

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Gretchen O. Lewis
Secretary

9.20

[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_

Modifications Requested by the
Legislative Rule-Making Review Committee

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

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SECRETARY OF STATE

§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 is the amount of 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%) of the funds, as shown in 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 and distribute 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.

