

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period, Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 27, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Division of Health

FROM: (Agency name, Address & Phone No.) Department of Health and Human Resources

State Capitol Complex, Building 3, Room 265, Charleston, WV 25305

Telephone: (304) 558-3223

LEGISLATIVE RULE TITLE: Fees for Services, 64 CSR 51

1. Authorizing statute(s) citation: WV Code Section §16-1-21
2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 24, 1998
- b. What other notice, including advertising, did you give of the hearing?
The Bureau of Public Health had notices posted at all offices of the
WV County and Circuit Clerks. Most who will be affected by this rule pass
through these offices before being referred to the state Registration Office.
Such posting also allowed those county entities to make comments.
- c. Date of Public Hearing(s) or Public Comment Period ended:
June 24, 1998

- d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing (be exact):

8/3/98

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all written correspondence regarding this rule (please type):

Marsha Dadisman, Acting Director

Regulatory Development/Department of Health and Human Resources

Room 265, Capitol Complex

Charleston, West Virginia 25305

(304) 558-3223 FAX: (304) 558-1130 MDadisman@WVDHHR.ORG

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule (please type):

Henry G. Taylor, M.D., M.P.H.

Commissioner of Bureau for Public Health

Building 3, Room 518

State Capitol Complex

Charleston, WV 25305-0501

(304) 558-2971

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

BRIEF SUMMARY OF THE RULE

The intent is to amend Title 64 Legislative Rules for the Division of Health, Series 51, Fees for Service, Appendix D - Epidemiology and Health Promotion Fee. This section is currently reserved for use by the Office of Epidemiology and Health Promotion, West Virginia Bureau for Public Health. In particular, the amendment would establish fees for the most time consuming services currently performed by the Vital Registration Office for which that office has never received remuneration. Most of the services involve the amendment and correction of birth and death certificates and the construction of new certificates due to adoption, establishment of delayed birth, and establishment of presumptive death. Other fees are for priority and express handling for rush orders and for document abstraction. Implementation date of fee schedule: July 1, 1999.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE PROPOSED RULE

It is in the best interest of all citizens of West Virginia (and to all who were born in West Virginia and who are no longer citizens) to maintain and improve the accuracy, efficiency, security, and accessibility of the vital registration system. The current system is outdated, underfunded, and often frustrating to the general public, those entities considered key components of the system, such as funeral directors, hospitals, physicians, other government agencies, and to those whose responsibility it is to maintain the system. Consistent pressure from the federal level to improve system security and timeliness place additional stress on an outmoded system. The system is in dire need of a consistent source of funding for automation and upgrade. The proposed fee schedules are for services that are considered most time and resource consuming and are services that are routinely charged for in many other states. Establishment of a fee for service schedule is necessary to begin charging fees for services not previously remunerated and to provide funding for a new service, the abstraction of older documents to new forms on an as-needed basis.

TITLE 64
LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 51
FEES FOR SERVICES

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TITLE 64
LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 51
FEES FOR SERVICES

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TITLE 64
LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

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SERIES 51
FEES FOR SERVICES

§64-51-1. General.

1.1. Scope. - This legislative rule establishes reasonable fees for services provided by the division of health and local boards of health. This legislative rule does not supersede other rules which establish fees for services.

1.2. Authority. - W.Va. Code §§16-1-21, 29-1H-6 and ~~29B-16-3~~ 16-1-7.

1.3. Filing Date. -

1.4. Effective Date. -

§64-51-2. Application and Enforcement.

2.1. Application. - This rule applies to persons receiving services from the division of health or from local boards of health as created in W. Va. Code §§16-2-1 et seq. or 16-2A-1 et seq. and also applies to such local boards of health.

2.2. Enforcement. - This rule is enforced by the director of the West Virginia division of health or his or her lawful designee.

§64-51-3. Definitions.

3.1. Ambulatory Surgical Facility - A facility which provides surgical treatment to patients not requiring hospitalization. This definition does not include the legally authorized practice of surgery by any one or more persons in the private office of any health care provider.

3.2. Asbestos - The asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite,

anthophyllite, and actinolite-tremolite, and which material contains more than one (1) percent asbestos by weight.

3.3. Asbestos Abatement - Procedures to control fiber release from asbestos-containing materials. These procedures include removal, encapsulation, enclosure, repair, demolition, renovation, and similar activities.

3.4 Behavioral Health Center - An organization that provides behavioral health services, including all of its locations.

3.5. Behavioral Health Services - Those services intended to help individuals gain or regain the capacity to function adaptively in their environment, to care for themselves and their families, and to be accepted by society. This includes services to individuals with emotional or mental disorders, alcohol or drug abuse problems, and mental retardation or other developmental disabilities.

3.6. Bottled Water - Any natural or artificial mineral, spring, well, distilled or other water bottled or containerized for use primarily as drinking water.

3.7. Director - The director of the West Virginia division of health.

3.8. Drinking Water - Water free from biological, chemical, physical and radiological contaminants which cause disease or harmful physiological effects.

3.9. Generator - A person whose activity results in the production of low-level radioactive waste requiring long-term storage and disposal.

3.10. Health Programs - Community-oriented strategies and activities devised by a local health department to address an identified community health problem, the solution of which will lower a morbidity or mortality statistic.

3.11. Hospital - Any institution, place, building or agency in which an accommodation of five (5) or more beds is maintained, furnished or offered for the hospitalization of the sick or injured.

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3.12. Innovative/Alternative Type Sewage System - A method of sewage disposal for a single family dwelling or establishment for which design standards have been prepared and listed in the Sewage Treatment and Collection System Design Standards, 64 CSR 47, as an innovative or alternative system.

3.13. Local Board of Health - A county, municipal, or combined board of health created under W. Va. Code §§16-2-1 et seq. or 16-2A-1 et seq.

3.14. Low-Level Radioactive Waste - Radioactive waste that:

3.14.a. Is either high-level waste or transuranic waste, nor spent nuclear fuel, nor by-product material as defined in Section 11(e) (2) of the Atomic Energy Act of 1954 (42 U.S.C. §2014(e)) as amended; and

3.14.b. Is classified by the federal government as low-level waste, consistent with existing law; but does not include waste generated as a result of atomic energy defense activities of the federal government, as defined in Public Law 96-573 (42 U.S.C. §2021b), or federal research and development activities.

3.15. Municipal Sewer System - A system or group of systems as a whole which receives sewage from more than one (1) dwelling or establishment and is operated and maintained by an incorporated municipality, or public service district or sanitary board.

3.16. Nursing Home - Any institution, residence or place, or any part or unit thereof, however named, which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing accommodations and care, for a period of more than twenty-four (24) hours, for three (3) or more persons who are ill or otherwise incapacitated and in need of extensive on-going nursing care due to physical or mental impairment or which provides services for the rehabilitation of persons who are convalescing from illness or incapacitation.

3.17. Permit - As used in this rule, a written document issued by the director giving a designated person permission to:

3.17.a. Construct, operate, alter or renovate a spe-

cific public water system, or bottled water plant;

3.17.b. Construct, install, extend, alter or operate an approved sewer system or method of sewage disposal, or to collect, remove, transport or dispose of sewage; or

3.17.c. Construct, alter or renovate a swimming pool or to operate such facility.

3.18. Person - An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency or any other entity recognized by law.

3.19. Personal Care Home - Any institution, residence or place, or any part or unit thereof, however named, which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing accommodations and personal assistance, for a period of more than twenty-four (24) hours, to three (3) or more persons who are dependent upon the services of others by reason of physical or mental impairment but who do not require extensive, on-going nursing care.

3.20. Professional Health Services - Therapeutic interventions of assessment, counseling, screening, diagnosis or treatment of health problems by physicians, physician's assistants, dentists, registered nurses, dieticians, health educators, master's prepared social workers or other currently licensed health care professionals in the state of West Virginia who are employed by the local health department.

3.21. Public Sewer System - A sewage collection system or systems with or without treatment facilities and serving more than one (1) dwelling or establishment. Ownership of the system is held by and maintenance performed by a single entity. This definition includes municipal sewer systems.

3.22. Public Water System - Any water system or supply which regularly supplies or offers to supply piped water to the public for human consumption, if serving at least an average of twenty-five (25) individuals per day for at least sixty (60) days per year, or which has at least fifteen (15) service connections, and includes: (1) any collection, treatment, storage, and dis-

tribution facilities under the control of the owner or operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system does not include a system which meets all of the following conditions: (1) which consists only of distribution and storage facilities (and does not have any collection and treatment facilities); (2) which obtains all of its water from, but is not owned or operated by a public water system which otherwise meets the definition; (3) which does not sell water to any person; and (4) which is not a carrier conveying passengers in interstate commerce.

3.23. Residential Board and Care Home - Any institution, residence or place, or any part thereof, however named, which is advertised, offered, maintained or operated by the ownership or management, whether for consideration or not, for the express or implied purpose of providing accommodations and personal assistance, for a period of more than twenty-four (24) hours, to no fewer than three (3) and no more than eight (8) persons who are dependent upon the services of others by reason of physical or mental impairment but who are capable of self-preservation and do not require nursing care.

3.24. Sewage - Any excreta or liquid waste containing animal, vegetable, or mineral matter in suspension or solution including, but not limited to, waste from water closets, urinals, lavatories, bathtubs, laundry tubs, washing machines, drinking fountains, sinks, kitchen equipment and other sanitary fixtures or facilities.

3.25. Sewage Holding Tank - A watertight receptacle designed and constructed to receive and retain untreated or partially treated sewage on a temporary basis. This does not include septic tanks, portable toilets or privies.

3.26. Sliding Fee Scale - A set of varying amounts (percentages of the maximum fee) to be charged for services to individuals receiving varying levels of income.

3.27. Swimming Pool - Any artificial basin, chamber, or tank used or intended to be used by the public for swimming, diving or recreational type bathing. The term "swimming pool" does not include baths where the main purpose is cleaning the

body, nor individual type therapeutic tubs or tanks. Swimming pools are classified according to the following:

3.27.a. Recirculation Type - A pool from which the water is withdrawn, treated, and returned to the pool;

3.27.b. Fill and Draw Type - A pool to which water is added, used for a period, then discarded; and

3.27.c. Flow Through Type - A pool to which water is added continuously thereby replacing and causing water to overflow to waste.

3.28. Water Well - Any excavation or penetration in the ground, whether drilled, bored, cored, driven or jetted that enters or passes through an aquifer for purposes that may include, but are not limited to: a water supply, exploration for water, dewatering or heat pump wells, except that this definition does not include ground water monitoring activities and all activities for the exploration, development, production, storage and recovery of coal, oil and gas and other mineral resources which are regulated under W. Va. Code, Chapters 22, 22A or 22B.

§64-51-4. Fees Generally.

4.1. Authority to Assess and Collect Fees - The director of the division of health and local boards of health may assess and collect the fees listed in the appendices to this rule for the provision of services. Except as specified in Sections 4.2, 5.2 and 9.2 of this rule, the director and local boards of health may require payment of fees in advance for services.

4.2. Exemption from Fees Generally - No individual may be denied health care services because of the inability of the individual to pay for services when services are provided to similarly situated individuals who have the ability to pay for them.

4.3. Fees for Copies of Public Records - Copies of public records which may be disclosed may be furnished at a charge of twenty-five cents (25¢) per page on 8½ x 11" or 8½ x 14" paper. Copies of documents produced on larger paper may be furnished at actual cost, which includes but is not limited to materials, operator's time, and transportation and delivery charges. Copying fees may be required to be paid before issuance of the cop-

ies.

4.4. Fee for Record Searches and Compilation of Information - Requests for information estimated to require more than ten (10) minutes to search records or to compile may be charged at the rate of twenty-five dollars (\$25) per hour, and payment may be required before issuance of the information.

4.5. Fee for Address Label Printing - When the service provided is printing mailing labels of licensees, permit holders, or other persons, the fee shall be at the rate of ten cents (10¢) per label.

§64-51-5. Laboratory Service Fees.

5.1. Laboratory Services for Which a Fee May be Charged - Except as provided in Section 5.2 of this rule, the director may charge a fee for each test or group of tests listed in Appendix 64-51-1 of this rule for bacteriological and chemical analyses of environmental potable water samples and may charge the fees listed in Appendix 64-51-1 of this rule for the certification of laboratories to conduct drinking water tests.

5.2. Exemption from Laboratory Fees - Fees shall not be charged when:

5.2.a. Laboratory tests are authorized by the director as part of an epidemiological investigation or the charging of the fee would significantly and adversely affect the public health;

5.2.b. Tests on second or additional specimens are required by the director because of the inability to make or complete a test, or because the testing operation or procedure is unsatisfactory for any reason;

5.2.c. Specimens are determined to be unsatisfactory for testing at the time of submission; or

5.2.d. The exemption of fees provision of Section 4.2 of this rule applies.

§64-51-6. Environmental Health Fees.

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The director may charge a fee for each environmental health service listed in Appendix B 64-51 B of this rule.

§64-51-7. Health Facility Fees.

The director may charge a fee for each service provided to health facilities listed in Appendix C 64-51 C of this rule.

§64-51-8. Epidemiology and Health Promotion Fees.

The director may charge a fee for each service listed in Appendix 64-51 D of this rule.

§64-51-9. Fees for Services Provided by Local Boards of Health.

9.1. Services for Which a Local Board of Health May Propose Fees - Except as provided below, a local board of health may propose fees for all its services, including but not limited to professional health services, screenings, injections, assessments, counseling done for health-related issues, classes which teach healthy habits, lifestyles, or maintenance of health when there is a preexisting disease condition present, case management on behalf of patients whether in the home, clinic or through written and oral communications by letter or phone, and inspections.

9.2. Exception from Local Board of Health Fees - The public health mission to provide first for general community safety means that fees for service will not be charged to individuals in the following circumstances:

9.2.a. In the case of a community epidemic, natural disaster, civil upheaval, toxic contamination, and other like situations where common good is at issue;

9.2.b. In the case of individuals seeking medical evaluation, treatment or epidemiologic follow-up, including administrative costs, associated with sexually transmitted disease and tuberculosis; or

9.2.c. In the case where the exemption from fees provision of Section 4.2 of this rule applies.

9.3. Basis for Fees - Local board of health maximum fees

may be based on the actual cost of service delivery plus administrative overhead. Administrative overhead may include but is not limited to: 1) salaries and wages; 2) other direct costs; and 3) that portion of the general and administrative costs, to include the administrator, secretaries, clerks, depreciation and other overhead expenses, which contributes to the delivery of the service.

9.4. Fee Proposals By Local Boards of Health - A local board of health proposing to charge fees under this rule shall approve a budget plan and program document including:

9.4.a. Proposed health programs as defined in Section 3.10 of this rule;

9.4.b. An accounting of fee collections in the previous fiscal year and in the current fiscal year, and projected fee collections in the remainder of the current fiscal year and during the next fiscal year;

9.4.c. A proposed schedule of fees; and

9.4.d. A proposed sliding fee scale to be implemented by the local board. The sliding fee scale may be based on annual federal poverty level guidelines as published by the division of health for other programs or on an alternative system proposed by a local board of health for providing services at a reduced fee based on an individual's ability to pay.

9.5. Posting of Proposed Fees - After a local board of health's adoption of a proposed schedule of fees and sliding fee scale, the board shall post, publish or otherwise inform the public living in the area served by the board of such proposal and allow for a thirty (30) day comment period.

9.6. Submission of Proposal for Approval - A local board of health proposing to charge fees shall submit to the director of the division of health:

9.6.a. A budget plan and program document including the information required in Section 9.4 of this rule;

9.6.b. A copy of the posted notice of such proposed fees and a description of the public notice process;

9.6.c. A copy of comments received on the proposed fees; and

9.6.d. A response to such comments.

9.7. Emergency Fees - Establishment of fees other than in accordance with Section 9.6 of this rule may be accomplished only upon petition by the local board of health to the director in response to an emergency.

9.8. Approval or Rejection of Fees of Local Boards of Health by the Director of Health - The director shall approve or reject a local board of health's budget plan and program document and fees proposed. If there is a rejection, the local board of health shall be allowed to propose a revision. Approval by the director of the proposed fees shall be in the form of an order filed with the secretary of state as an appendix to this rule, and the local board of health may charge the approved fees upon such filing. The director shall provide a copy of such order to the local board of health.

9.9. Notice of Free Care - Signs shall be prominently displayed in a public health clinic in as many languages as a substantial number of patients speak, as well as signs in pictures for those who do not read, that inform the public that services related to sexually transmitted disease and tuberculosis, and other health care services in the public health clinic may not be denied for inability to pay.

9.10. Local Board of Health Account - All local board of health fees collected together with accounting documentation will be deposited with the treasurer of the county or municipality and used only for funding local board of health programs.

9.11. Annual Audits - Local boards of health are subject to annual audits by the state tax commissioner under W. Va. Code §6-9-7.

§64-51-10. Administrative Due Process.

Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the Rules of Procedure for Protested Case Hearings and

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Declaratory Rulings, 64 CSR 1. In the case of a request for a hearing on a local board of health fee, the director may direct the local board of health to conduct the hearing.

§64-51-11. Severability.

The provisions of this rule are severable. If any provisions of this rule are held invalid, the remaining provisions shall remain in effect.

Appendix A 64-51 A. Laboratory Service Fees

1. Fees for Environmental Chemistry Laboratory Service

A. Inorganic Chemicals/Miscellaneous Individual Tests

Arsenic	\$10.00
Barium	10.00
Cadmium	10.00
Chromium	10.00
Lead	10.00
Selenium	10.00
Silver	10.00
Mercury	12.00
Iron	12.00
Manganese	12.00
Copper	12.00
Zinc	12.00
Sodium	12.00
Calcium	12.00
Magnesium	12.00
Surfactants	12.00
Potassium	12.00
Aluminum	12.00
Nitrate	10.00
Fluoride	8.00
Alkalinity Methyl Orange/ Phenolphthalein	4.00
Chlorides	4.00
Hardness	4.00
pH	4.00
Total Dissolved Solids	4.00
Sulfates	12.00
Conductivity	8.00
Chlorine Residual: Free	8.00
Chlorine Residual: Total	8.00
Hydrogen Sulfide	12.00
Turbidity	5.00

B. Tests to meet Environmental Protection Agency
Minimum inorganic compliance requirements for public
water supplies: arsenic, barium, cadmium, chromium,
fluoride, lead, mercury, selenium, silver, and
nitrates

\$100.00

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C. Tests to meet West Virginia Secondary contaminants compliance requirements for public water supplies: pH, copper, manganese, sodium, aluminum, alkalinity, hardness, iron

\$72.00

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D. Tests for Organic Chemicals

Pesticides: Endrin, Lindane, Methoxychlor, and
Toxaphene \$175.00

Herbicides: 2,4-Dichlorophenoxyacetic Acid (2,4D)
and 2-(2,4,5-Trichlorophenoxy) Propi-
onic Acid (2,4,5-TP/Silvex) \$175.00

2. Fees for Environmental Microbiology Laboratory
Service Water Specimens \$10.00

3. Fees for Certification of Laboratories to Conduct
Drinking Water Tests: Certification to perform
laboratory testing on water to meet state and
Environmental Protection Agency requirements
under the Safe Drinking Water Act.*

A. Chemical Testing
1. Inorganic Tests \$500.00
2. Trihalomethanes and Volatile Organic
Compounds 500.00
3. All Other Organic Tests 500.00
B. Microbiological Testing \$500.00

*Laboratories located outside the borders of West
Virginia will be assessed the certification fee for
the test(s) approved and will be required to pay all
reasonable expenses required for an on-site inspection.

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Appendix B 64-51 B. Environmental Health Services Fees

1. Water Systems, Sewage Systems and Swimming Pools		
A. Construction/Installation Permits		
Public Water System Project		\$ 300.00
Public Sewer System or Facility Project		300.00
Public Swimming Pool Project		200.00
Sewage Holding Tank Project		1,000.00
On-Site Innovative/Alternative Type Sewage System		150.00
B. Water Well Permits (New Construction)		
Public Water System		\$150.00
2. Bottled Drinking Water/Water Vending Machine Permits		
A. Producers and Distributors, Annually		
		\$100.00
B. Vending Machines, Annually		
Plus per machine		\$100.00 10.00
3. Diagnostic X-Ray Machine Registration		
A. Hospital: First tube/each additional tube		
		\$225.00/\$20.00
B. Dental: First tube/each additional tube		
		55.00/20.00
C. Other (e.g., ambulatory healthcare facilities, ambulatory surgical facilities, mobil vans, schools, offices of chiropractors, physicians, podiatrists and veterinarians):		
First tube/each additional tube		175.00/20.00
4. Asbestos Abatement		
A. Training Accreditation		
Course Approval		
Per discipline/maximum		\$1000.00/\$3000.00
Review Course Approval		500.00
B. Notification - Inspection of Projects		

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Class I: 10-100 linear ft. or 50-200 sq. ft.	\$ 50.00
Class II: 101-1000 linear ft. or 201-2000 sq. ft.	200.00
Class III: 1001-3000 linear ft. or 2001-4000 sq. ft.	500.00
Class IV: Annual Industrial Facility	1500.00

5. Annual Low-Level Radioactive Waste Generator
or Storer Fee (Maximum) \$12,500.00

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Appendix C 64-51 C. Maximum Health Facility Fees

1.	Site Inspections for New Construction or Major Renovation	
	A. Hospitals	\$300.00
	B. Ambulatory Surgical Centers	250.00
	C. Nursing Homes	300.00
	D. Personal Care Homes	250.00
	E. Residential Board and Care Homes	150.00
	F. Behavioral Health Center Locations	150.00
2.	Architect's Review of Plans	
	A. Hospitals	
	New Hospitals and Major Additions	\$500.00
	Minor Additions and Renovations	300.00
	B. Ambulatory Surgical Centers	\$300.00
	C. Nursing Homes	
	New Homes and Major Additions	\$350.00
	Minor Additions and Renovations	200.00
	D. Personal Care Homes	
	New Home and Major Additions	\$250.00
	Minor Additions and Renovations	150.00
	E. Residential Board and Care Homes	\$150.00
	F. Behavioral Health Center Group Homes	\$150.00
	G. Overtime Review Requested by Facility (Per hour)	\$50.00
3.	Inspection of New Projects Prior to Opening	
	A. Hospitals	\$300.00
	B. Ambulatory Surgical Centers	250.00
	C. Nursing Homes	300.00
	D. Personal Care Homes	250.00
	E. Residential Board and Care Homes	150.00

F. Behavioral Health Center Locations

150.00

Appendix D 64-51 D. Epidemiology and Health Promotion Fees

1. Fees for Vital Registration Office services:
- A. For preparation of a new certificate of birth due to adoption or legitimation which does not include one certified copy.
\$10.00
- B. For amendment of a certificate following a legal name change, by court order, which does not include one certified copy.
\$10.00
- C. For amendment of a certificate subsequent to acceptance of a child support enforcement order or a court ordered determination of paternity. This does not include a certified copy.
No Charge
- D. For amendment of a birth certificate after acceptance of a paternity acknowledgment. This does not include a certified copy.
No charge within 1 year of birth
\$10.00 after the 1st year
- E. For preparing and filing a delayed certificate of birth or death which does not include one certified copy.
\$15.00
- F. Additional handling charge for non-routine, expedited service and all special delivery, priority, express or other (non-walk-in service). Express shipping extra.
5.00 for regular mail
\$10.00 for next day service
- G. Presumptive death certificate preparation which does not include one certified copy.
No Charge
- H. For amending a birth or death certificate which does not include one certified copy.
No charge within one year of event
\$10.00 after the 1st year of event

I. Preparation of an abstracted document from the original
on file for certification.

\$10.00

Appendix # 64-51 E. Local Board of Health Fees

1. Barbour County Board of Health
2. Beckley-Raleigh Board of Health
3. Berkeley County Board of Health [Reserved]
4. Boone County Board of Health [Reserved]
5. Braxton County Board of Health [Reserved]
6. Brooke County Board of Health
7. Cabell-Huntington Board of Health [Reserved]
8. Clay County Board of Health
9. Doddridge County Board of Health [Reserved]
10. Fayette County Board of Health
11. Gilmer County Board of Health [Reserved]
12. Grant County Board of Health
13. Greenbrier County Board of Health
14. Hampshire County Board of Health [Reserved]
15. Hancock County Board of Health
16. Hardy County Board of Health [Reserved]
17. Harrison-Clarksburg Board of Health [Reserved]
18. Jackson County Board of Health
19. Jefferson County Board of Health [Reserved]
20. Kanawha-Charleston Board of Health
21. Lewis County Board of Health
22. Lincoln County Board of Health
23. Logan County Board of Health [Reserved]
24. Marion-Fairmont Board of Health [Reserved]
25. Marshall County Board of Health
26. Mason County Board of Health
27. McDowell County Board of Health
28. Mercer County Board of Health
29. Mid-Ohio Valley Board of Health
30. Mineral County Board of Health
31. Mingo County Board of Health
32. Monongalia County Board of Health
33. Monroe County Board of Health
34. Morgan County Board of Health [Reserved]
35. Nicholas County Board of Health
36. Pendleton County Board of Health
37. Pocahontas County Board of Health [Reserved]
38. Preston County Board of Health
39. Putnam County Board of Health [Reserved]
40. Randolph-Elkins Board of Health
41. Summers County Board of Health
42. Taylor-Grafton Board of Health [Reserved]

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43. Tucker County Board of Health [Reserved]
44. Upshur-Buckhannon Board of Health [Reserved]
45. Wayne County Board of Health [Reserved]
46. Webster County Board of Health [Reserved]
47. Wetzel-Tyler Board of Health
48. Wheeling-Ohio Board of Health
49. Wyoming County Board of Health [Reserved]

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees for Services, 64CSR51

Type of Rule: **Legislative** **Interpretive** **Procedural**

Agency: Bureau for Public Health (For the Division of Health)
Department of Health and Human Resources

Address: Building 3, Capitol Complex
Charleston, W. Va. 25305

1. Effect of the Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current (FY98)	Next(FY99)	Thereafter
Estimated Total Cost	\$ 7,172.00	\$	\$ 0	\$ 0	\$ 7,172.00
Personal Services	\$ 3,000.00		\$ 0	\$ 0	\$ 3,000.00
Current Expense	\$ 672.00		\$ 0	\$ 0	\$ 672.00
Repairs & Alterations			\$ 0	\$ 0	
Equipment	\$ 3,000.00		\$ 0	\$ 0	\$ 3,000.00
Other	\$ 500.00		\$ 0	\$ 0	\$ 500.00
Revenue	\$52,980.00		\$ 0	\$ 0	\$52,980.00

Note: For explanation of Excess Revenue Over Expenses, see paragraph 3 of "2. Explanation of above estimates" below.

2. Explanation of above estimates.

Please take note that estimates of both cost and revenue are "high" estimates. The \$3,000 in personal services and \$672.00 is budgeted as overtime for existing staff. Equipment is budgeted at \$3000 for a new base model personal computer and laser printer for the production of abstracted documents. Essentially, all first year expenses will be related to the introduction of an abstraction process. "Abstracting" documents is the process of re-typing information from an original document into a new document. This process consumes more time and resources than current production methods. Due to the age and condition of early documents and the occasional need for more professional looking documents, the Vital Registration Office will begin to "abstract" documents on an as-needed basis. The "Other" line item is for the purchase of abstract style stock documents.

The revenue estimate includes \$7,420 for paternity acknowledgments filed more than one year after birth of child, \$10,000 for the processing of adoptions, \$7,320 for the processing of delayed birth certificates, \$2,400 for creation of abstracted documents, and \$25,840 for other miscellaneous amendments and corrections. This last item is highly variable but should be the highest that can be expected. The "Thereafter" column has estimates for the first year of implementation.

The Excess Revenue over Expenses (EROE) of \$45,808 will be used along with funds over the next several years to automate and integrate the current manual vital registration and production process. Revenues will be utilized, after a comprehensive planning stage, for the purchase of computer equipment which may include optical scanning and storage systems, custom software designed specifically for the vital registration field, training, "back filling" databases, and maintenance.

designed specifically for the vital registration field, training, "back filling" databases, and maintenance.

3. Objectives of this rule:

Objective of this rule is to create a fee schedule for services currently provided to the public at no cost but which are time and resource consuming. Implementation date of fee schedule: July 1, 1999. In general, in other states, these services are performed for remuneration. Revenues generated will be used for automation of existing antiquated systems for the more efficient, secure, accurate, and timely registration and production of vital records.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Without the implementation of the proposed fee schedule, it is only a matter of time before state appropriations will be necessary to make the necessary system improvements within the Vital Registration Office. With implementation of the fee schedule, receipts can be put into immediate use, better estimates of overall revenues can be ascertained, and long range planning can begin based on the increased revenue flow.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens.


The implementation of the fee schedule should not have a negative monetary effect on any of the above groups. Circuit Clerk and County Clerk offices would have to inform customers of the cost of services but they would not be responsible for collection and transmission of any fees unless they considered it a benefit to their customers. In the future, county clerk's offices, hospitals, physicians, and funeral directors may benefit either directly or indirectly by the efficiencies created by automation.

C. Economic Impact on Citizens/Public at Large.

The fee schedule should not place an undue burden on any individual citizen. The fees are quite modest (\$10 - \$15, for more details see proposed fee schedule) given the work to be performed and the gravity of most situations that require the work to be performed. Indigent citizens will be accommodated at no charge if the service needs to be performed before submission of certificates to a state or federal welfare or benefits agency.

Date: June 24, 1998

Signature of Agency Head or Authorized Representative



Joan E. Ohl, Secretary
Department of Health and Human Resources

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Division of Health, Department of Health and Human Resources

Subject: Fees for Services, 64CSR51

PERTINENT DATES

Filed for public comment: June 24, 1998
Public comment period ended: July 24, 1998
Filed following public comment period: August 3, 1998
Filed LRMRC: August 3, 1998
Filed as emergency:

Fiscal Impact: Excess revenue over expenses \$45,808

OFFICE OF THE CLERK
SECRETARY OF STATE

AUG 26 10 26 PM '98

FILED

ABSTRACT

The proposed rule amends a current legislative rule. The following is a synopsis of the substantive amendments.

Section 8 is new. It provides that the Director may charge a fee for each epidemiology and health promotion service listed in Appendix D of the proposed rule.

Appendix D is new. It contains fees for various epidemiology and health promotion services such as preparation and amendment of birth and death certificates.

AUTHORITY

Statutory authority: W.Va. Code, §16-1-21, 16-1-7, which provide, in part, as follows:

§16-1-21.

(d) The administrator of the division of health shall promulgate rules in accordance with article three, chapter twenty-nine-a of this code, setting forth the fees established,

assessed, charged, authorized, or approved by the administrator.

§16-1-7.

The secretary of the department of health and human resources shall have the power to promulgate such rules and regulations, in accordance with the provisions of chapter twenty-nine-a of the code, as are necessary and proper to effectuate the purposes of this chapter and prevent the circumvention and evasion thereof...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

The definitions of "nursing home", "personal care home" and "residential board and care home refer to the care of three or more persons whereas WVC §§16-5C-2, 16-5D-2 and 16-5H refer to four persons.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has minor technical modifications to suggest.