

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Health and Human Resources TITLE NUMBER: 64

RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code §§16-2-3, 16-2A-3,
16-2A-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 67


TITLE OF RULE BEING PROPOSED: Distribution of State Aid Funds to
Local Boards of Health

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 20, 1993 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS. Comments may be hand delivered up to 4:30 p.m. or must be post-marked no later than midnight the same day.

Regulatory Development
Room 204, Building 3
Capitol Complex
Charleston, WV 25305
ATTN: Kay Howard

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Ruth Ann Panepinto, Ph.D.
Secretary

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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OFFICE OF WEST VIRGINIA
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FISCAL NOTE FOR PROPOSED RULES

Rule Title: Distribution of State Aid Funds to Local Boards of Health,
64 CSR 67

Type of Rule: X Legislative Interpretive Procedural

Agency Department of Health and Address Building 3, Capitol Complex
 Human Resources Charleston, W. Va. 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.

The administrative cost of distributing State aid funds to local boards of health is an ongoing activity; no additional funds are required. The Legislature allocated \$7.031 million dollars for use in fiscal year '94.

3. Objectives of these rules:

The purpose of this rule is to establish in rule the formula to be used by the director of the division of health to distribute State aid funds to local boards of health.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None directly attributable to the rule.

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

The shift from previous allocation methods to a per capita formula will increase the amount of funds received by some counties and will decrease the amount for other counties. Actually, the division has already begun to phase in the formula. Losses and gains to date and projections for subsequent years are as follows:

a) In the first year, fiscal year 1992, no county lost more than 5% and no county gained more than 17%. In fiscal year 1993, no county lost more than 13% and no county gained more than 10%.

b) In succeeding years, using the previous year's allocation figures as a base, and assuming a total allocation of \$7.031 million, the maximum percentages of State aid funds lost or gained are projected as follows:

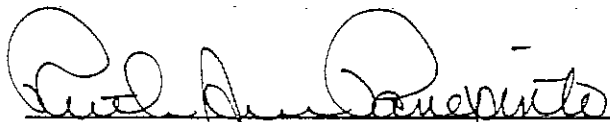
- 1) For FY '94, gain, 15.35%; and loss, 15%;
- 2) For FY '95, gain, 10.09%; and loss, 15%; and
- 3) By FY '96, it is projected that only three counties will experience a change in their allocation: Berkeley, +11.44%; Clay, -28.11%; and Doddridge, -23.9%.

C. Economic Impact on Citizens/Public at Large.

None directly attributable to the rule.

Date July 9, 1993

Signature of Agency Head or Authorized Representative



Ruth Ann Panepinto, Ph.D., Secretary
Department of Health and Human Resources

RULE ABSTRACT

Agency: Department of Health and Human Resources

Rule Title: Distribution of State Aid to Local Boards of Health

CSR Title and Series: 64 CSR 67

Type: Legislative

Summary: This proposed new legislative rule establishes a formula for the director of the division of health to use in distributing State aid funds to local boards of health. This rule has been developed to comply with W. Va. Code §§16-2-3, 16-2A-3, and W. Va. Code §16-2A-6.

For additional information contact: Joan Kenny, Bureau of Public Health, Office of Community and Rural Health Services, Division of Local Health, telephone 558-8870, 1411 Virginia Street East, Charleston, West Virginia 25301 or Regulatory Development Unit, Bureau of Administration and Finance, Department of Health and Human Resources, Building 3, Capitol Complex, Charleston, WV 25305, telephone 558-3223.

[PROPOSED]
WEST VIRGINIA LEGISLATIVE RULES
DISTRIBUTION OF STATE AID FUNDS TO
LOCAL BOARDS OF HEALTH
64 CSR 67

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[PROPOSED]
TITLE 64

WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

DISTRIBUTION OF STATE AID FUNDS TO
LOCAL BOARDS OF HEALTH

Series 67

199_

For Public Comment

Comment Period Ends August 20, 1993

[PROPOSED]
TITLE 64
WEST VIRGINIA LEGISLATIVE RULES
SERIES 67
DISTRIBUTION OF STATE AID FUNDS TO
LOCAL BOARDS OF HEALTH

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§64-67-1. General.

1.1. **Scope** - This legislative rule establishes a formula for the director of the division of health to use in distributing State aid funds to local boards of health.

1.2. **Authority** - W.Va. Code §§16-2-3, 16-2A-3, and 16-2A-6.

1.3. **Filing Date** -

1.4. **Effective Date** -

§64-67-2. Application and Enforcement.

2.1. **Application** - This rule applies to the distribution of State aid funds to local boards of health by the director of the division of health.

2.2. **Enforcement** - This rule is enforced by the director of the division of health.

§64-67-3. Definitions.

3.1. **Director** - The director of the division of health or his or her designee.

3.2. **Division of Health (Division)** - The division of health of the department of health and human resources.

3.3. **Fiscal Year** - Twelve (12) month period beginning the first day of July and ending the thirtieth day of June.

3.4. **Local Board of Health** - A board of health created under the provisions of W. Va. Code §§16-2-1 to 16-2-7 or §§16-2A-1 to 16-2A-10. A local board of health may be organized to encompass one (single-county board of health) or more counties (multi-county board of health).

3.5. **State Aid Funds** - Funds appropriated by the Legislature to provide aid to local boards of health.

§64-67-4. Formula; Allocation of Funds.

4.1. The director shall distribute State aid funds to local boards of health as directed by the State Legislature, this rule and State law.

4.2. The amount of State aid funds available for distribution to local boards of health by the formula established by

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Section 4.3 of this rule shall be the funds appropriated by the Legislature for this purpose: Provided, That prior to applying the formula the director may withhold no more than two percent (2%) from the appropriate line item in the State budget for use in emergencies according to the provisions of Section 5 of this rule: and, Provided further, That prior to applying the formula, the director shall subtract for distribution any funds necessary to implement any special instructions of the Legislature.

4.3. The director shall calculate the amount of State aid funds to be distributed to each local board of health according to the following formula:

4.3.1. The director shall first determine a per capita dollar figure by dividing the amount of State funds available for distribution by the total State population;

4.3.2. The director shall multiply the population of each county by the per capita dollar figure to determine each county's share of the funds; and

4.3.3. In the instance of a single-county local board of health, the director shall distribute to the board the county's share of funds as calculated according to Section 4.3.2 of this rule; in the instance of a multi-county board of health, the director shall distribute to the board the sum of the funds calculated for the individual counties under the jurisdiction of the board.

4.4. In performing the calculations described in Section 4.3 of this rule, the director shall use the most recent United States Bureau of the Census state and county population figures available.

4.5. The director shall complete the calculations as soon as possible, but not more than two (2) weeks after the budget is passed and the legislative budget instructions, commonly referred to as the budget digest, are approved.

4.6. After completing the calculations described in Section 4.3 of this rule, the director shall inform local boards of health in writing of their allocation as quickly as possible, but in any case not more than four (4) weeks after the Legislature has passed the budget and approved the legislative budget instructions.

4.7. The director shall cause State aid funds to be distributed to eligible local boards of health according to standard State procedures beginning the first day of July of the fiscal year for which the funds have been appropriated or as soon as possible after the Legislature has passed the budget and approved the legislative budget instructions.

4.8. To minimize the impact of potential losses for some counties, the director shall phase in the use of the per capita

formula.

4.9. Beginning with fiscal year 1997, the director shall distribute State aid funds to local boards of health on a per capita basis as provided by this rule and as otherwise required by State law.

\$64-67-5. Emergency Fund; Establishment; Administration.

5.1. The director shall use the emergency fund established under the provisions of Section 4.2 of this rule to assist local boards of health in need of funds to meet unanticipated financial emergencies.

5.2. Funds not obligated for emergency use by the fifteenth day of May shall be distributed by the director to local boards of health according to the provisions of Section 4.3 of this rule.

\$64-67-6. 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 Contested Case Hearings and Declaratory Rulings, 64 CSR 1.

\$64-67-7. Severability - The provisions of this rule are severable. If any provision of this rule is invalid, the remaining provisions remain in effect.