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Regulations, Standards And Licensing Law

for

General Hospitals, Specialized Hospitals

and

Other Institutions

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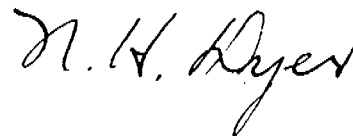
BUREAU OF HOSPITALS AND MEDICAL CARE

Charleston, W. Va.

ADOPTION OF REGULATIONS AND STANDARDS

The State Department of Health has placed the responsibility of issuance of licenses in the Bureau of Hospitals and Medical Care, which carries out this function with the assistance of the other Bureaus and Divisions of the State Department of Health.

The minimum requirements for licensing of hospitals and related institutions were formulated, not according to arbitrary rulings but as a result of the study of actively operating institutions, and were designed for the express purpose of providing safe and adequate care for the sick and injured. Experience has shown that the minimum requirements benefit the hospital by increasing the confidence of the community in the institution as a place in which scientific treatment may be received. It is possible for all hospitals to attain these standards. Indeed, the majority of institutions are now exceeding the minimum requirements in the service they render to patients, and the majority have been benefited by their efforts to keep pace with the widespread movement for the improvement of hospitals and related services.



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Part I

Classification, Definitions and Interpretations

SECTION A — LICENSEE

The licensee is any person, partnership, association, corporation, or governmental unit on whom rests the responsibility for maintaining approved standards for the institution.

SECTION B — INSTITUTIONS TO BE LICENSED

A license is required of all places that are operating as hospitals, or other institutions, within the meaning of the word as defined in Section 1, Article 5b, Chapter 16 of the Code of West Virginia, provided that such place is not specifically excluded by the code.

SECTION C — LICENSE NOT REQUIRED

1. Hospitals operated by the Federal Government or the State Government.

2. Institutions which are regularly licensed by the Department of Public Assistance, such as Child Caring Institutions, day nurseries, child care centers, and foster boarding homes. However, such institutions as have a dual function of which one is clearly subject to licensure under the provisions of the hospital licensing law are required to be licensed by both agencies, as for example, homes for unmarried mothers and infant homes.

3. Homes or institutions which do not provide chronic or convalescent care.

4. First aid stations and emergency care facilities which do not provide accommodations for hospitalization.

SECTION D — DEFINITIONS

1. *Institution* means any place, building or agency in which an accommodation of five or more beds is maintained, furnished or offered for the hospitalization of the sick or injured or care of any persons requiring or receiving chronic or convalescent care.

2. *Person* shall include any individual, partnership, association, corporation, or any local governmental unit or any division, department, board, or agency thereof.

3. *Chronic or convalescent care* is defined as care given in an institution to a person because of prolonged mental or physical illness or defect, or during recovery from injury or disease, and shall include any or all of the procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside care, application of dressings and bandages, and carrying out of treatments prescribed by a duly licensed practitioner of the healing arts.

4. *Hospitalization* is defined as the reception and care of any person for a continuous period longer than 24 hours, for the purpose of giving advice, diagnosis, or treatment bearing on the physical or mental health of such persons.

SECTION E — SEPARATE LICENSES REQUIRED

Separate licenses are required for institutions maintained in separate premises even though they are operated under the same management; provided, however, that separate licenses are not required for separate buildings on the same grounds.

SECTION F — APPLICATION FOR LICENSE

Applicants for license shall file applications with the Bureau of Hospitals and Medical Care, State Department of Health, upon forms prescribed by the Department and shall pay an annual license fee according to the following schedule: Those with 5 beds but less than 50 shall pay a fee of \$20.00; those with 50 beds or more and less than 100 beds shall pay a fee of \$30.00; those with 100 beds or more and less than 200 beds shall pay a fee of \$40.00; and those with 200 beds or more shall pay a fee of \$50.00.

SECTION G — EXPIRATION OF LICENSE

Licenses issued hereunder shall expire on June 30, following their issuance.

SECTION H — LICENSES NOT TRANSFERABLE

The license is not transferable or assignable. The State Department of Health shall be notified of any change in ownership, name,

or locality of the institution, and an application for a new license shall be submitted. Each license is separate and distinct and shall be issued to a specific licensee for a specific location which is to be indicated in the license certificate. The institution shall be operated and conducted in the name of the licensee as indicated in the license certificate.

SECTION I — REVOCATION OF LICENSE

A license issued to any institution will be suspended or revoked by the State Department of Health on any of the following grounds:

1. Violation of any of the provisions of the law or the rules and regulations issued by the State Department of Health.
2. Knowingly permitting, aiding, or abetting the commission of any illegal act in such institution.
3. Conduct or practices detrimental to the health or safety of the patients and employes of such institution.

SECTION J — POSTING OF LICENSE

The license shall be conspicuously posted on the premises.

SECTION K — GENERAL

1. *Patient-Bed Ratio*: No hospital shall admit more patients than the number of beds for which it is licensed, except in the case of public catastrophe or emergency, and then only as a temporary measure. Nursing Homes shall not exceed their bed capacity at any time.

2. *Fire Protection*: All institutions which are required to be licensed under the provision of Chapter 16, Article 5b of the Code of West Virginia shall comply with and conform to all laws of the State of West Virginia, and all rules and regulations duly adopted pursuant thereto, which provide minimum standards for the prevention of fire and for the protection of life and property against loss or damage by fire or panic. A certificate of approval shall be obtained from the State Fire Marshal by any institution required to be licensed. A copy of such certificate of approval shall be filed with the State Department of Health, and a copy of such certificate shall be posted in a conspicuous place on the premises of the licensee.

Part II

General Regulations

SECTION A — NEW CONSTRUCTION AND/OR ALTERATION

1. *New Construction:* For construction of new institutions, the State Department of Health has adopted Appendix A—General Standards of Construction and Equipment of the regulations as printed in the 20 Federal Register 114, P. H. S. Part 53, U. S. Department of Health, Education and Welfare, Eff. Jan. 12, 1955.

2. *Plans for Construction:* Plans and specifications for new buildings to be used as part of or in conjunction with any *institution* required to be licensed under the provisions of Chapter 16, Article 5b of the Code of West Virginia shall be signed by a registered architect, submitted to, and approved by the State Department of Health before construction is begun.

3. *Additions and Alterations:* Any institution required to be licensed shall, before constructing any additions to, or making any alteration in, any building used or to be used as a part of or in conjunction with the licensed institution, including any changes in services, advise the State Department of Health in writing as to its intention, and upon request of the department shall submit such plans, specifications, or other information as the department may require for approval before proceeding with such plans.

4. *Water Supply and Sanitation:* No system of water supply, plumbing, sewage, garbage, or refuse disposal to serve these institutions shall be installed, nor any such existing system be materially altered or extended until complete plans and specifications for the installation, alteration, or extension, together with such information as may be required, have been submitted to and approved by the State Department of Health. All such construction shall be in accordance with the approved plans.

SECTION B — LOCATION AND COMMUNICATION

1. *Zoning Restrictions:* In locating an institution, the local zoning ordinance must be accepted. Information as to zoning restrictions may be obtained from local civic authorities.

2. *Environment:* Institutions shall be so located that they are free from undue noises from railroads, freight yards, main traffic arteries, schools and children's playgrounds. The site shall not be exposed to smoke, foul odors, or dust from nearby industrial plants.

3. *Transportation:* Institutions must be served by a good road which is kept passable at all times of the year.

4. *Communication:* There must be a telephone in the institution and additional telephones or extensions as required to summon help promptly in case of fire or other emergencies.

SECTION C — PHYSICAL PLANT

1. Walls, ceilings, and floors must be of a character to permit frequent washing, cleaning, or painting.

2. The entire building must be kept clean and in good repair.

3. The construction of the building shall be such as to prevent the entrance and harborage of rats and other rodents.

4. The entrance rooms or passageways, hallways, reception or waiting rooms, stairways, elevators, toilet facilities, and similar areas or facilities located in, and used in the operation of, any hospital, sanatorium, rest home or other related institution, licensed, or applying for a license, under the provisions of Chapter 16, Article 5b of the Code of West Virginia shall be used solely and exclusively for purposes directly related or incidental to the operation of such institution. No usage of the areas or facilities for any purpose not directly and necessarily related or incidental to the operation of the institution so licensed, or applying for such license, shall be permitted at any time.

SECTION D — HEATING

1. Heating plant shall be adequate to maintain a temperature of 70 degree Fahrenheit in severe weather in all rooms used for patients.

2. Stoves and individual room heaters are prohibited in new institutions, but, if present in existing institutions, they must be equipped with accepted devices to insure safety of the patients and personnel.

SECTION E — LIGHTING

1. Each patient's room shall be lighted by an outside window and must also have artificial lighting adequate for reading and other uses as needed.
2. Throughout the institution artificial lighting shall be of sufficient intensity to prevent accidents and promote efficiency of service.
3. Emergency lighting facilities such as auxiliary power systems, or adequate battery operated lights, shall be in readiness for use at all times throughout the institution.

SECTION F — VENTILATION

The building shall be adequately ventilated at all times. Special attention shall be given to the ventilation of patients' quarters so as to supply fresh air and to prevent accumulation of objectionable odors. Exhaust fans may be needed in kitchens and storage rooms. Toilets without outside window ventilation shall not be used unless there is an adequate system of forced ventilation.

SECTION G — ELEVATORS AND STAIRWAYS

1. Elevators shall be constructed and maintained in compliance with safety regulations.
2. All stairways shall be provided with handrails. Stairways shall be of a width and design which will easily accommodate the removal of patients by stretcher. All open stairwells shall be protected with adequate guard rails.

SECTION H -- SANITATION

1. *Housekeeping Facilities and Services* are required to be such that comfortable and sanitary living conditions for patients and employees are maintained constantly. Accumulated waste material must be removed daily or more frequently if necessary. There must be frequent cleaning of floors, walls, woodwork, windows and screens. The premises must be kept free from rodent and insect infestation. Bath and toilet facilities must be maintained in a clean and sanitary condition at all times.
2. *Water Supply*: The water supply must be approved by the State Department of Health. There shall be an adequate supply of hot water available at all times.

3. *Sewage Disposal:* The sewage disposal must be approved by the State Department of Health.

4. *Plumbing:* Toilet facilities shall be provided in reasonable ratio to the number and kind of patients cared for in the institution. Grab bars, conveniently located, shall be provided at commodes and bathing facilities. Toilet facilities shall be provided for the public. The plumbing and drainage, or other arrangements for the disposal of excreta and infectious discharges and institutional wastes, shall be in accordance with the plumbing standards approved by the State Department of Health.

5. *Garbage Disposal:* All garbage shall be stored and disposed of in such a manner that will not permit the transmission of disease, create a nuisance, or provide a breeding place for insects and rodents. All containers for garbage shall be watertight, have tight fitting covers, and rodent proof. They must be emptied at frequent intervals and shall be thoroughly washed and sanitized before being used again.

6. *Incineration:* Adequate incineration facilities shall be provided for the disposal of infected dressings, surgical wastes, and other similar materials. Incinerators shall be constructed, operated, and maintained in such a manner that they shall not create nuisances. Ashes and non-combustible material shall be removed frequently and properly disposed of.

7. *Screens:* All openings to the outer air including doors and windows shall be effectively screened, or other effective means provided to prevent the entrance of flies and/or other insects. All screen doors shall open outward, and they shall be self-closing. Window screens must be easily adjustable so that they will not serve as a block to exit in case of fire.

8. *Laundry:* The institution shall make provisions for the proper cleaning of linen and other washable goods with special provisions for handling and disinfecting contaminated linens. Hospitals maintaining and operating laundries shall provide ventilation for the elimination of steam and odors and proper insulation to prevent the transmission of noise to patient areas. Equipment shall be provided with all necessary safety appliances and sanitary requirements. If patients are permitted to do their personal laundry separate facilities shall be provided for such purposes. These shall consist of a washing machine, laundry tub, electric iron and an ironing board.

SECTION I — FOOD SERVICE

1. *General Requirements:* No food shall be served in any institution unless it is prepared on the premises or other places approved by the State Department of Health. Foods must be handled, prepared, and served under clean and sanitary conditions. Decayed, spoiled, contaminated, or unwholesome food must not be served or stored. There shall be no unrelated traffic into or through the food preparation areas. All kitchen facilities must be at least two-thirds above ground level.

2. *Protection:* Food when displayed must be placed in tight cases or otherwise protected from flies, insects, dust, and handling by the public. Perishable foods must be adequately refrigerated until served.

3. *Storerooms:* Storerooms shall be clean and well ventilated. All foods shall be stored off the floor and shall be protected from splash, dust, flies, rodents, vermin, droplet or other source of contamination.

4. *Refrigeration:* Day use refrigerators and refrigerated display cases must be adequate to keep all perishable foods at a temperature below 50 degrees Fahrenheit. Refrigerator storage of fresh meat shall be between 34°F-38°F, poultry, fish and sea food between 32°F-36°F, and frozen foods 0°F or below. All refrigerators shall be provided with thermometers.

5. *Ice:* All ice used in contact with food or drink shall be from a satisfactory source, meeting State Department of Health standards, for drinking water. It shall be stored, handled, and dispensed in a sanitary manner.

6. *Milk or Milk Products:* Milk and milk products must be obtained from a source and in a manner approved by the State Department of Health. Milk shall be served to patients in the distributor's original individual containers or from approved bulk dispensers to be located in each patient area.

7. *Cleaning and Disinfection of Dishes:* All multi-use utensils used for eating, drinking, and in the preparation or serving of food and drink shall be effectively cleaned and disinfected after each usage. Gross food particles shall be removed by careful scraping and prerinsing in running hot water. Brushes, baskets, and sprays are suggested. The dishes must be thoroughly washed in hot

water (105° to 110°F for hand dishwashing, 140° to 160°F for machine dishwashing) using an adequate amount of effective soap or detergent. Following this the utensils shall be rinsed in clear water to remove soap, and they shall be disinfected by one of the following methods:

- (a) *Immersion* for at least two minutes in clear water at 170°F or one minute at 180°F.
- (b) *Immersion* for at least one-half minute in boiling water.
- (c) *Immersion* for at least two minutes in a luke warm chlorine bath (75°F) containing at least 50 parts per million of available chlorine or an equivalent sanitizing solution. Note: Chlorine is not recommended for silverware. It is preferable to use either (a) or (b) above.

Results obtained with dishwashing machines shall be equal to those obtained by the methods outlined above.

After disinfection the utensils shall be allowed to drain and dry in racks or baskets on non-absorbent surfaces. Drying cloths are not recommended. Dishes shall be stored in closed cupboards for protection against dust and moisture.

8. *Disease Control*: All persons engaged in the handling or serving of food must obtain a State Health Department Food Handlers Permit prior to employment and annually thereafter. A copy of such permit must be retained in the files of the institution and available for inspection.

9. *Cleanliness of Personnel*: All personnel must keep their person and their clothing clean.

10. *Handwashing*: Facilities shall be provided in the food preparation areas and shall have an adequate supply of soap, disposable towels, and hot and cold running water. The use of the common towel is prohibited.

SECTION J — ACCOMMODATIONS FOR PATIENTS

1. *Rooms*: In new facilities and additions each patient's room shall have an outside exposure through a vertical transparent window with no substantial line of sight obstruction within twenty feet and the room shall communicate with a corridor without passage through another patient room. Rooms extending below ground

level shall not be used for patients unless approved by the State Department of Health. Ceiling heights shall be a minimum of eight feet.

2. *Floor and Window Space:* Beds must be so spaced to provide adequate room for nursing procedures and to prevent the transmission of infection. Beds must be placed at least 3 feet apart. The following allowance of floor space is a minimum:

Rooms for only one bed—100 square feet.

Rooms for two or more beds—80 square feet per bed.

Window area shall not be less than 1/8 of floor space.

3. *Doors:* Doors to patients' rooms, elevators, X-ray, operating rooms and recovery room shall be sufficiently wide to permit easy removal of the occupied bed.

4. *Furnishings:* A bed, sanitary mattress, and pillows must be provided for each patient. A sufficient supply of clean bedding and bed linens shall be provided for each patient and shall be kept on hand for use at all times. After discharge of each patient the complete unit must be thoroughly cleaned. Sufficient closet space shall be provided in each patient room for the storage of personal belongings. Hospital type beds shall be available in Nursing Homes for all bed patients.

5. *Signal System:* An adequate signal system must be provided and maintained for each patient to be used in calling nurses and attendants.

6. *Living Room:* Nursing Homes shall provide a living room where patients may receive visitors, participate in group entertainment, and pursue occupational therapy programs.

7. *Dining Room:* Nursing Homes shall provide a dining room for use by ambulatory and wheel chair patients.

SECTION K — FACILITIES AND EQUIPMENT FOR CARE

1. *Space and Equipment for Service:* There shall be adequate service and facilities for the proper cleaning and storage of nursing supplies and equipment. This space shall be removed from patients' contacts, kept stocked, and in order by a definitely arranged plan so that contents are easily available to the nursing staff. Suitable provision must be made for the preparation of medications and treatments.

- (a) *Utility Rooms:* There shall be at least one well illuminated and ventilated utility room in each patient area which is conveniently located and arranged for efficient and safe conduct of work.
- (b) *Bedpan Hoppers:* A bedpan sterilizer or deep sink and commode shall be provided in each utility room and/or bedpan cleansing room. Only the commode shall be used for emptying bedpans, etc. The bathtub, lavatory, or laundry tray shall not be used for cleaning bedpans and similar equipment.
- (c) *Operating Rooms* shall be provided with adequate standard equipment and supplies to meet the requirements of the institution. There shall be adequate provision for sterilization of equipment and supplies.
- (d) *Pharmaceutical Service:* All medicines, poisons, and stimulants shall be plainly labeled and stored in a specially designated medicine cabinet, closet, or storeroom and made accessible only to nursing personnel. The cabinet for drugs must be well illuminated. Narcotics, such as required to conform with State and/or Federal regulations, sedatives, and other dangerous drugs must be securely locked and accessible only to the nurse in charge of the unit.

Old medications other than narcotics shall be discarded including special prescriptions for patients who have left the institution. Obsolete or surplus narcotics to be disposed of must be handled according to Federal Law.

The medicine cabinet or closet shall be located near running water to facilitate preparation of doses.

Hospitals operating and maintaining a pharmacy or dispensary shall have adequate space for storage, compounding, and dispensing drugs.

Hospitals that do not maintain a pharmacy shall have pharmaceutical service from an approved nearby pharmacy.

Hospital pharmacies in which drugs are compounded for internal use shall be under the supervision of a registered pharmacist as required by the Pharmacy Laws and Regulations of the West Virginia Board of Pharmacy.

All biologicals, drugs, and prescriptions requiring refrigeration shall be properly refrigerated at all times. The refrigerated medicine storage section must be in a completely segregated section of the refrigerator.

- (e) *X-ray Facilities:* If the institution renders X-ray service, adequate space and equipment shall be provided for diagnostic X-ray and fluoroscopic examination. There shall be space for film storage, view boxes, and a darkroom.

A dressing room with adjoining lavatory and toilet shall also be provided. The X-ray department shall be under the supervision of a licensed physician or a competent, well trained X-ray technician.

- (f) *Protection from Radiation Exposure:* Protection of personnel from possible stray radiation exposure emanating from X-ray and/or fluoroscopic equipment, and all radio-active materials shall be provided by the institution. Plans for such protection must be approved by the State Department of Health.

- (g) *Laboratory:* Laboratory facilities with adequate space, equipment, and supplies shall be provided. Such laboratory shall be under direction and supervision as specified under Part 4, Section C, and maintained in accordance with the requirements for laboratories as set up by the State Department of Health. Nursing homes are not required to have a laboratory. Hospitals of twenty-five beds or less shall not be required to provide their own laboratory facilities if there is a laboratory meeting the requirements as set forth herein available for use and located reasonably near such hospitals.

The following basic items, in good condition, are required in any laboratory:

- Laboratory sink
- Cabinets for reagents, and small equipment
- Microscope and lamp
- Refrigerator of at least 6 cubic feet capacity
- Adequate gas and electric outlets
- Adequate glassware and reagents
- Adequate centrifuge
- Adequate working tables

Adequate filing system

Current laboratory reference texts

Adequate colorimeter or spectrophotometer

Hot air sterilizer of at least 18" x 14" x 14" i. d. or equivalent

Bacteriological incubator, which for accuracy of temperature control should be at least 20" x 20" x 24" i. d., or equivalent

Autoclave

Balance and weights of suitable accuracy

Still or demineralizer, properly operated.

If serological tests for syphilis are carried out, the following additional equipment, maintained in good condition, is required:

Serologic shaker and/or rotator

Adequate water bath facilities

The Director or Assistant to the Director of each hospital laboratory shall submit to the State Department of Health an annual report of the laboratory facilities and personnel. This report shall be made on forms provided by the State Department of Health.

Nothing contained in or required by these regulations and no action taken pursuant thereto shall be construed as constituting an approval by the State Department of Health of any laboratory for proficiency to perform any specific laboratory test or technique explicitly required by any public health law or regulation.

- (h) *Morgue*: A properly ventilated morgue with refrigerated compartments shall be provided if unembalmed bodies are held.
- (i) *Physical Therapy*: If physical therapy is provided in the institution, it must be under the supervision of a physician duly licensed in the State of West Virginia.
- (j) *Dressing Rooms*: Dressing rooms with toilet, bathing facilities, and lavatory shall be provided for doctors and nurses.

2. *Equipment and Supplies for Bedside Care*: There shall be sufficient equipment for nursing care according to the type of patients accepted by the institution.

(a) *Linen*: The following list includes certain minimum essentials:

| | |
|--------------|-------------------------|
| Large sheets | Face Towels |
| Draw sheets | Wash cloths |
| Pillow cases | Bedpan covers |
| Blankets | Hot water bottle covers |
| Bedspreads | Ice cap covers |
| Bath towels | Mattress covers |

Individual towels, wash cloths, and bath blankets must be provided for each patient.

Bedpan covers shall not be used interchangeably.

Mattress covers shall be provided for each patient's mattress.

- (b) *Utensils*: There shall be a sufficient number of wash basins, bedpans, urinals, emesis basins, and drinking glasses for the use of each individual patient provided that where utensils are sterilized after each using they need not be kept individual.
- (c) *Thermometers*: There shall be a sufficient number of thermometers to permit adequate disinfection before using.
- (d) *Hot Water Bags*: Hot water bags must be covered before use. The greatest care must be exercised in their use to see that water is not too hot and bags are not leaking. If electric heating pads are used, they shall be maintained in safe working order.
- (e) *Restraints*: Restraints may be applied only when they are necessary to prevent injury to the patient or to others. They shall be used only when alternative measures are not sufficient to accomplish these purposes and only then on the written order of a physician. In applying restraints careful consideration shall be given to the methods by which they can speedily be removed in case of fire or other emergency. Side rails are excluded from this requirement.
- (f) *Oxygen*: Adequate provision shall be made for the administration of oxygen.
- (g) *Solution Stands*: Solution stands or attachments to the bed shall be provided for the proper administration of intravenous or subcutaneous fluids or solutions.

3. *Sterilization of Supplies:* There shall be provision for the proper sterilization of dressings, utensils, instruments, and water.

The hospital shall use an accepted method for determining adequate sterilization of supplies.

A cabinet, cupboard, or other suitable enclosed space must be provided for keeping sterile equipment and supplies in a clean, convenient, and orderly manner. Special precautions must be taken so that sterile supplies may not be mixed with unsterile supplies.

SECTION L — HAND-WASHING FACILITIES

1. *Hand-washing Facilities:* There shall be adequate hand-washing facilities throughout the institution. Especially must they be provided for the operating, delivery, and labor rooms; in examining rooms and treatment rooms; in main and diet kitchens; in utility and other service rooms; in toilet rooms; in rooms used for isolation of patients; in nurseries and formula rooms.

2. *Special Features in Connection With Scrub-up Sinks:* To be well adapted for hand-scrubbing for personnel, hand-scrubbing sinks shall be designed to make it possible to wash hands easily, comfortably, and without breaking technique.

- (a) The lavatory or sink must be located a proper height from the floor.
- (b) Faucets must be high enough to permit easy hand-washing without touching the sides of the sink.
- (c) Running water for scrub-up sinks must be controlled with a foot, elbow, or knee device.
- (d) Where water in the hot water system is unduly hot, a mixing faucet is desirable.

SECTION M — REPORTS AND RECORDS

1. *Births and Deaths Report:* A complete list of all births and deaths occurring within the month in institutions licensed under the hospital licensing law must be reported by the tenth of the following month on special blanks provided for the purpose to the Division of Vital Statistics, State Department of Health.

2. *Communicable Disease Reports:* Licensed institutions must report each case of communicable disease to the local health officer within twenty-four hours after the disease is discovered. Reporting postcards furnished by the State Department of Health may be used and shall be signed by the physician who diagnoses the case.

3. *Veneral Disease Reports:* Licensed institutions must report each previously unreported positive serological test for syphilis. Two reports of the case are made. One report shall be made to the local health officer and the second report shall be made to the director of the Bureau of Venereal Diseases of the State Department of Health. Reporting forms furnished by the State Department of Health are to be used, and they shall be signed by the laboratory director in charge.

4. *Medical Records:* Accurate and complete medical records must be written for all patients and filed in an accessible manner in the institution. A complete medical record is one which includes identification data; date of admission and discharge; complaint; personal and family history; history of present illness; physical examination; special examination, such as consultation, clinical laboratory, X-ray and other examinations; provisional or working diagnosis; medical or surgical treatment; gross and microscopical pathological findings; progress notes; final diagnosis; condition on discharge; followup and, in case of death, if possible, autopsy findings.

5. *Narcotic Records:* If narcotics are administered from a stock secured by the institution under a State or Federal permit, each administration shall be recorded in a Narcotic Record. This record shall include date, hour, name of patient, name and narcotic registration number of physician, kind of narcotic, dose, and by whom administered.

6. *Physician's Orders:* No medication or treatment shall be given to a patient except on the order of a physician. All orders of physicians shall be written in ink or indelible pencil, and shall be signed by the physician. The orders shall be preserved on the patient's chart or in the established record of such orders.

7. *Medical Attendance:* All persons admitted to a licensed institution must be under the care of a physician duly licensed in

the State of West Virginia. A diagnosis or provisional diagnosis must be recorded by the physician on all persons admitted.

8. *Annual Reports:* All institutions shall submit annual reports to the State Department of Health on forms which will be supplied for this purpose.

SECTION N -- SPECIALIZED HOSPITALS AND OTHER INSTITUTIONS

1. *Tuberculosis Hospital:* To be licensed as a Tuberculosis Hospital, an institution must be devoted exclusively to the care of tuberculosis patients, have on the staff professional personnel especially qualified in the diagnosis and treatment of tuberculosis, and meet the requirements for a General Hospital. Maternity services need not be provided if provision is made for adequate maternity care at some readily available licensed hospital.

2. *Mental Hospital:* To be licensed as a Mental Hospital, an institution must be devoted exclusively to the care of mental patients, have on the staff professional personnel especially qualified in the diagnosis and treatment of mental illness, and have adequate facilities for the protection of the patients and staff against physical injury by patients becoming violent. The requirements for a General Hospital must be met except that maternity facilities need not be provided if provision is made for adequate maternity care at some readily available licensed hospital.

3. *Orthopedic Hospital:* To be licensed as an Orthopedic Hospital an institution must be devoted exclusively to the care of orthopedic patients, have on the staff professional personnel especially qualified in the diagnosis and treatment of orthopedic conditions, and must meet the requirements for a General Hospital except that maternity facilities need not be provided if provision is made for adequate maternity care at some readily available licensed hospital.

4. *Chronic Disease Hospital:* To be licensed as a Chronic Disease Hospital an institution must be devoted exclusively to the care of patients requiring hospitalization because of prolonged illness or prolonged recovery from injury or disease. It must have a professional staff who are qualified in the diagnosis and treatment of chronic diseases, and it must meet the requirements for a general hospital. Maternity services need not be provided if provision is made for adequate maternity service at some readily available licensed hospital.

5. *Facility For the Treatment of Alcoholism:* To be licensed as a facility for the treatment of alcoholism, an institution must provide exclusive service for the treatment and care of patients suffering from acute or chronic alcoholism and it must meet the requirements for a General and Mental Hospital. Surgical and maternity facilities are not required.

6. *Nursing Home and Rest Home:* To be licensed as a Nursing Home, or a Rest Home, the institution must provide nursing care for persons who are long term convalescents from an acute or surgical illness or requiring a rest regime. Persons who are acutely ill or are surgical or maternity cases are not to be admitted. Qualified personnel, a graduate nurse currently registered in West Virginia and a consulting physician, must be available at all times. Isolation facilities are essential.

Part III

Regulations for Specialized Services

SECTION A -- PROVISION FOR CONTAGIOUS DISEASE PATIENTS

Many institutions do not have specialized contagious disease departments, but they do find it necessary, from time to time, to care for patients with contagious disease. Occasionally, patients admitted for treatment of some other condition will later be found to have a contagious disease. There may also be contagious disease patients in the community for whom hospitalization is necessary for proper care and treatment. Therefore, all institutions shall make provisions for isolation in the event that this becomes necessary. In planning new institutions, or additions to existing institutions there shall be one or more suitable rooms for this purpose in accordance with the size of the institution and the needs of the community. Rooms planned for isolation of patients shall have lavatory and toilet facilities. There shall be adequate facilities for sanitizing bedpans and other equipment used in the care of the patient. Such units are most efficient when provided with a utility room equipped with a sink, drainboard, and utensil sterilizer.

SECTION B -- MATERNITY SERVICES

I. Accommodations for Maternity Patients:

- (a) *Segregation of Department:* Maternity patients shall be cared for in a segregated part of the hospital. If it is necessary to place maternity patients in rooms previously occupied by other patients, rooms and furnishings shall be thoroughly cleaned before so used. Maternity patients and newborn infants shall not be placed in a room with other patients admitted for any other cause.
- (b) *Isolation:* Special accommodations and facilities shall be available for all cases of infection, elevated temperature, or any other condition inimical to the safety and welfare of obstetrical patients.

(c) *Privacy:* Where two or more patients occupy the same room, privacy shall be secured by means of screens or curtains.

(d) *Administration:* The administration of the obstetrical department shall be under the direction of a competent nurse, who is currently registered in West Virginia.

2. *Provision for Patient in Labor:* There must be satisfactory provision for the care of the patient in labor either in the patient's room or in a designated special labor room. Rooms used for this purpose shall afford desirable privacy, shall be conveniently located with reference to the delivery room, and shall be either sound-proofed, or located to minimize the possibility of sounds reaching other patients' rooms. There must be facilities for examination and preparation of patients as required by attending physicians.

3. *Conferences:* A thorough review and analysis of the obstetrical work done in the hospital shall be made at least monthly, with particular consideration of the deaths, unimproved cases, morbidities, infections, complications, results of treatment, and an analysis of clinical reports.

4. *Provision for Delivery:*

(a) *Delivery Room:* A special room shall be equipped as a delivery room. This room must not be used for any other purpose, and it shall be used only for delivery of non-infected patients. Patients with any evidence of infection or possible infection shall be delivered in a separate, private room.

(b) *Alternative for a Delivery Room:* If maternity service has less than 100 births per year, it is permissible, if approved by the State Department of Health, to use a patient's room provided the room affords reasonable privacy, can be set up satisfactorily for delivery, and is thoroughly cleaned before use.

(c) *Equipment:*

(1) There must be a suitable delivery table equipped for operative deliveries and treatment for shock. The pad must be protected with waterproof sheeting in good condition.

- (2) The delivery room shall be furnished with suitable tables or stands for instruments, and necessary supplies.
- (3) An adequate supply of sterile utensils, linen, dressings, gloves and face masks shall be in readiness for all deliveries.
- (4) Sterile equipment for administration of blood transfusions and intravenous or subcutaneous therapeutic solutions must be readily available.
- (5) There shall be ready at all times equipment for general anesthesia, and a minimum of drugs and anesthetics ordinarily needed for use.

5. *Reception of Newborn Infant:*

- (a) *Heated Bassinet:* A heated bassinet or incubator shall be ready for reception and care of the newborn infant in the delivery room.
- (b) *Equipment for Resuscitation:* There must be equipment for resuscitation as ordered by the physician. Facilities for the administration of oxygen shall be available.
- (c) *Silver Nitrate Ampoules:* Silver nitrate ampoules for the prevention of infant blindness shall be kept on hand, and instillation of silver nitrate shall be done before infant is removed from the delivery room.
- (d) *Identification of Newborn Infants:* Every infant shall be marked for identification by one of the reliable methods in common use, such as tape or name beads. Information shall be sufficient to identify infant with only one mother. If written tags are used, ink shall be waterproof. Marking for identification must be done immediately after delivery and the tag placed on the infant where it may be easily referred to whenever the infant is removed from his bassinet. The tag shall be removed only by the mother, or by a responsible person in the presence of the mother, at the time the infant is dressed to go home.
- (e) *Birth Records:* No infant shall be discharged until

birth is properly recorded in accordance with the rules and regulations of the State Department of Health.

6. *Provision For Infants:*

(a) *Nursery Unit:* A separate nursery unit shall be provided for the care of newborn infants. Such nursery unit shall be used only as a nursery and not for any other purpose.

(b) *Activity Units:* It is recommended that the total nursing space be divided into units in order to segregate the routine activities, such as preparation for work in the nursery, bathing and dressing of infants, or examination by physicians. Individual bassinet care is recommended.

Preparation of feedings shall not be done in the nursery.

(c) *Segregation and Isolation of Infants:* Immediate segregation and isolation of all infants with communicable infections such as respiratory infections, skin rash, or diarrhea, shall be provided. All equipment shall be kept completely separate for each infant.

(d) *Infants Born Outside the Hospital:* Infants born outside the hospital shall be isolated for at least 72 hours after admission.

7. *Nursery:*

(a) *Location:* Nursery must be an outside room so located as to receive sunshine some portion of the day. It shall be conveniently located with reference to the mother's room.

(b) *Size:* Nurseries shall be large enough to provide an average of at least 24 square feet of floor space per bassinet.

(c) *Hand-Scrub Facilities:* There shall be hand-washing facilities in the nursery section. Running water shall be controlled by foot, knee, or elbow device.

(d) *Viewing Window:* A viewing window shall be provided between each nursery and the corridor so that

visitors may see the infants without entering the nursery.

8. *Control of Atmospheric Conditions:*

- (a) *Heating:* Heating equipment shall be sufficient to maintain a temperature of 75 degrees Fahrenheit. Any room used for the care of infants shall be provided with a reliable room thermometer near the bassinets and approximately at bassinet level.
- (b) *Humidity:* An instrument for measuring humidity shall be provided in nurseries. Means shall be provided to maintain desirable humidity.
- (c) *Ventilation:* Glass deflectors, or other effective window ventilators, are required as protection against dust and drafts.

9. *Furnishings and Equipment:*

- (a) *Bassinets:* A separate bassinet shall be provided for each infant. Bassinets shall have firm mattresses, covered with waterproof sheeting and washable pads. Washable inside linings must be provided to obviate danger of injury to infants and as a preventive measure against transmission of infection. Bassinets shall be separated by at least 12 inches.
- (b) *Work Tables:* Where a common work table is in use it shall be properly protected and the pad covering shall be removed after each bath. If basins are used, a separate one must be provided for each infant or the basin must be sterilized before each use.
- (c) *Scales:* Accurate scales must be provided for each nursery.
- (d) *Waste Cans:* Covered cans for waste shall be provided and emptied at frequent intervals. Diaper rinsing shall not be done in the nursery.
- (e) *Rectal Thermometers:* One rectal thermometer shall be provided for each infant. Thermometers shall be kept in an antiseptic solution in individual containers.
- (f) *Oxygen:* Facilities for administration of oxygen shall be available.

10. *Preparation of Feedings:*

- (a) *Space and Equipment:* There shall be space and equipment for the preparation of milk mixtures and for their sterilization.
- (b) *Refrigeration:* Adequate refrigeration shall be provided.
- (c) *Care of Bottles, Nipples and Utensils:* Bottles, nipples, and utensils used in the preparation of milk mixtures shall be thoroughly washed with soap and water and sterilized before each use. A bottle brush should be used inside of the bottles.
- (d) *Technique:* Formulas are to be prepared in an aseptic manner.

11. *Clothing and Linen:*

- (a) *Clothing:* It is recommended that infant's clothing and diapers be furnished by the hospital. If furnished by the mother, precautions must be taken to avoid introduction of vermin or infection into the nursery. It shall be freshly laundered and autoclaved before use.
- (b) *Laundry:* Nursery linen must be washed separately from other hospital linen, and care taken to avoid contamination of freshly laundered articles. Only clean receptacles shall be used to return nursery linen to the maternity department.

12. *Practices:*

- (a) *Nursing Procedures:* Each hospital shall establish definite nursing procedures for delivery room and nursery and for the antepartum and postpartum care of patients. In order to insure uniformity of practices within a hospital, it is required that all routines shall be in written form and available to all personnel in the maternity section.
- (b) *Instructions to Mothers:*
 - (1) *Condition on Discharge:* The mother or other responsible person who is to care for the child

shall be informed of any abnormalities or malformations existing at the time of discharge.

- (2) *Feeding and Care of Infant:* Instruction of feeding and care of the infant shall be given to the mother in accordance with the physician's recommendations.

SECTION C -- PEDIATRIC SERVICES

Institutions providing pediatric care shall have proper facilities for the caring of children apart from the services for adult patients. There shall be proper facilities and procedures for the isolation of children with infectious, contagious, or communicable conditions.

SECTION D -- DENTAL UNIT

In a General Hospital with 100 or more beds, it is recommended that consideration be given to the inclusion of a separate dental unit in charge of a dental surgeon duly licensed in West Virginia and that standard equipment be provided for the diagnosis and treatment of diseases of the teeth, rehabilitation of defective teeth, and oral surgery including all necessary anesthetic and sterilization equipment.

SECTION E -- MEDICAL AND SURGICAL CARE

All medical and surgical care rendered in a hospital licensed by the State Department of Health must conform to standards acceptable to the County, State, and American Medical Association.

SECTION F -- OUTPATIENT DEPARTMENT

1. *Administration:* Medical service for ambulatory patients shall be organized as a definite outpatient department of the hospital under the supervision and direction of a qualified administrative official of the hospital.

2. *Facilities:* Adequate and properly arranged accommodations and facilities shall be provided for the physical comfort and convenience of patients, medical staff, and personnel, in addition to the equipment necessary for efficient professional care of patients.

3. *Personnel:* The outpatient department shall be provided with sufficient personnel -physicians, nurses, and clerical assistants-- to assure proper care of patients.

4. *Qualifications:* The medical staff of the out-patient department shall meet the same requirements and qualifications which apply to the attending medical staff of the hospital.

5. *Records:* Accurate and complete medical records, including social and scientific data, shall be written on all patients, and shall be filed and indexed in such a manner as to be readily available at any time for reference, re-study, and statistical and chronological research.

6. *Services:* Clinical laboratory, X-ray, and other diagnostic and therapeutic services of the hospital shall be available for out-patients whenever such services are required.

SECTION G - ANESTHESIA

1. *Department:* There shall be an organized department of anesthesia under the direct supervision of a physician duly licensed in West Virginia.

2. *Safeguards:* Definite safeguards in the use of various types of general anesthetics shall be established in view of the known hazards in administration.

SECTION H - DIETARY DEPARTMENT

All institutions required to be licensed under the provisions of Chapter 16, Article 5B of the Code of West Virginia, and having one hundred or more beds shall employ a full time dietician, if such dietician is available for employment, who meets the qualifications for membership in the American Dietetic Association. In institutions where a dietician is not employed, consultative services should be obtained.

Part IV

Professional Standards

SECTION A -- MEDICAL STAFF

1. *Staff:* Physicians and Surgeons privileged to practice in the hospital shall be organized as a definite group or staff.

The term "staff" is defined here as the group of doctors who practice in the hospital inclusive of all groups, such as the active medical staff, the associate medical staff, and the courtesy medical staff.

At least one physician duly licensed in West Virginia, competent in the practice of surgery, and practicing in the town or city in which the hospital is located shall be available at all times.

The term "competent" is intended to mean a surgeon holding a certificate from the American Board of Surgery, or a fellow of the American College of Surgeons, or a surgeon who has had two years or more experience as surgical resident, or two years or more experience as the regular assistant in seventy-five per cent or more of the operations of a major nature performed during such two year period by a senior surgeon who performs a large amount and variety of major surgery in an approved hospital. Above assistant-ship shall have been served within a five year period immediately preceding the date of the application.

2. *Membership:* The medical staff shall be restricted to physicians and surgeons who are:

- (a) Licensed to practice in West Virginia or approved in accordance with the rules and regulations of the West Virginia Medical Licensing Board.
- (b) Competent in their respective fields.
- (c) Worthy in character and in matters of professional ethics. In this latter connection, the practice of the division of fees, under any guise whatever, is prohibited.

3. *Rules and Regulations:* The staff shall initiate, and with the approval of the governing board of the hospital, adopt rules, regulations, and policies governing the professional work of the hospital. All medical staff members shall read and sign the rules and regulations upon election to the staff. These rules, regulations, and policies shall specifically provide:

- (a) That staff meetings be held at least once each month, unless the hospital medical staff has monthly meetings in each department. In the latter case only quarterly meetings of the full medical staff is required.
- (b) That the staff review and analyze at the monthly staff meeting their clinical experiences in the various departments of the hospital, such as medicine, surgery, obstetrics and the other specialties. The clinical records of patients shall be the basis of such review and analysis.

4. *Organization:* In all hospitals which admit two or more physicians to practice in the institution, there shall be an organized staff. Satisfactory evidence shall be maintained by the hospital of such organization.

SECTION B - NURSING SERVICE

There shall be an organized department of nursing under the supervision and direction of a graduate nurse currently registered in West Virginia.

Nursing services are those services established to procure, provide, supervise, and administer therapeutic, preventive, and supportive patient care requiring nursing knowledge and skills.

A qualified registered nurse shall be available for patient needs at all times.

There shall be sufficient nursing personnel, day and night, to assure safe and competent supervision and care to all patients.

There shall be written rules, regulations, and policies for the administrative and technical guidance in the safe conduct of all nursing services and patient care available to all personnel.

All nursing personnel shall be thoroughly instructed in the duties delegated to them.

Policies and procedures for the isolation of communicable diseases shall be available to all nursing personnel in writing and shall be strictly enforced.

Policies and procedures for the preparation of the deceased for delivery to the undertaker shall be established and available in writing to all nursing personnel.

There shall be a nurses' station which is properly equipped, located, and arranged for each nursing unit. There shall be maintained a system of nurses' clinical records.

SECTION C — LABORATORY SERVICE

1. *Actual Direction and Supervision:* Either the Director or an authorized and capable Assistant to the Director of the laboratory must in actuality be regularly available to direct, supervise, and actively participate in the work of the laboratory.

If the Director is not in reality full time in or readily available to the laboratory, there must be in the laboratory at all other times during its working hours a capable assistant to the director who has full authority and responsibility for the activities of the laboratory in the absence of the director.

EXCEPTION: An institution of highly restricted service, such as an eye, ear, nose, and throat hospital, a nursing home, a rest home, or a facility for treatment of alcoholism, may be exempt from this requirement provided a licensed physician on the active staff of the institution accepts full responsibility for the accuracy of any laboratory work which may be carried out in such an institution.

2. *Qualifications of Laboratory Staff:*

- (a) *The Director:* It is desirable that the director of a hospital laboratory be a qualified clinical pathologist who is a licensed physician. A *Clinical Pathologist* is defined as a physician who devotes the majority of his time to the practice of clinical pathology and has had post-graduate training in and is qualified in the fields of bacteriology, bio-chemistry, blood banking, clinical microscopy, hematology, parasitology and serology.

The Director must have minimal qualifications as follows:

(1) He must be a college graduate with major work for his degree in one or more of the biological or chemical sciences commonly employed in clinical laboratories; OR, if such a person is not available he may be a person who is, or is eligible to become, a registered medical technologist with the Board of Registry of the American Society of Clinical Pathologists; OR, a high school graduate who has had 5 (five) years' experience under a qualified clinical pathologist. Two years of this required experience must have occurred within the five years immediately preceding such employment.

(2) He must, also, have had at least 3 years' experience performing clinical or public health laboratory analyses in two or more of the various fields of clinical laboratory activity in a clinical or public health laboratory acceptable to the State Department of Health. Each year of resident post-graduate study in fundamental medical sciences which has been satisfactorily completed in a college or university accredited for granting a post-graduate degree in one or more of these sciences, or in an institution accredited for such post-graduate training by the Council on Medical Education and Hospitals of the American Medical Association, may be substituted year for year for the required experience, up to a maximum of two years.

(b) *The Assistant to the Director:*

(1) Must be a college graduate with major work for his degree in one or more of the biologic or chemical sciences commonly employed in clinical laboratories; or the equivalent as described in paragraph (a) (1) of the Qualifications of the Director, except that a high school graduate who has had 4 (four) years' experience under a qualified clinical pathologist may be deemed to have satisfied this requirement. Two years of this required experience must have occurred

within the five years immediately preceding such employment.

- (2) Must have had at least one year's experience or the equivalent, as described in paragraph (a) (2) of the Qualifications of the Director.

- (c) *Qualifications for additional technical laboratory workers other than students or trainees:*

Must be at least high school graduates with a minimum of one year of technical training in one or more of the sciences or procedures commonly employed in a clinical laboratory. Such training must have been received in an accredited college or university, or in a laboratory approved for such training by the Council on Medical Education and Hospitals of the American Medical Association, or in a laboratory directed by a qualified clinical pathologist, or in a nationally recognized public health laboratory.

- (d) *Personnel exempt from these requirements:*

Paragraphs 2 (a), (b) and (c) above do not apply to a person in a given laboratory who was employed at the time these regulations first became effective.

Licensing Law

Chapter 16, Code of West Virginia, 1931, as amended

ARTICLE 5-B — HOSPITALS AND SIMILAR INSTITUTIONS

Section 1. *Hospitals and Other Institutions Affected.*—After July 1, 1948, no person, partnership, association, corporation, or any local governmental unit or any division, department, board or agency thereof shall establish, conduct, or maintain in the State of West Virginia any hospital, sanatorium, rest home, nursing home, or other institution having five or more beds for the hospitalization or care of the sick or injured or for the care of any human being requiring or receiving chronic or convalescent care without first obtaining a license therefor in the manner hereinafter provided. Hospitals operated by the federal government or the state government shall be exempt from the provisions of this article.

Hospital, sanatorium, rest home, nursing home, and other related institutions within the meaning of this article, shall mean any institution, place, building, or agency in which an accommodation of five or more beds is maintained, furnished or offered for the hospitalization of the sick or injured or care of any persons requiring or receiving chronic or convalescent care. Nothing contained in this article, however, shall apply to hotels or other similar places that furnish to their guests only board and room, or either of them.

Nothing in this article shall authorize any person, partnership, association, corporation, or any local government unit or any division, department, board or agency thereof to engage in any manner in the practice of medicine, as defined by law. This article shall not be construed to restrict or modify any statute pertaining to the placement or adoption of children.

Sec. 2. *Existing Hospitals and Institutions to Obtain Licenses.*—No person, partnership, association, corporation, or any local governmental unit or any division, department, board or agency thereof may continue to operate an existing hospital, sanatorium, rest home, nursing home, or related institution or open a hospital, sanatorium, rest home, nursing home, or related institution after July 1, 1947, unless such operation shall have been approved and regularly licensed by the state as hereinafter provided.

Before a license shall be issued under this act, the person applying, if an individual, shall submit evidence satisfactory to the state department of health that he is not less than 21 years of age, of reputable and responsible character, and otherwise qualified. In the event the applicant is an association, corporation or governmental unit, like evidence shall be submitted as to the members thereof and the persons in charge. Every applicant shall, in addition, submit satisfactory evidence of his ability to comply with the minimum standards and with all rules and regulations lawfully promulgated hereunder.

Sec. 3. *Application for Licenses.*--Any person, partnership, association, or corporation, or any local governmental unit or any division, department, board or agency thereof desiring a license hereunder shall file with the state department of health a verified application stating the name of the applicant, and if the applicant is an individual, his age; the type of institution to be operated; the location thereof; the name of the person in charge thereof; and such other information as the state department of health may require. An application on behalf of a corporation, association or governmental unit shall be made by any two officers thereof or by its managing agents and shall contain like information. The application shall be on a form prescribed, prepared and furnished by the state department of health.

Sec. 4. *License Fees.*--The application by any person, partnership, association, corporation or local governmental unit for a license to operate a hospital, sanatorium, rest home, nursing home, or related institution within the meaning of this article shall be accompanied by a fee to be determined by the number of beds available for patients, according to the following schedule of fees: those with 5 beds but less than 50 beds shall pay a fee of \$20.00; those with 50 beds or more and less than 100 beds shall pay a fee of \$30.00; those with 100 beds or more and less than 200 beds shall pay a fee of \$40.00; and those with 200 beds or more shall pay a fee of \$50.00. No such fee shall be refunded. All licenses issued under this article shall expire on the thirtieth day of June following their issuance, shall be on a form prescribed by the state department of health, shall not be transferable or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises, and may be renewed from year to year upon application, investigation, and pay-

ment of the license fee, as in the case of the procurement of an original license. All fees received by the state department of health under the provisions of this article shall be paid into the state treasury general revenue fund.

Sec. 5. *Inspection.*—Every building, institution or establishment for which a license has been issued shall be inspected periodically by a duly appointed representative of the state department of health under rules and regulations to be promulgated by the department. Inspection reports shall be prepared on form prescribed by the state department of health. Institutions licensed hereunder shall in no way be exempt from being inspected or licensed under the laws of this state relative to hotels, restaurants, lodging houses, boarding houses and places of refreshment.

Sec. 6. *State Department of Health to Issue Licenses.*—The state department of health is hereby authorized to issue licenses for the operation of hospitals, sanatoriums, rest homes, nursing homes, or other related institutions as herein defined, which are found to comply with the provisions of this article and with any regulations lawfully promulgated by the department.

The state department of health is hereby authorized to suspend or revoke a license issued hereunder, on any of the following grounds:

1. Violation of any of the provisions of this article or the rules and regulations issued pursuant thereto.
2. Permitting, aiding or abetting the commission of any illegal act in such institution.
3. Conduct or practices detrimental to the health or safety of the patients and employees of such institution.

Before any such license is suspended or revoked, however, written notice shall be given the licensee, stating the grounds of the complaint, and of the date, time, and place set for the hearing of the complaint, which date shall not be less than thirty days from the time the notice is given. Such notice shall be sent by registered mail to the licensee at the address where the institution concerned is located. The licensee shall be entitled to be represented by legal counsel at the hearing.

If a license is revoked as herein provided, a new application for a license shall be considered by the state department of health

if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been furnished. A new license shall then be granted after proper inspection has been made and all provisions of this article and rules and regulations promulgated hereunder have been satisfied.

Sec. 7. *Judicial Review.*--Any applicant or licensee who is dissatisfied with the decision of the state department of health as a result of the hearing provided in section six may, within 30 days after receiving notice of the decision, appeal to the circuit court, in term or in vacation, of the county in which the applicant or licensee is located for judicial review of the decision. The court may, if it so desires, refer the matter to a commissioner in chancery for a hearing, with a request that he report to the court his findings of fact together with his recommendation.

The department shall promptly certify and file in the court the transcript of the hearings on which its decision is based.

Findings of fact by the department shall be considered as prima facie correct, but the court may remand the case to the department for the taking of further evidence. The department may thereupon make new or modified findings of fact which shall likewise be considered as prima facie evidence. All evidence in the case shall be held secret until the final order is issued by the court which order shall be made public.

The court shall have the power to affirm, modify or reverse the decision of the department and either the applicant or licensee or the department may appeal from the court's decision to the supreme court of appeals. Pending the final disposition of the matter the status quo of the applicant or licensee shall be preserved.

Sec. 8. *State Department of Health to Establish Standards.*--The state department of health shall have the power, with the advice and counsel of the advisory board, to establish and enforce such minimum standards and such rules and regulations, not in conflict with any provision of this article, as it finds necessary, or in the public interest, in order to protect patients in institutions required to be licensed under this article from detrimental practices and conditions, or to insure adequate provision for their accommodations and care. In like manner, the department, with the advice and counsel of the advisory board, may from time to time rescind or modify such standards, rules and regulation in such

manner as may be deemed in the public interest, but no rule, regulation, or standard of the Board shall be adopted or enforced which would have the effect of denying a license to a hospital or other institution required to be licensed hereunder, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein; provided that such school or system of practice is recognized by the laws of this state.

Sec. 9. Appointment and Term of Office of Advisory Board Members.—There shall be an Advisory Board of seven members, all of whom shall be citizens of West Virginia, to assist in the establishment of rules, regulations and standards necessary to carry out the provisions of this act and to serve as consultants to the Commissioner of Health. The Board shall meet at least twice each year and at the call of the Commissioner of Health. The members of the Board shall annually elect one of its members to serve as chairman.

The Advisory Board shall be appointed by the Governor by and with the consent of the Senate. Of the seven members of the Board, four shall be persons who are well-versed in hospital organization and administration, and the remaining three shall be chosen from persons of recognized ability in the fields of medicine and surgery, nursing, welfare, public health, architecture, or allied professions in the field of health, or consumers of hospital services.

The members shall be appointed for seven year terms except that in the original appointments one person shall be appointed for one year, one person for two years, one person for three years, one person for four years, one person for five years, one person for six years, and one person for seven years. Thereafter each member shall be appointed to serve seven years or until his successor is appointed. In the case of a vacancy the appointee shall serve the remainder of the unexpired term.

Members of the Advisory Board shall be eligible to succeed themselves. Members of the Advisory Board shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of their office.

Sec. 10. Information Not to be Disclosed Except in Certain Cases. Information received by the state department of health under the provisions of this article shall be confidential and shall

not be publicly disclosed except in a proceeding involving the question of the issuance or revocation of a license.

Sec. 11. *Violations; Penalties; Separability.*—Any person, partnership, association, or corporation, and any local governmental unit or any division, department, board or agency thereof establishing, conducting, managing, or operating a hospital, sanatorium, rest home, nursing home, or institution within the meaning of this article, without first obtaining a license therefor as herein provided, or violating any provision of this article or any rule or regulation lawfully promulgated thereunder, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not more than one hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days, or by both such fine and imprisonment, in the discretion of the court. For each subsequent offense the fine may be increased to not more than five hundred dollars, with imprisonment in the county jail for a period of not more than ninety days, or both such fine and imprisonment in the discretion of the court. Each day of a continuing violation after conviction shall be considered a separate offense.

Sec. 12. *Injunction.*—Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction against any person, partnership, association, corporation, or any local governmental unit, or any division, department, board or agency thereof to restrain or prevent the establishment, conduct, management or operation of any hospital, sanatorium, rest home, nursing home or other institution having five or more beds for the hospitalization or care of the sick or injured or for the care of any human being requiring or receiving chronic or convalescent care without first obtaining a license therefor in the manner hereinbefore provided.

Sec. 13. If any part of this article shall be declared unconstitutional, such declaration shall not affect any other part thereof.