



Felton Ernest, Brandolyn <brandolyn.feltonernest@wv.gov>

RE: Emergency Rule 149-11

1 message

David Cook <DCook@wvsos.com>
To: Maureen Lewis <mlewis@wvsos.com>, "Felton Ernest, Brandolyn" <brandolyn.feltonernest@wv.gov>

Tue, Aug 6, 2024 at 2:08 PM

Hi Brandolyn:

I think your definition was fine. You could just change the Code cite -

"Hospital" means a facility licensed pursuant to the provisions of §16B-3-1 *et seq.* of this code and any acute care facility operated by the state government, that primarily provides inpatient diagnostic, treatment or rehabilitative services to injured, disabled, or sick persons under the supervision of physicians.

Thanks!

Dave

Dave Cook
General Counsel
West Virginia Secretary of State's Office
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dcooks@wvsos.com

From: Maureen Lewis <mlewis@wvsos.com>
Sent: Tuesday, August 6, 2024 1:45 PM
To: Felton Ernest, Brandolyn <brandolyn.feltonernest@wv.gov>
Cc: David Cook <DCook@wvsos.com>
Subject: RE: Emergency Rule 149-11

I am copying Dave in on this email. He can better answer your question based on his review.



State Capitol Building
Charleston, WV 25305

Maureen Lewis
Director, Administrative Law Division
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From: Felton Ernest, Brandolyn <brandolyn.feltonernest@wv.gov>
Sent: Tuesday, August 6, 2024 1:26 PM
To: Maureen Lewis <mlewis@wvsos.com>
Subject: Re: Emergency Rule 149-11

Maureen,

Thanks again for all of your help.

I was just looking at 2.7, W. Va. Code §16-5B-1 *et seq.* regarding the definition of "hospital".

In looking at W. Va. Code §16-2D-2(21) the definition of "hospital" includes the code reference to §16-5B-1 *et seq.* which has been repealed.

Would you propose that I cite to §16-2D-2(21) in the rule?

Or, change the citation in the rule to §16B-3-1 *et seq.* which appears to be the current code section?

Would you let me know if you would prefer that I reach out to Mr. Cook directly?

Thank you in advance.

On Fri, Aug 2, 2024 at 3:55 PM Maureen Lewis <ml@wv.gov> wrote:

The Emergency rule has been reviewed and approved. I will clock in the approval memo first thing Monday morning.

This will make the emergency rule effective immediately, which will supersede the original filing set to go into effect on Monday.

Our attorney, Dave Cook, did make note that there is a Code reference in the rule that needs to be removed, because that Code has been repealed.

It is in rule provision 2.7, W. Va. Code §16-5B-1 *et seq.*

You can make that change for the Agency Approved filing at the close of the comment period if you would like.



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