

**Title 64 Series 73
Department of Health
Bureau for Public Health
Basic Public Health Service Standards for Local Boards of Health and Distribution of State Funds
for Support of Local Boards of Health**

Summary of Amendments to the Rule:

The rule has been amended to remove duplicative assessments of local boards of health and replaces them with annual assessments performed by the Center for Local Health, removes the Public Health Advisory Committee, and incorporates the funding formula for distribution of state funds to local boards of health.

COMMENTS AND RESPONSES

The descriptions of public comments below are a paraphrasing of the originally submitted comments. The full text of each public comment has been filed with the Secretary of State's Office.

Comments

Two identical sets of comments from different entities were received. The commenters suggest that the West Virginia Public Health Advisory Committee (PHAC), which has been eliminated via amendment, remain in the rule. The commenters also suggest that the amendment requiring an annual assessment of all local boards of health be increased to a biennial assessment. The remainder of the comments request clarification of the funding formula added to the rule via amendment.

Response

Comment one recommends that the PHAC, which is eliminated via amendment, remain in the rule. The duties of the PHAC outlined in the legislative rule primarily centered on establishing an assessment tool for local boards of health based upon performance-based standards. This assessment tool has been created, with the input of the PHAC and, in the interest of eliminating unnecessary burdens to agency efficiency, the PHAC has been eliminated. Therefore, the proposed amendment is declined and no changes were made to the rule in response to this comment.

Comment two recommends that local boards of health be evaluated biennially instead of annually. However, under the amendments the annual assessment will form the basis for any withholding of funds necessitated for failure of a local board of health to comply with mandated performance-based standards. Therefore, the proposed amendment is declined and no changes were made to the rule in response to this comment.

Finally, comments three through five request clarification relating to the funding formula amended into the rule. In an effort to provide clarification, the Department provides the following summary of the funding formula incorporated into 64CSR73, Basic Public Health Service Standards for Local Boards of Health, from 64CSR67, Distribution of State Funds for Support of Local Boards of Health. 64CSR73-8.3.1., as amended, is Step 1 of the funding formula calculation and is the funding base amount calculation. The funding base amount calculation was formerly 64CSR67-7.3.7. The base amount calculation formula remains unchanged from the calculation formula utilized in 64CSR67 and was moved from Step 7 to Step 1 to better align with the practical application of the funding formula. 64CSR73-8.3.2., as amended, is Step 2 of the funding formula calculation and is the poverty factor calculation. The poverty factor calculation was formerly 64CSR67-4.3.1. and remains unchanged from the calculation formula utilized in 64CSR67. 64CSR73-8.3.3., as amended, is Step 3 of the funding formula calculation and is the health status

calculation. The health status calculation was formerly 64CSR67-4.3.2. and remains unchanged from the calculation formula utilized in 64CSR67. 64CSR73-8.3.4., as amended, is the population density calculation rate. The population density calculation rate was formerly 64CSR67-4.3.3. and remains unchanged from the calculation formula utilized in 64CSR67. 64CSR73-8.3.5., as amended, is the intervention calculation. The intervention calculation rate was formerly 64CSR67-4.3.4. and remains unchanged from the calculation formula utilized in 64CSR67. 64CSR73-8.3.6., as amended, is the consolidation coefficient. The consolidation coefficient was formerly 64CSR67-4.3.5. and remains unchanged from the coefficient constant contained in 64CSR67. 64CSR73-8.3.7., as amended, is the weighted population calculation. The weighted population calculation was formerly 64CSR67-4.3.6. and, while section referencing has been adjusted, the calculation formula remains unchanged from the formula utilized in 64CSR67. 64CSR73-8.3.8., as amended, is the per capita distribution formula. The per capita distribution formula was formerly 64CSR67-4.3.8. and remains unchanged from the formula contained in 64CSR67. Finally, 64CSR73-8.3.9., as amended, is a performance-based standards withholding formula. The performance-based standards withholding formula replaces what was formerly a hold harmless provision set forth in 64CSR67-4.3.9. The hold harmless provision has been removed because it was tied to 2009 funding levels and has been replaced with a performance-based standards compliance funding model as mandated by W. Va. Code §16-1-6(b)(2).