

John D. Rockefeller IV
Governor



L. Clark Hansbarger, M.D.
Director

State of West Virginia

DEPARTMENT OF HEALTH
CHARLESTON 25305

NOTICE OF PUBLIC HEARING

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-16-81
Administration Law Division

Pursuant to Section eight, Article three, Chapter twenty-nine-A of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, the Regulatory Services Program of the West Virginia Department of Health shall convene a public hearing at 10:00 A.M. on Wednesday, January 27, 1982 in Conference Room 522, Building 3, West Virginia Department of Health, 1800 Washington Street, East, Charleston, West Virginia for the purpose of taking evidence pertaining to the filing of proposed Regulations for the Instillation of Medication in the Eyes of the Newborn and the Dissemination of Advice and Information Concerning the Dangers of Inflammation of the Eyes of the Newborn, Chapter 16-12, Series I (1981).

Any citizen or other interested party may appear in person to present evidence. Any citizen or other interested party may submit written evidence to the West Virginia Department of Health, Regulatory Services Program, Room 416, 1800 Washington Street, East, Charleston, West Virginia 25305 not later than 5:00 P.M. Wednesday, January 27, 1982.

The issues to be heard shall be limited to the actual information contained in the above mentioned regulations. Copies of the regulations may be obtained from the Regulatory Services Program, address heretofore appearing or by telephoning 304-348-2411.


L. Clark Hansbarger, M.D.
Director

Entered December 15, 1981

FILED IN THE OFFICE OF
A. JAMES M. ROBIN
SECRETARY OF STATE
THIS DATE 12-16-81
Administrative Law Division

PROPOSED

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF HEALTH

Regulations for the Instillation of Medication in the Eyes of
the Newborn and the Dissemination of Advice and Information
Concerning the Dangers of Inflammation of the Eyes of the Newborn

Chapter 16-12
Series I
(1981)

November, 1981

For Public Hearing January 27, 1982

Regulations for the Instillation of Medication in the Eyes of
the Newborn and the Dissemination of Advice and Information
Concerning the Dangers of Inflammation of the Eyes of the Newborn

Chapter 16-12
Series I
(1981)

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF HEALTH

Chapter 1612
Series I
(1981)

Subject: Regulations for the Instillation of Medication in the Eyes of the Newborn and the Dissemination of Advice and Information Concerning the Dangers of Inflammation of the Eyes of the Newborn.

Section 1. General

1.01. Scope - These regulations establish general rules for the instillation of medication in the eyes of the newborn and the dissemination of advice and information necessary for the prompt and effective treatment of inflammation of the eyes of the newborn.

1.02. Authority - These regulations are issued under the authority of Chapter 16, Article 3, Section 12 of the West Virginia Code of 1931, as amended.

1.03. Filing Date - These regulations are promulgated on the _____ day of _____, 1981 and are filed on the _____ day of _____, 1981, in the Secretary of State's office.

1.04. Effective Date - These regulations become effective on the _____ day of _____, 1981.

Section 2. Application and Enforcement

2.01. These regulations shall apply to any physician, surgeon, obstetrician, midwife, nurse, manager or person in charge of a maternity home or hospital or birthing center, parent, relative or person attending upon or assisting at the birth of an infant.

2.02. The enforcement of these regulations is vested with the director of health. The director shall report any and all violations of the public health laws or these rules and regulations that may come to his attention to

the prosecuting attorney of the county wherein such violations may have occurred. The director shall assist the prosecuting attorney in any way possible in the prosecution of such violations.

Section 3. Appropriate Medications for Instillation in the Eyes of the Newborn - List Established

3.01. The director of the West Virginia department of health shall establish a list of appropriate medications for the prevention of inflammation of the eyes of the newborn. The list of the approved medications shall be kept current and shall be distributed to appropriate health care facilities and individuals who attend upon or assist at the birth of an infant.

3.02. The director shall periodically publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the newborn as is necessary for prompt and effective treatment. Such advice and information may include recommended treatments and particular effects and possible sideeffects of the approved medications.

3.03. The list of approved medications, together with recommended dosages and the particular effects and possible sideeffects of the approved medications shall be filed in the State Register. Furthermore, the list shall be reviewed annually to insure the currency of the approved medications. The director may add or remove any approved medications from the list by serving notice upon those health care facilities and those individuals who attend upon or assist at the birth of an infant. Such notice shall contain the reason or reasons for such addition or removal and shall become effective upon filing in the State Register.

3.04. The director shall furnish copies of Chapter 16, Article 3,

Sections 7 through 13 of the West Virginia Code of 1931, as amended and a copy of these rules and regulations to all physicians and midwives who may be engaged in the practice of obstetrics or assisting at childbirth. Such distribution shall occur at least biennially. Amendments to the statutory or the regulatory documents shall be distributed, as necessary, to comply with the intent of these regulations. Copies of such statutes and regulations may be obtained at any time, upon request to the director.

Section 4. Proper Records Required Cases Investigated Annual Report to the Governor

4.01. The director shall keep a proper record of any and all cases of inflammation of the eyes of the newborn of which reports are filed pursuant to law, or which may come to his attention in any way. The director shall report such cases to the governor in the director's annual report.

4.02. The director shall cause the county health officer or local health officer pursuant to the provisions of Chapter 16, Article 2, Section 1 of the West Virginia Code of 1931, as amended or of Chapter 16, Article 2A, Section 1 of the West Virginia Code of 1931, as amended to investigate pursuant to law any and all reported cases of inflammation of the eyes of the newborn, and any other cases of newborn eye inflammation that may come to his attention. The county health officer or local health officer shall report the results of such investigation(s) to the director as necessary in a format prescribed by the director.

Section 5. Severability - If any provision 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

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Sec. 5.

application, and to this end the provisions of these regulations are declared to be severable.