



FILED

Nov 16 6 49 AM '00

**WEST VIRGINIA LEGISLATURE**  
*Legislative Rule-Making Review Committee*

OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

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November 12, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Esther T. Van Dall  
Insurance Commissioner  
Capitol Complex  
Box 50540

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Standards for Uniform Health Care Administration, 114CSR16**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

SCANNED

FILED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

OCT 31 9 26 AM '00

**Agency:** Insurance Commissioner  
**Subject:** Standards for Uniform Health Care Administration,  
114 CSR 16  
**Date:** October 26, 2000  
**Counsel:** Rita A. Pauley

OFFICE OF THE CLERK OF THE SENATE  
SECRETARY OF STATE

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PERTINENT DATES

Filed for public comment:	July 21, 2000
Public comment period ended:	August 21, 2000
Filed following public comment period:	September 1, 2000
Filed LRMRC:	September 1, 2000
Filed as emergency:	N/A
Fiscal Impact:	None

ABSTRACT

This rule established the guidelines regarding Uniform Health Care Administration. House Bill No. 4776 passed during the 2000 Regular Legislative Session transferred the authority and responsibility for Uniform Health Care Administration from the Insurance Commissioner to the West Virginia Health Care Authority. Therefore, this rule is being repealed in its entirety.

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## AUTHORITY

Statutory authority: W.Va. Code, §33-15B-3, which provides, in part, as follows:

(a) The West Virginia health care authority shall promulgate legislative rules in accordance with the provisions of chapter twenty-nine-a of this code regarding the implementation and use of uniform health care administrative forms...

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## ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.