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FILED David K. Heydinger, M.D.  
Director

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# State of West Virginia

DEPARTMENT OF HEALTH

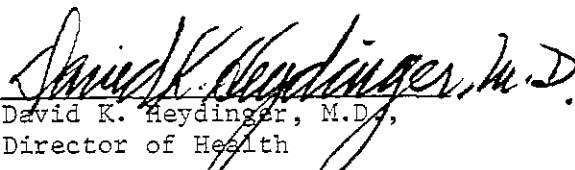
CHARLESTON 25305

SECRETARY OF STATE

## NOTICE OF FINAL FILING

LEGISLATIVE RULE: Reportable Diseases, West Virginia Board of Health  
Legislative Rules, Chapter 16-1, Series VII, 1985.

The attached legislative rule is hereby submitted for final filing with the Secretary of State by the West Virginia Board of Health as authorized by Senate Bill 399, Section 64-2-16(1)(7)(k).

  
David K. Heydinger, M.D.,  
Director of Health

WEST VIRGINIA BOARD OF HEALTH  
RULE PROMULGATION HISTORY ABSTRACT

RULE: Reportable Diseases, West Virginia Board of Health Legislative Rules,  
Chapter 16-1, Series VII, 1985

RULE TYPE: Legislative

APPROVED FOR PUBLIC HEARING BY BOARD OF HEALTH: November 9, 1984

FILED NOTICE OF PUBLIC HEARING: November 9, 1984

PUBLIC HEARING HELD: December 10, 1984

APPROVED BY BOARD OF HEALTH: December 19, 1984

FILED WITH SECRETARY OF STATE: December 21, 1984

FILED WITH LEGISLATIVE RULE-MAKING REVIEW  
COMMITTEE: December 21, 1984

ACTION BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE: Approved  
January 8, 1985

LEGISLATIVE ACTION: Authorized in Senate Bill 399, §64-2-16(1)(7)(j).  
Passed April 13, 1985; in effect from passage.

FINAL RULE FILED WITH SECRETARY OF STATE: May 13, 1985

EFFECTIVE DATE: July 1, 1985

*obsolete  
valid July 1, 1985  
to Feb 17, 1987*

*David K. Heydinger, M.D.*  
David K. Heydinger  
Director of Health

WEST VIRGINIA BOARD OF HEALTH  
LEGISLATIVE RULES

Chapter 16-1  
Series VII  
1985

REPORTABLE DISEASES

WEST VIRGINIA BOARD OF HEALTH  
LEGISLATIVE RULES

Reportable Diseases  
Chapter 16-1  
Series VII  
1985

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WEST VIRGINIA BOARD OF HEALTH  
LEGISLATIVE RULES

Reportable Diseases  
Chapter 16-1  
Series VII  
1985

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WEST VIRGINIA BOARD OF HEALTH  
LEGISLATIVE RULES

FILED

Reportable Diseases  
Chapter 16-1  
Series 7  
1985

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Title: Reportable Diseases

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Section 1. General

1.1. Scope - These legislative rules establish procedures governing reportable diseases required to be reported to the West Virginia department of health.

1.2. Authority - These legislative rules are issued under the authority of Chapter 16, Article 1, Section 7, and are related to Chapter 16, Article 3, Section 1 of the West Virginia Code.

1.3. Filing Date - May 13, 1985

1.4. Effective Date - July 1, 1985

Section 2. Supersession and Repeal of Former Regulations - These legislative rules supercede and repeal Reportable Diseases, West Virginia Board of Health Legislative Rules, Chapter 16-1, Series VII, 1983.

Section 3. Application and Enforcement

3.1. Application - These legislative rules apply to physicians, county health officers, primary care or public health providers, private or public laboratories, hospitals, nursing homes, administrators of sanitariums, schools, camps, vessels, state institutions, other licensed health practitioners, persons or facilities specifically mentioned within these regulations.

3.2. Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 4. Definitions

4.1. Communicable Disease - An illness due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a susceptible host from an infected person, animal, or arthropod, or through the agency of an intermediate host or a vector or through the inanimate environment.

4.2. Department - The West Virginia department of health.

4.3. Isolation - The separation for the period of communicability of infected persons or animals from other persons or animals, in places and under conditions that shall prevent the direct or indirect transmission of the infectious agent from infected persons or animals to other persons or animals who are susceptible or who may spread the disease to others.

4.4. Quarantine - The limitation of freedom of movement of persons or animals who have been exposed to a communicable disease, for a period of time equal to the longest usual incubation period of the disease, in such manner as to prevent effective contact with those not exposed.

4.5. Placarding - The posting on any home or other building of a sign or notice warning of the presence of communicable disease within and the danger of infection therefrom.

4.6. Reportable Disease - Any communicable disease declared reportable by regulations; any unusual prevalence or clusters of illness which, in the opinion of the state board of health, may be a public health emergency; non-communicable diseases and conditions for which the state health director may authorize reporting to provide data and information which are needed to effectively carry out those programs of the department designed to protect and promote the health of the people of West Virginia, or in order to determine the need for the establishment of such programs.

4.7. Surveillance - The close supervision of persons and animals exposed to a communicable disease without restriction of movement.

Section 5. Diseases or Conditions Declared to be Reportable and Required to be Reported to the State Department of Health - When used in the public health law and in the regulation of the state board of health, the term reportable disease shall be held to include the following diseases or conditions plus any other diseases or conditions requested by the director of health. A report is required by the state board of health and in the manner specified by the state health director to be made to the county health department for Categories I, II and III, and to the state department of health for Category IV.

Reportable Diseases in West Virginia

5.1. Category I. Diseases or conditions to be reported immediately by telephone to the county health department, including case name, address, age and sex. Call within 24 hours to report:\*

- |                    |                    |
|--------------------|--------------------|
| Botulism           | Poliomyelitis      |
| Cholera            | Smallpox           |
| Diphtheria         | Waterborne Disease |
| Foodborne Diseases | Yellow Fever       |
| Plague             |                    |

\* Note: In some situations, such as potential epidemics, same day reporting may be appropriately requested by county health officers for categories II and III.

5.2. Category II. Diseases or conditions reported weekly by name, address, age, and sex to the county health department.

- |              |            |
|--------------|------------|
| Amebiasis    | Meningitis |
| Animal Bites | Viral      |
| Anthrax      | Bacterial  |

Brucellosis	Mumps
Campylobacter	Pertussis
Chancroid**	Psittacosis
Conjunctivities, acute infectious (Ophthalmia Neonatorum)	Rabies in Animals and Man
Encephalitis	Rheumatic Fever
Primary and Unspecified	Rubella
Post-infectious	Rubella, Congenital Syndrome
Giardiasis	Rubeola
Gonorrhea**	Salmonellosis (Excluding typhoid)
Hepatitis	Shigellosis
Type A	Syphilis**
Type B	Tetanus
Non A, Non B	Toxoplasmosis
Leprosy	Trichinosis
Leptospirosis	Tuberculosis (All Forms)***
Malaria	Tularemia
	Typhoid Fever
	Typhus Fever
	Tick-Borne, RMSF
	Flea-Borne, Murine

\*\* Use Venereal Disease Report Form

\*\*\* Use Tuberculosis Report Form

5.3. Category III. - Diseases to be reported weekly by numerical totals to the county health department.

Chickenpox  
Influenza and Flu-like illness

5.4. Category IV - Illnesses of unusual prevalence or clusters of unexplained health occurrences to be reported by name, address, age, sex, and specific disease information to the state health department according to protocols specified by the director of the department.

Acquired Immune Deficiency Syndrome	Reyes Syndrome
Birth Defects	Toxic Shock Syndrome
Cancer	Unusual or III-Defined Conditions
Dengue	
Guillian-Barre Syndrome	
Hemophilia	
Lead Poisoning	
Occupational Related Illnesses	

5.5. The state director of health may by order add or delete a condition or disease to any Category as deemed necessary.

Section 6. Laboratories, Hospitals, Nursing Homes, and Other Institutions Who Diagnose or Treat Patients With Reportable Diseases or Conditions - It shall be the duty of every public and private laboratory, hospital, and administrator of nursing homes or other institutions to report immediately to the county health

department, the reportable diseases as listed in Section 5, Categories I, II and III, and Category IV to the department.

Section 7. Physicians Who Treat Patients With Reportable Diseases or Conditions - It shall be the duty of every practicing physician or other person engaged in the treatment of the sick to follow a protocol as specified by the state health director for reporting to the county health department within whose jurisdiction they practice as designated in Section 5, Categories I, II and III, and Category IV to the department, unless the case is admitted to a hospital or nursing home at which time the regulation in Section 6 shall be followed.

Section 8. Physicians to Assist in Control of Suspected Reportable Diseases - It shall be the duty of the attending physician, upon suspecting a case of a reportable disease to follow a method of control as specified by the state health director. If the reported case should be communicable, such physician shall also advise other members of the household regarding the precautions to be taken to prevent further spread of the disease, (using caution where venereal disease is involved) and shall cooperate with the county health officer in seeing that the methods of the state director of health concerning the control of such reportable diseases are carried out by the patient and other members of the household.

Section 9. Physicians to Submit Specimens for Laboratory Examination in Suspected Reportable Diseases - It shall be the duty of each and every physician who shall be in attendance on any person suspected of suffering from any of the diseases or conditions specified in this regulation to make every reasonable effort to submit to an approved laboratory for examination suitable specimens as delineated in the protocol specified by the state health director to accurately establish the diagnosis of such reportable disease.

Section 10. Duties of Physicians and Others in Reference to the Prevention of Acute Infectious Conjunctivitis (Ophthalmia Neonatorum) - (See Chapter 16, Article 3, Sections 7, 8, 9, 10, 11, 12, of the West Virginia Code.)

Section 11. Others Who Treat or Come in Contact with Persons with Reportable or Suspected Reportable Diseases or Conditions - When no physician is in attendance, it shall be the duty of any primary care or public health provider or administrator of any sanitarium, school, camp, vessel or state institution to follow a protocol as specified by the state health director and report immediately the reportable diseases as listed in Section 5, Categories I, II and III, to the county health department and Section 5, Category IV to the department.

Section 12. Reporting of Rabid Animals and of Persons Bitten by such Animal

12.1. For the purposes of this section the term bitten shall also include direct contact with an animal which causes a breaking of the skin on the person by the animal, such as a scratching or clawing.

12.2. It shall be the duty of every physician or other attending licensed health practitioner to report immediately to the county health officer the full name, age, and address of any person under his care or observation who

has been bitten by an animal having or suspected of having rabies. If no physician is in attendance and the person is a child, it shall be the duty of the parent or guardian to make such report immediately. If the person bitten is an adult, such person shall make the report, or if incapacitated, it shall be made by whomever is caring for the person bitten. It shall be the duty of every person having knowledge of the existence of an animal apparently afflicted with rabies to report immediately to the county health officer the existence of such animal, the place where seen, the owner's name if known, and the symptoms suggesting rabies. The county health officer shall forthwith report to the department the name, age, and address of every person bitten by an animal having or suspected of having rabies, together with the action taken in each individual case.

A reasonable attempt shall be made by the county health officer to determine the owner of a dog or cat if the animal is domestic, and shall direct the owner to confine the animal for a period of fourteen (14) days. If ownership cannot be determined, the county health officer shall direct the county humane officer, dog warden or sheriff to pick up the suspected dog or cat that has bitten a person and confine it in isolation for a period of fourteen (14) days. The county humane officer, dog warden or sheriff shall notify the county health officer immediately should the animal show symptoms of illness or die and the county health officer, county humane officer, dog warden or sheriff shall arrange for appropriate examination of the brain. Provided, however, that when a person is reported bitten by any wild animal, other than a dog or cat having or suspected of having rabies, the county health officer shall direct the county humane officer, dog warden or sheriff to have it immediately destroyed. The county health officer shall arrange for appropriate examination of the brain.

Section 13. Registrar of Vital Statistics to Notify County Health Officers When Birth Defects and Deaths From Reportable Diseases are Reported

13.1. It shall be the duty of the state registrar of vital statistics whenever a certificate of birth has been received, to send a copy of birth certificates which indicate a birth defect to Maternal and Child Health's Birth Registrar, who immediately will send a copy of such birth certificate to the county health officer having jurisdiction in the county of residence of the mother.

13.2. It shall be the duty of the state registrar of vital statistics whenever a certificate of death from a reportable disease has been received to send a copy of the death certificate immediately to the county health officer having jurisdiction in the county in which the death occurred and the county of residence of the decedent.

13.3. It shall be the duty of every county health officer, upon receiving such death certificate to immediately ascertain whether such person has been reported during life as suffering with a reportable disease, as identified in Section 5 except those in Category III and IV. If the health officer shall ascertain that a physician has failed to report the case of reportable disease for which the death certificate has been issued, he shall notify the physician signing the death certificate of his failure to conform with the state law and

require a satisfactory reason for such failure. The health officer shall report the name and address of the physician who failed to so report, together with his reason for failure to comply with the state requirements in such case to the state director of health.

Section 14. Reporting Cases of Communicable Diseases Diagnosed after Death - If a pathologist, coroner, medical examiner, physician or other person determines from examination of a corpse or from history of the events leading to death, that at the time of death this individual apparently was affected with a communicable disease, he shall report the case promptly to the proper health authority according to the manner indicated in Sections 6 and 7 of these regulations as if the diagnosis had been established prior to death.

Section 15. Reporting by County Health Officers to the Department - All cases of reportable diseases reported to or discovered by the county health officer shall be made a matter of record for a period of three years and he shall make a report in accordance with Section 5, Categories I, II and III all such reportable diseases to the department on forms supplied for that purpose. The record of reportable diseases is required to be kept by county health officers at the county health department, and shall be turned over by every health officer to their successor when such health officer's official duties are terminated.

Section 16. Duties of County Health Officers in Connection with Prevention and Control of Communicable Diseases - It shall be the duty of the county health officer, either personally or through a qualified representative, within a reasonable period of time after receipt of report of a case of a communicable disease:

16.1. To make such an investigation as the circumstances may require for the purpose of ascertaining the source of the infection and discovering contacts and unreported cases.

16.2. To determine if required specimens have been collected and submitted, or cause to be collected and submitted, to the State Hygienic Laboratory or other approved laboratory such specimens as may be required to supply necessary or desirable information in determining the source of the infection and the possible infection of contacts.

16.3. To give to the patient, his attendants, members of the household and contacts with the infected person such instructions and advice as may be necessary to prevent the spread of the disease.

16.4. Make the appropriate report in accordance with Section 5, Categories I, II and III

Section 17. County Health Officer to Act in Cases of Suspected Reportable Disease - Whenever a county health officer shall know, suspect, or be informed of the existence of any reportable disease listed in Section 5 of these regulations and no licensed physician is in attendance; or, should the attending physician fail or refuse to report such case to the county health department, it shall be the duty of the county health officer or his designee to investigate such case or cases of alleged reportable diseases and to act in accordance with the

protocols established by the state health director governing cases of reportable diseases if his investigation establishes the existence of such reportable disease.

Section 18. Case of Doubt or Disputed Diagnosis - Where doubt exists as to the diagnosis of a suspected case of a reportable disease, the county health officer shall enforce the methods of control and protocol for reporting provided for the suspected reportable disease and shall refer the matter to the state director of health, or his authorized representative, who if he deems necessary, will have an investigation made for final decision. Whenever a case of undetermined illness shall be reported to the health officer, which upon investigation, presents symptoms of communicable disease but in which, in the judgment of the county health officer, sufficient time has not elapsed to render a positive diagnosis possible, the county health officer shall enforce control methods applicable in actual cases of communicable diseases until such time as a positive diagnosis can be established; and if the disease proved not to be communicable, the temporary methods of control shall be terminated at once.

Section 19. Failure of County Health Officer to Investigate Case of Reportable Diseases Reported to Him Constitutes Neglect of Duty - Any county health officer who fails or neglects to investigate appropriate cases of reportable disease reported to him by any physician or other person within a reasonable period of time after the receipt of the report, shall be deemed guilty of neglect of duty and may, at the discretion of the state health director, be removed from office.

Section 20. Failure of County Health Officer to make Weekly Reports to the Department Constitutes Neglect of Duty - The failure on the part of any county health officer to make to the department the weekly report in the manner specified by the director of health of reportable diseases occurring within his jurisdiction, as required by law, shall be deemed guilty of neglect of duty and may, at the discretion of the state health director, be removed from office.

Section 21. Exclusion from School Due to a Communicable Disease; Re-admission - When a pupil or school personnel in any school has suffered from a communicable disease and on account of such disease has been excluded from school, such pupil or school personnel shall be permitted to return to school subject to complying with all the requirements of the rules governing such cases, or has presented a certificate of health from a physician, county health officer, or his authorized representative stating that such pupil, or school personnel has entirely recovered from the disease and is no longer liable to communicate the disease to others.

Section 22. Isolation, Quarantine and Placarding - When any person or persons are suffering from a communicable disease in which isolation or quarantine should be required for the control of such disease, such isolation or quarantine shall be terminated only at the discretion of the county health officer, or his authorized representative, unless the case is in a hospital, nursing home, or other institution, in which case the attending physician or other appropriate official within the institution shall assume responsibility for isolation and when it should be terminated. No person shall interfere with or obstruct any health officer, or his authorized representative, in the posting of any placard stating

the existence of a case of communicable disease in or on any place or premises; nor shall any person conceal, mutilate or remove any such placard except by permission of the county health officer. In the event any such placard is concealed, mutilated or torn down it shall be the duty of the occupant of the premises whereon such placard was posted to notify the county health officer of such fact immediately.

Section 23. Reports of Reportable Diseases to be Made on Forms Supplied by Department of Health - The reports required to be made by physicians, hospitals, primary care or public health providers, public or private laboratories, administrators, of a nursing home, state or other institution, a sanitarium, school, camp or vessel, to county health officers of reportable diseases coming under their observation shall be made upon forms supplied for that purpose through the county health officer by the department and such reports shall contain such information as may be required by the department.

Section 24. Failure to Report a Case of Reportable Disease as Required by the State Board of Health - Any physician, hospital, primary care or public health provider; private or public laboratory, administrator of a nursing home, state institution or other institution, or a sanitarium, school, camp, or vessel who fails to report a reportable disease according to Section 5, Categories I, II, III, and IV, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than two hundred dollars or by imprisonment for not more than thirty days or both. Violations of each such provision shall be considered a separate offense.

Section 25. Examination and Training of Food Service Workers

25.1. Food service management training or food service workers' training may be provided by the county health departments at the discretion of the county health officer.

Food service management training courses, when conducted, must be approved by the state director of health. Such training by the county health departments in lieu of food service workers' training, must satisfy the county health officer that such training of management personnel will result in suitable training for the other food service workers within that particular food service establishment.

25.2. If at any time, for the protection of the public, the county health officer considers an examination advisable, the food service worker must be examined by a physician approved by the county health officer. The county health officer may require such laboratory examinations as are necessary to detect any conditions in the food service worker which might constitute a hazard to the public's health.

Section 26. Administrative Due Process - Those persons adversely affected desiring a contested case hearing shall do so in a manner prescribed in and by Rules of Procedure for Contested Case Hearings and Declaratory Rulings, West Virginia Board of Health Procedural Rules, Chapter 16-1, Series I, 1983. The aforementioned rules of procedure are incorporated by reference.

Section 27. Severability - If any provisions of these regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity thereof shall not affect the provisions or application of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared to be severable.

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H. B. 1631

(By Delegate Casey)  
(Introduced March 6, 1985; referred to the  
Committee on Health and Welfare with the direction that)  
it later be referred to the Committee  
on the Judiciary.)

10 A BILL to amend and reenact section sixteen (one)(seven),  
11 article two, chapter sixty-four of the code of West  
12 Virginia, one thousand nine hundred thirty-one, as  
13 amended, relating to authorizing the state board of  
14 health to promulgate legislative rules relating to  
15 reportable diseases.

16 Be it enacted by the Legislature of West Virginia:

17 That section sixteen (one)(seven), article two, chapter  
18 sixty-four of the code of West Virginia, one thousand nine  
19 hundred thirty-one, as amended, be amended and reenacted to  
20 read as follows:

21 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE  
22 LEGISLATIVE RULES.

23 §64-2-16(1)(7). State board of health.

24 (a) The legislative rules filed in the state register on  
25 the second day of June, one thousand nine hundred  
26 eighty-two, relating to the state board of health (waste

1 water treatment works operations) are authorized.

2 (b) The legislative rules filed in the state register on  
3 the second day of June, one thousand nine hundred  
4 eighty-two, relating to the state board of health  
5 (laboratory reporting of syphilis and gonorrhea) are  
6 authorized.

7 (c) The legislative rules filed in the state register on  
8 the second day of June, one thousand nine hundred  
9 eighty-two, relating to the state board of health (public  
10 water supply operators) with the modification of section  
11 11.02 as presented to the legislative rule-making review  
12 committee on the ninth day of November, one thousand nine  
13 hundred eighty-two, are authorized.

14 (d) The legislative rules filed in the state register on  
15 the twenty-second day of October, one thousand nine hundred  
16 eighty-two, relating to the state board of health (sewage  
17 systems) with the modification presented to the legislative  
18 rule-making review committee on the sixth day of December,  
19 one thousand nine hundred eighty-two, are authorized except  
20 lines ten through seventeen, page eight of the rules shall  
21 be stricken in their entirety and the remaining paragraphs  
22 renumbered. These rules were proposed by the state board of  
23 health pursuant to sections seven and nine, article one,  
24 chapter sixteen of this code.

25 (e) The legislative rules filed in the state register on  
26 the second day of June, one thousand nine hundred

1 eighty-two, relating to the state board of health (approval  
2 of laboratories) are authorized. These rules were proposed  
3 by the state board of health pursuant to section one,  
4 article seven, chapter sixteen and section six-a, article  
5 one, chapter forty-eight of this code.

6 (f) The legislative rules filed in the state register on  
7 the thirteenth day of August, one thousand nine hundred  
8 eighty-two, and filed with amendments on the eleventh day of  
9 January, one thousand nine hundred eighty-three, relating to  
10 the state board of health (nursing home licensure) are  
11 authorized with the amendment of section 5.15.02 of those  
12 rules as set forth below:

13 By striking the word "and" at the end of subdivision  
14 (f), by changing the period at the end of subdivision (g) to  
15 a semicolon, and by adding the following after subdivision  
16 (g): "(h) one (1) member who represents social work  
17 services."

18 These rules were proposed by the state board of health  
19 pursuant to section seven, article one, chapter sixteen and  
20 section three, article five-c, chapter sixteen of this code.

21 (g) The legislative rules filed in the state register on  
22 the nineteenth day of December, one thousand nine hundred  
23 eighty-three, relating to the state board of health (trauma  
24 center or facility designation) are authorized with the  
25 modifications set forth below:

26 In sections 3.1, 3.2, 3.4, 3.6 and 3.10 delete the words

1 "and as may be modified by the West Virginia Categorization  
2 Committee."

3 (h) The legislative rules filed in the state register on  
4 the seventh day of September, one thousand nine hundred  
5 eighty-three, relating to the state board of health (well  
6 water regulations) are authorized with the amendments set  
7 forth below:

8 Section 4.1. In the first sentence delete the word  
9 "obtaining" and insert in lieu thereof the words "applying  
10 for." In the second sentence after "4.3" add "and 4.5."

11 Section 4.2. At the end of the second sentence, strike  
12 the period and add the words "unless emergency conditions  
13 prevail as noted under section 4.3."

14 With the balance of section 4.2 and create a new section  
15 4.3 with the following changes: In the first sentence  
16 delete the word "deadline" and insert in lieu thereof the  
17 word "requirements." Add after the first sentence the  
18 sentence, "Emergency conditions and unavoidable  
19 circumstances are those conditions involving acts of God,  
20 water outages or disruption of water service, unsatisfactory  
21 water quality or quantity of public health threats." In the  
22 third sentence delete the word "exceed" and insert in lieu  
23 thereof the words "be made in excess of."

24 Renumber section 4.3 as section 4.4 and add the  
25 following two sentences at the end of the section: "Such  
26 standards shall constitute the minimum standards for the

1 installation, the alteration or the deepening of water  
2 wells. Any plans approved by the director pursuant to these  
3 regulations shall be in substantial compliance with the  
4 heretofore mentioned standards."

5 Renumber section 4.4 as section 4.5, section 4.5 as  
6 section 4.6, section 4.6 as section 4.7, section 4.7 as  
7 section 4.8 and section 4.8 as section 4.9.

8 Section 5.2. Delete the words "four (4)" and insert in  
9 lieu thereof the words "two (2)" and delete the words  
10 "active, continuous."

11 (i) The legislative rules filed in the state register on  
12 the nineteenth day of December, one thousand nine hundred  
13 eighty-three, relating to the state board of health  
14 (procedures for recovery of corneal tissue for transplant)  
15 are authorized.

16 (j) The legislative rules filed in the state register on  
17 the twenty-first day of December, one thousand nine hundred  
18 eighty-four, relating to the state board of health  
19 (reportable diseases) are authorized.

20

21 NOTE: The purpose of this bill is to authorize the  
22 state board of health to promulgate legislative rules  
23 related to reportable diseases.

24 Strike-throughs indicate language that would be stricken  
25 from the present law, and underscoring indicates new  
26 language that would be added.

## SENATE BILL NO. 387

(By Mr. R. Williams

[Introduced March 6, 1985

referred to the Committee on Health and Human Resources; then

to the Committee on the Judiciary]

A BILL to amend and reenact section sixteen (one)(seven), article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the state board of health to promulgate legislative rules relating to reportable diseases.

Be it enacted by the Legislature of West Virginia:

That section sixteen (one)(seven), article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-16(1)(7). State board of health.

(a) The legislative rules filed in the state register on the second day of June, one thousand nine hundred eighty-two, relating to the state board of health (waste

1 water treatment works operations) are authorized.

2 (b) The legislative rules filed in the state register on  
3 the second day of June, one thousand nine hundred  
4 eighty-two, relating to the state board of health  
5 (laboratory reporting of syphilis and gonorrhea) are  
6 authorized.

7 (c) The legislative rules filed in the state register on  
8 the second day of June, one thousand nine hundred  
9 eighty-two, relating to the state board of health (public  
10 water supply operators) with the modification of section  
11 11.02 as presented to the legislative rule-making review  
12 committee on the ninth day of November, one thousand nine  
13 hundred eighty-two, are authorized.

14 (d) The legislative rules filed in the state register on  
15 the twenty-second day of October, one thousand nine hundred  
16 eighty-two, relating to the state board of health (sewage  
17 systems) with the modification presented to the legislative  
18 rule-making review committee on the sixth day of December,  
19 one thousand nine hundred eighty-two, are authorized except  
20 lines ten through seventeen, page eight of the rules shall  
21 be stricken in their entirety and the remaining paragraphs  
22 renumbered. These rules were proposed by the state board of  
23 health pursuant to sections seven and nine, article one,  
24 chapter sixteen of this code.

25 (e) The legislative rules filed in the state register on  
26 the second day of June, one thousand nine hundred

1. eighty-two, relating to the state board of health (approval  
2 of laboratories) are authorized. These rules were proposed  
3 by the state board of health pursuant to section one,  
4 article seven, chapter sixteen and section six-a, article  
5 one, chapter forty-eight of this code.

6 (f) The legislative rules filed in the state register on  
7 the thirteenth day of August, one thousand nine hundred  
8 eighty-two, and filed with amendments on the eleventh day of  
9 January, one thousand nine hundred eighty-three, relating to  
10 the state board of health (nursing home licensure) are  
11 authorized with the amendment of section 5.15.02 of those  
12 rules as set forth below:

13 By striking the word "and" at the end of subdivision  
14 (f), by changing the period at the end of subdivision (g) to  
15 a semicolon, and by adding the following after subdivision  
16 (g): "(h) one (1) member who represents social work  
17 services."

18 These rules were proposed by the state board of health  
19 pursuant to section seven, article one, chapter sixteen and  
20 section three, article five-c, chapter sixteen of this code.

21 (g) The legislative rules filed in the state register on  
22 the nineteenth day of December, one thousand nine hundred  
23 eighty-three, relating to the state board of health (trauma  
24 center or facility designation) are authorized with the  
25 modifications set forth below:

26 In sections 3.1, 3.2, 3.4, 3.6 and 3.10 delete the words

1 "and as may be modified by the West Virginia Categorization  
2 Committee."

3 (h) The legislative rules filed in the state register on  
4 the seventh day of September, one thousand nine hundred  
5 eighty-three, relating to the state board of health (well  
6 water regulations) are authorized with the amendments set  
7 forth below:

8 Section 4.1. In the first sentence delete the word  
9 "obtaining" and insert in lieu thereof the words "applying  
10 for." In the second sentence after "4.3" add "and 4.5."

11 Section 4.2. At the end of the second sentence, strike  
12 the period and add the words "unless emergency conditions  
13 prevail as noted under section 4.3."

14 With the balance of section 4.2 and create a new section  
15 4.3 with the following changes: In the first sentence  
16 delete the word "deadline" and insert in lieu thereof the  
17 word "requirements." Add after the first sentence the  
18 sentence, "Emergency conditions and unavoidable  
19 circumstances are those conditions involving acts of God,  
20 water outages or disruption of water service, unsatisfactory  
21 water quality or quantity of public health threats." In the  
22 third sentence delete the word "exceed" and insert in lieu  
23 thereof the words "be made in excess of."

24 Renumber section 4.3 as section 4.4 and add the  
25 following two sentences at the end of the section: "Such  
26 standards shall constitute the minimum standards for the

1 installation, the alteration or the deepening of water  
2 wells. Any plans approved by the director pursuant to these  
3 regulations shall be in substantial compliance with the  
4 heretofore mentioned standards."

5 Renumber section 4.4 as section 4.5, section 4.5 as  
6 section 4.6, section 4.6 as section 4.7, section 4.7 as  
7 section 4.8 and section 4.8 as section 4.9.

8 Section 5.2. Delete the words "four (4)" and insert in  
9 lieu thereof the words "two (2)" and delete the words  
10 "active, continuous."

11 (i) The legislative rules filed in the state register on  
12 the nineteenth day of December, one thousand nine hundred  
13 eighty-three, relating to the state board of health  
14 (procedures for recovery of corneal tissue for transplant)  
15 are authorized.

16 (j) The legislative rules filed in the state register on  
17 the twenty-first day of December, one thousand nine hundred  
18 eighty-four, relating to the state board of health  
19 (reportable diseases) are authorized.

20

21 NOTE: The purpose of this bill is to authorize the  
22 state board of health to promulgate legislative rules  
23 related to reportable diseases.

24 Strike-throughs indicate language that would be stricken  
25 from the present law, and underscoring indicates new  
26 language that would be added.