

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Family Protection Services Board

Subject: Licensure of Family Protection Programs (191 CSR 2)

Date: November 8, 2002

Staff Counsel: Connie A. Bowling

PERTINENT DATES

Filed for public comment: June 21, 2002
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Filed LRMRC: July 26, 2002
Filed as emergency: N/A

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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FILED

Fiscal Impact: None.

ABSTRACT

The proposed rule amends a current rule governing licensure of domestic violence and perpetrator intervention programs.

The rule currently contains provisions for licensure of both types of facilities. The proposed amendment creates a new rule for licensure of perpetrator intervention programs (Series 3) and dedicates this rule to licensure of family protection programs (shelters).

The rule clarifies the responsibilities of a program's governing body. Most of the remaining changes are technical in nature, intended to bring the rule into compliance with the statute.

AUTHORITY

Statutory authority:

W. Va. Code § 48-26-401:

It is the duty of the board to:

* * *

(4) Promulgate rules to implement the provisions of this article and any applicable federal guidelines;

* * *

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.

Counsel recommends technical modifications.

