

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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SECRET

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Department of Health TITLE NUMBER: 64

RULE TYPE: Procedural; CITE AUTHORITY W.Va. Code §16-2D-5a

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 60

TITLE OF RULE BEING PROPOSED: Process for Amending the State Health Plan

DATE OF PUBLIC HEARING: December 3, 1987 TIME: 10:00 a.m.

LOCATION OF PUBLIC HEARING: Department of Health
P&G Building, 1st Floor Conference Room
2019 Washington Street, East
Charleston, West Virginia 25305

COMMENTS LIMITED TO: ORAL ___ , WRITTEN X , BOTH ___

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Department of Health

Regulatory Development Section

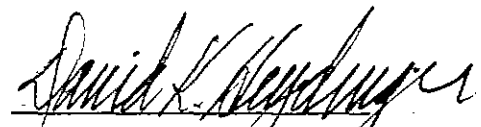
1800 Washington Street, East

Charleston, WV 25305

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL


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

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Process for Amending the State Health Plan

Type of Rule: Legislative Interpretive Procedural

Agency Department of Health Address 1800 Washington Street, East
Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.
 No state general funds are involved,

3. Objectives of these rules:

The purpose of this rule is to set forth procedures for amending the State Health Plan.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Not Applicable.

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

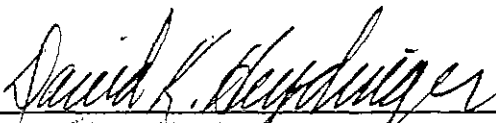
Not Applicable.

C. Economic Impact on Citizens/Public at Large.

Not Applicable.

Date October 2, 1987

Signature of Agency Head or Authorized Representative



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

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REGISTRATION DIVISION

West Virginia Department of Health

Rule Abstract

Rule Title: Process for Amending the State Health Plan

CSR Title & Series: 64 CSR 60 Type: Procedural

Objective/Purpose: The purpose of this rule is to set forth procedures for amending the State Health Plan in accordance with Chapter 16, Article 2D, Section 5a of the West Virginia Code.

For further information contact: Regulatory Development Section,
Telephone 348-3223 or Planning Division, Telephone 348-0530,
Health Department, 1800 Washington Street, East, Charleston, West
Virginia 25305.

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REGISTRY
S.M.

[PROPOSED]
WEST VIRGINIA PROCEDURAL RULES
DEPARTMENT OF HEALTH

Process for Amending the State Health Plan

64 CSR 60

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[PROPOSED]
TITLE 64
WEST VIRGINIA PROCEDURAL RULES
DEPARTMENT OF HEALTH
Series 60

Title: Process for Amending the State Health Plan

Section 1. General

1.1. Scope - Chapter 16, article 2D, section 5a(1) of the West Virginia code mandates that the West Virginia department of health promulgate rules and regulations for health planning research efforts of the state and for all amendments of the West Virginia state health plan.

1.2. Authority - This procedural rule is issued by the department of health under the authority of and is related to chapter 16, article 2D, section 5a of the West Virginia code.

1.3. Filing Date -

1.4. Effective Date -

Section 2. Application - This rule shall apply to the state health planning process as mandated by chapter 16, article 2D, Section 5a of the West Virginia code.

Section 3. Definitions

3.1. Council means health care planning council as defined in section 3.6 of this rule.

3.2. Department means the West Virginia department of health.

3.3. Health means both physical and mental health.

3.4. Health Services means clinically related preventive, diagnostic, treatment and rehabilitative services, including alcohol, drug abuse and mental health services.

3.5. Health Care Cost Review Authority means the state agency created, established and continued under chapter 16, article 29B of the West Virginia code.

3.6. Health Care Planning Council means the council established under chapter 16, article 2D, section 5a of the West Virginia code to participate in the amendment of the state health plan.

3.7. Planning and Development Council Regions means the planning and development regions established in accordance with chapter 8, article 25, section 4 of the West Virginia code.

3.8. Regional Health Advisory Councils means the councils created under chapter 16, article 2D, section 5a of the West Virginia code to provide local community involvement into the

health care planning process for each of the planning and development regions of the state.

3.9. State Health Plan means the document, approved by the governor after preparation by the former statewide health coordinating council, or that document as approved by the governor after amendment by the health care planning council.

Section 4. Planning Responsibilities

4.1. Department of Health - It is the responsibility of the department to coordinate and develop the health planning research efforts of the state and to amend the state health plan on an annual basis. The department will assist the health care planning council and the regional health advisory councils in carrying out their planning responsibilities.

4.2. Health Care Cost Review Authority - It is the health care cost review authority's responsibility to review the department's proposed amendments of the state health plan and, at the authority's discretion, to recommend modifications to the health care planning council for consideration. The authority shall provide the department with all data, records, reports, and analyses that are necessary to health planning functions or related to health planning activities in accordance with chapter 16, article 2D, section 5a(h) of the West Virginia code.

4.3. Health Care Planning Council - It is the council's responsibility to give input and direction regarding the state health planning process and to submit proposed amendments to the governor for approval. The council shall report to the health care cost review authority, the governor and to the legislature in accordance with chapter 16, article 2D, section 5a(j) of the West Virginia code.

4.4. Regional Health Advisory Councils - In recognition of the importance of local community involvement in the health planning process, regional advisory councils are responsible for reviewing health care needs within their respective regions and for reporting their recommendations to the health care planning council. Regional health advisory councils are also responsible for reviewing proposed amendments to the state health plan and for submitting recommendations on proposed amendments to the department. Regional health advisory councils may review and comment on certificate of need applications in accordance with review procedures of the health care cost review authority.

Section 5. Contents of the State Health Plan - At a minimum, the state health plan shall describe health services as delineated in chapter 16, article 2D, section 5a(d) of the West Virginia code.

Section 6. State Health Planning Process - The department shall develop amendments to the state health plan in accordance with the following procedures:

6.1. Priorities for Amendment of the State Health Plan - The department shall, on an annual basis, set priorities for amending the state health plan.

6.2. Development of Proposed Amendments to the State Health Plan - The department shall prepare drafts of amendments to the state health plan in accordance with priorities established in section 6.1 of this rule.

6.3. Review of Proposed Amendments - Drafts of proposed amendments to the state health plan shall be released by the director of health for a sixty day review period. Drafts of proposed amendments shall, at a minimum, be submitted to the health care planning council, health care cost review authority, regional health advisory councils and other affected and interested parties.

6.3.1. To maximize local community input into the health planning process, the regional health advisory councils may hold public hearings during the sixty-day review period.

6.3.2. At the conclusion of the sixty-day review period, the department shall consider all comments received and revise the drafts as deemed appropriate. The department shall then submit revised drafts of proposed amendments to the health care planning council for consideration along with a report on comments received during the sixty-day review period.

6.3.3. Proposed amendments to the state health plan shall be presented by the health care planning council at a public hearing. The department, on behalf of the council, shall file a notice with the secretary of state at least thirty days in advance of the public hearing.

6.3.4. Following the public hearing, the council may modify the proposed amendment and, when approved by a majority of the members of the council, submit the proposed amendment to the governor for approval within ninety days of receipt of the amended plan from the department.

6.3.5. If the governor requests that the health care planning council modify a proposed amendment to the state health plan, the council may conduct an additional public hearing if the proposed modifications are of a substantive nature. If the governor rejects a proposed amendment to the state health plan in its entirety, the health care planning council may request that the department develop a new draft to be submitted for review in accordance with section 6.3 of this rule.

Section 7. Final Approval of an Amendment to the State Health Plan - Upon receipt of the governor's approval of an amendment to the state health plan, the department shall notify the public and interested parties that the plan has been amended by filing a notice with the secretary of state for publication in the state register.