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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

2002 DEC 17 A 10:15

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SECRETARY OF STATE

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December 17, 2002

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

TO: Joe Manchin, Secretary of State, State Register

TO: Trudy Laursen
Family Protection Services Board
1204 Kanawha Blvd. East
Charleston, WV 25301

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Perpetrator Intervention Program Licensure, 191CSR3**

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 Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.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

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Family Protection Services Board

Subject: Licensure of Perpetrator Intervention Programs (191 CSR 3)

Date: November 8, 2002

Staff Counsel: Connie A. Bowling

PERTINENT DATES

Filed for public comment: June 21, 2002
Public comment period ended: July 22, 2002
Filed following public comment period: July 26, 2002
Filed LRMRC: July 26, 2002
Filed as emergency: N/A

Fiscal Impact: None.

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ABSTRACT

This is a new rule governing licensure of domestic violence perpetrator intervention programs.

The rule incorporates the provisions governing licensure of perpetrator intervention programs currently contained in Series 2.

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;

* * *

W. Va. Code § 48-26-404.

(a) The family protection services board shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code governing the minimum level of responsibility, service and accountability expected from providers of programs of intervention for perpetrators of domestic violence.

* * *

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.