR 71

Type: Legislative

Summary: This proposed new legislative rule establishes general standards and procedures for awarding seed money grants and technical assistance to assist nonprofit, community-based organizations with the creation of new primary care, preventive care and health education services. These grants are intended to stimulate the provision of new primary care services, including health education and promotion programs, throughout the State.

No specific project will be entitled to receive grants for more than three years. Ten percent of the grants awarded are mandated to support the development of community-based preventive services and health education which are not required to be self-supporting at the conclusion of the grant period. Applicants are encouraged to form a consortium of no more than five organizations within the service area. This rule has been developed to comply with W. Va. Code §16-2H-2(d) and W. Va. Code §16-2H-3, passed by the 1992 Legislature.

For further information contact: Charles Dawkins, Bureau of Public Health, Office of Community and Rural Health Services, Division of Primary Care and Recruitment, 1411 Virginia Street East, Charleston, West Virginia 25301, telephone 558-4007 or Regulatory Development Program, Department of Health and Human Resources, Capitol Complex, Charleston, WV 25305, telephone 558-3223.

[PROPOSED]

TITLE 64

WEST VIRGINIA ADMINISTRATIVE RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

PRIMARY CARE SEED MONEY GRANTS

Series 71

199__

For Filing with the Legislative
Rule-Making Review Committee

[PROPOSED]
WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH
PRIMARY CARE SEED MONEY GRANTS
64 CSR 71

TABLE OF CONTENTS

\$64-71-1.	General	1
\$64-71-2.	Application and Enforcement	1
\$64-71-3.	Definitions	1
\$64-71-4.	Applications	3
\$64-71-5.	Award Process	4
\$64-71-6.	Reporting	5
\$64-71-7.	Administrative Due Process	5
\$64-71-8.	Severability	6

[PROPOSED]
TITLE 64
WEST VIRGINIA ADMINISTRATIVE RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 71
PRIMARY CARE SEED MONEY GRANTS

§64-71-1. General.

1.1. Scope - This rule establishes standards and procedures for the awarding of seed money grants and technical assistance to help nonprofit, community-based organizations create new primary care services, including preventive services and health education, for people in their community. Seed money grants and technical assistance are provided from funds appropriated for this purpose by the State legislature.

1.2. Authority - W. Va. Code §16-2H-2(d) and 16-2H-3.

1.3. Filing -

1.4. Effective Date -

§64-71-2. Application and Enforcement.

2.1. Application - This rule applies to applicants for and recipients of seed money grants and technical assistance to help nonprofit, community-based organizations create new primary care services, including preventive services and health education, for people in their community.

2.2. Enforcement - This rule is enforced by the director of the division of health of the department of health and human resources.

§64-71-3. Definitions.

3.1. Community Involvement - Active participation from organizations including health care organizations and other community individuals or groups.

3.2. Community-Based - Located within the community or a surrounding contiguous area immediately adjacent to the community and having community members as a governing body.

3.3. Consortium - An association of two (2) or more entities, functioning under a set of written rules to which each entity (member) agrees to abide, for purposes of conducting joint actions to benefit each member.

3.4. Director - The director of the division of health of the department of health and human resources or his or her lawful designee.

3.4. Eligible Applicant - Nonprofit community based organi-

zation.

3.5. **Health Education** - A health promotion process which includes activities designed to increase the abilities of people to make informed decisions affecting their personal, family, and community well-being. Health education is designed to facilitate learning and behavioral change in both health personnel and consumers, including children and youth.

3.6. **Lead Agency** - The organization which is responsible for the primary care seed money grant application and the allocation of funds to consortium members in accordance with the conditions of the grant award.

3.7. **New Primary Care Service** - Primary care service which is not currently provided or is under-provided in a community.

3.8. **Nonprofit** - Registered with the secretary of state as a nonprofit organization and recognized as such for tax purposes or having filed an application for such designation.

3.9. **Preventive Services** - Services which are comprised of activities or events which are performed by health professionals to effect change in or for patients either clinically, educationally, or personally in order to thwart the onset of a health crisis, disease, or risk-enhancing lifestyle.

3.10. **Primary Care Service** - A health care, including medical, service which emphasizes first contact patient care and assumes overall and ongoing responsibility for the patient in both health maintenance and treatment of illness. Primary care involves a unique interaction between the patient and primary care physician and/or multi-disciplinary team under the supervision of a physician. The appropriate use of referrals and community resources is an important part of effective primary care. Such care is generally provided by a physician, but may be provided by other multi-disciplinary personnel such as nurse practitioners, physician assistants and nurse-midwives. The purpose of this interaction is to achieve comprehensive coordination of health care including educational, behavioral, biological, and social aspects of care. It is a patient care-oriented approach which emphasizes the continuity of care over the full spectrum of health services. It begins with patient assessment, wellness, and prevention through medical management, lifestyle modification, and health education. The primary care provider is the patient's advocate through the complex system of health care delivery. For purposes of this rule the term "primary care service" shall be interpreted to include preventive services and health education.

3.11. **Service Area** - The geographical area served by the applicant.

3.13. Technical Assistance - A program utilizing various clinical, administrative and educational expertise to assist applicants in the administration of their projects.

3.14. Unmet Need - A primary care service which is not being provided or which is under-provided in a given community, and for which there is a demonstrable demand.

\$64-71-4. Applications.

4.1. An application may be submitted by eligible applicants for the creation of new primary care services.

4.2. Applications shall be submitted by May 15 each year to the division on forms approved by the director.

4.3. Incomplete applications shall not be considered for grant awards. In the event of an incomplete application, the director may return the application with a request for additional information.

4.4. Applications shall be limited to:

4.4.1. One (1) per applicant; and

4.4.2. No more than one project per application, which may include more than one (1) related component.

4.5. Applications shall include the following:

4.5.1. The legal name, street address and mailing address of the organization or lead agency making the application;

4.5.2. The legal name, street address and mailing addresses of any other organization, entity or consortium member with which the applying organization contracts or is legally affiliated;

4.5.4. Information that demonstrates that the applicant is community-based;

4.5.5. Documentation of the organization's nonprofit tax status;

4.5.6. Documentation of the particular unmet need for primary care services that will be addressed in the community by the project;

4.5.7. Projection of the number of users to be served, and the costs attributable to such users during the grant period;

4.5.8. Documentation of the need for physical facility development or improvement and any equipment that is addressed in the application;

4.5.9. Identification of the projects consistency with goals and objectives of the division of health;

4.5.10. A detailed account, including a budget, of how the applicant's project will use financial and technical assistance from the primary care support program of the division of health and other sources to develop the primary, preventive or health education services within one (1) year that will be available to the public regardless of ability to pay; how the services provided under the project will continue to be funded once established and whether and how potential federal and charitable funds will be maximized;

4.5.11. Identification of projected revenue generated by the project, if applicable;

4.5.12. Identification of any in-kind support for the project;

4.5.13. A description of community involvement and support through linkages and cooperative efforts with other appropriate community resources or consortium members;

4.5.14. A statement of goals and measurable objectives for the project;

4.5.15. A description of the methods which will be used to evaluate the progress and outcome of the project; and

4.5.16. A description of how the project will be coordinated with local activities of the division of health, regional health advisory councils, the health care planning commission, medical schools, local health departments, primary care clinics and other public health agencies.

4.6. The director shall have the right to request additional information pertinent to the evaluation of an application.

4.7. Technical assistance will be provided to awarded projects by the division of health when available and only upon request.

\$64-71-5. Award Process

5.1. Grants shall be awarded for a period of one (1) year and may be renewed two (2) subsequent years for a period of one (1) year each. The division of health shall be under no obligation to fund any project for a period of more than one (1) year. Under no circumstances is a specific project entitled to receive grants for more than three (3) years.

5.2. Ten percent (10%) of the grants awarded are required to be used to support the development of community-based preven-

tive services and health education services which are not required to be self-supporting at the conclusion of the grant period.

5.3. The division of health shall have the right to limit the amount of the grant awarded to any applicant based on the availability of funds.

5.4. Preference shall be given to applications for projects which:

5.4.1. Satisfy unmet needs of the service area;

5.4.2. Involve the formation of a consortium with other community-based organizations when applying for grants. Such arrangements may not exceed five (5) organizations and must be within the applicant's service area. Organizations may involve like entities (horizontal), or different entities (vertical), and may be formed for such purposes as shared staffing or systems, joint purchasing of supplies or products, access to capital financing, and the proposal of new services;

5.4.3. Are consistent with goals and objectives of the division of health;

5.4.4. Do not duplicate services provided in the service area. The expansion of an under-provided service shall not be considered to be a duplication of services;

5.4.5. Are designed to become self-supporting within one (1) year.

5.4.6. Maximize funding from potential federal and charitable sources;

5.4.7. Demonstrate community involvement and support for the project;

5.4.8. Meet the most severe needs or serve the most people, compared to other applications under consideration; and

5.4.9. Have objectives which are measurable and relevant to the goals of the project.

\$64-71-6. Reporting - Recipients of grant awards shall provide reports on the grant project as requested by the director.

\$64-71-7. 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 Procedure for Contested Case Hearings and Declaratory Rulings, 64 CSR 1.

\$64-71-8. Severability - The provisions of this rule are severable. If any portion of this rule is held invalid, the remaining provisions remain in effect.

Discussion of Public Comments Received
Concerning the Proposed Rule,
Primary Care Center Seed Money Grants, 64 CSR 71

This proposed new legislative rule establishes general standards and procedures for awarding seed money grants and technical assistance to assist nonprofit, community-based organizations with the creation of new primary care, preventive care and health education services. These grants are intended to stimulate the provision of new primary care services, including health education and promotion programs, throughout the State.

A public comment period was held from September 9, 1992 through October 9, 1992. Copies of the two comments received are attached. Both commenters expressed support for the rule.

RECEIVED

SEP 29 1992

**REGULATORY DEVELOPMENT
SECTION**

141 Guard Drive
Princeton, WV 24740

September 25, 1992

Kay Howard
Regulatory Development
Room 204, Building 3
Capital Complex
Charleston, WV 25305

Dear Ms Howard: _____

Recently I have become aware of the magnitude of the problem of the citizens of our state who are unable to afford health care. I would like to go on record as supporting the proposed rule "Primary Care Center Seed Money Grants". Because of the need for more volunteer clinics particularly in areas that the clients have no facilities available, need these clinics, and funding to begin these clinics is badly needed. Thank you for your interest.

Sincerely,

Deborah S. Croy RN CCRN

Deborah S. Croy, RN, CCRN

RECEIVED

SEP 25 1992

**REGULATORY DEVELOPMENT
SECTION**


September 21, 1992

Kay Howard
Regulatory Development
Room 204, Building 3
Capital Complex
Charleston, WV 25305

Dear Ms Howard:

Please place the letter in the public record for comments supporting the proposed rule entitled "Primary Care Center Seed Money Grants". I am very much in favor of this proposed rule. West Virginia is in the midst of a health care crisis of tremendous proportion. This problem is especially prevalent in rural areas and with indigent populations. Community based, volunteer clinics have begun to meet the needs of some, but unfortunately in the past, there has been great difficulty in the initial funding of these. Provision of seed money will greatly enhance the ability of communities to provide for the health care of citizens. Thank you for the opportunity to comment.

Sincerely,



Alvita Nathaniel, MSN, RNC

AN/cm

ALVITA NATHANIEL
209 E GRAND VIEW ADDITION
PRINCETON WV 24740