



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF HEALTH FACILITY LICENSURE
AND CERTIFICATION

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

January 4, 2007

Debra A. Graham, Counsel
West Virginia Legislature
Legislative Rule-Making Review Committee
Building 1, Room MB-49
1900 Kanawha Boulevard, East
Charleston, WV 25305

Re.: Hospice Licensure Rule
64CSR54

FILED
2007 JAN 26 PM 2:53
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dear Ms. Graham:

We concur with your determination that this proposed rule does not conform with the intent of the statute at § 16-5I-5. As you point out, it does not contain language specifically related to three of the six statutorily-required categories and inadequately addresses the remaining three.

Because there is insufficient time before the January 7, 2007, start date of the interim session for us to adequately consider and address this deficit and to consult with representatives of the hospice provider community, we are withdrawing the rule from consideration during this session. We intend to add language sufficient to address your concerns and expect to resubmit the rule for consideration during the 2007 interims and the following legislative session.

We appreciate your input on this matter and look forward to the promulgation of a rule that satisfies the full intent of the Legislature and, consequently, provides consumers of hospice care the services they expect from an operator licensed by the state.

Sincerely,

John M. Wilkinson
Director