

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



November 27, 1984

Mr. Richard G. Shaw, Commissioner
Insurance Department
2100 Washington Street, East
Charleston, West Virginia 25305

Dear Commissioner Shaw:

The Legislative Rule-Making Review Committee voted on November 13, 1984, to not accept your filing as an emergency rule Supplemental Insurance Coverage for Continuum of Care Services; Chapter 16-5D, Series XVIII (1984). This was based on the Committee's construction of Chapter 29A, Article 3, Section 15 related to emergency rule-making procedures. It is the Committee's interpretation that Code 29A-3-15 limits an agency to two emergency periods of 180 days each, allowable upon the compliance with certain requirements dictated in Code 29A-3-15(b) for the second 180-day period.

Since this filing as an emergency rule constitutes the fourth such filing for this rule dating back to May 10, 1983, and the failure to convene a public hearing at anytime during this period, the Committee refused to accept this filing.

In order for this rule to become valid, the legislative rule-making procedures available to you within Chapter 29A must be utilized. This would necessitate the filing of a notice for public hearing, the conduct of a public hearing, the filing of an agency approved rule with the Committee and legislative authorization. Please refer to Chapter 29A and the step procedures mailed to you by this Committee dated October 7, 1984, for more detail on the required procedures. Committee staff will be available to explain and assist you with the proper promulgation of this legislative rule. Contact Rich O. Hartman at 357-7925.

Sincerely,

Rich O. Hartman
Chief of Staff, LRMRC

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