

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

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

CITE AUTHORITY W. Va. Code §§16-2-3 and 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

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Ruth Ann Panepinto, Ph.D.
Secretary

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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

DATE: August 24, 1993

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Division of Health

LEGISLATIVE RULE TITLE: Distribution of State Aid Funds,
64 CSR 67

1. Authorizing statute(s) citation W. Va. Code §§16-2-3 and
16-2A-6

2. a. Date filed in State Register with Notice of Public Comment
Period:

July 20, 1993

b. What other notice, including advertising, did you give of
the hearing?

Copies circulated to local boards of health.

c. Date of hearing(s): Comment period ended

August 20, 1993.

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

Attached X

No comments received _____

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

f. Name and phone number of agency person to contact for
additional information:

Kay Howard 558-3223

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 of a hearing for the taking of evidence and a general description of the issues to be decided.

N.A.

b. Date of hearing: _____

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

d. Attach findings and determinations and reasons:

Attached _____

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]
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 Filing with the
Legislative Rule-Making Review Committee

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

FILED

SEP 9 9 53 AM '93

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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SECRET

[PROPOSED]
TITLE 64
WEST VIRGINIA LEGISLATIVE RULES

SERIES 67
DISTRIBUTION OF STATE AID FUNDS TO
LOCAL BOARDS OF HEALTH

§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 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

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.

Discussion of Public Comments Received
Concerning the Proposed Rule,
Distribution of State Aid to Local Boards of Health, 64 CSR 67

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 and 16-2A-6.

A public comment period was held, beginning July 20, 1993 and ending August 20, 1993. Only one letter of comment was received (copy attached); it supported the rule. No changes are proposed to the rule as filed for public comment.

RECEIVED

AUG 13 1993

Jefferson County Health Department

REGULATORY DEVELOPMENT

44-~~CHERRY~~ SHIRE ROAD
KEARNEYVILLE, W. VA.
25430

EARL D. ALLARA, M.D.
HEALTH OFFICER



August 9, 1993

Kay Howard, Director
Regulatory Development
State Capitol Complex
Building 3, Room 204
Charleston, WV. 25305

RE: Legislative Rule "Distribution of State Aid Funds to Local Boards of Health

Dear Ms. Howard:

This is to be an official comment on the Department of Health and Human Resources proposed Legislative Rule #64, series 67 which concerns the Distribution of State Aid Funds to Local Boards of Health.

It provides for the distribution of State Aid Funds based on per capita formula. This is something that the Jefferson County Board of Health has advocated for years. We have been severely underfunded for a long time.

On behalf of the Board of Health I would suggest no changes in the document and recommend its adoption.

Sincerely,

Earl D. Allara, M.D.

Earl D. Allara, M.D.
Physician/Director

EDA/jan

CC: John Yoder, State Senator
John Doyle, Delegate
Dale Manuel, Delegate
Sondra Lucht, Senator
Vicki Douglas, Delegate
Larry Faircloth, Delegate