

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

Form #6

**FILED**

APR 8 1 24 PM '94

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Division of Health TITLE NUMBER: 64

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: 68

TITLE OF RULE BEING PROPOSED: Cancer Registry

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 1006

SECTION 64-5-2 (ccc), PASSED ON March 15, 1994

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: April 8, 1994

  
\_\_\_\_\_  
Authorized Signature

3.60

DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
RULE PROMULGATION HISTORY ABSTRACT

Rule Title: Cancer Registry

Series Number: 68

Amendment of Existing Rule:  New Rule:

Responsible Agency: Division of Health

Date Filed for Public Hearing or Comment Period: 7-13-93

Date of Public Hearing (if any): N/A

Date Public Comment Period Ended: 8-12-93

Date Agency-Approved Rule Filed with the  
Legislative Rule-Making Review Committee: 8-16-93

Date of Filing of Modified Rule as Approved by  
the Legislative Rule-Making Review Committee: 10-15-93

Date of Final Filing: 4-8-94

Effective Date: 4-8-94

Authorized by: S.B. 1006 (With amendments? Yes  No )  
Passed: March 15, 1994.

Dates Emergency Rule in Effect (if any): N/A

TITLE 64

WEST VIRGINIA ADMINISTRATIVE RULES  
DIVISION OF HEALTH

CANCER REGISTRY

SERIES 68

1994

WEST VIRGINIA ADMINISTRATIVE RULES  
DIVISION OF HEALTH

CANCER REGISTRY

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TITLE 64  
WEST VIRGINIA ADMINISTRATIVE RULES  
DIVISION OF HEALTH

SERIES 68  
CANCER REGISTRY

**§64-68-1. General.**

1.1. **Scope** - This legislative rule establishes standards and procedures for reporting cancer cases to the cancer registry, maintaining the confidentiality of information in the registry, and disclosing information from the registry.

1.2. **Authority** - W. Va. Code §16-5A-2a(e).

1.3. **Filing Date** - April 8, 1994.

1.4. **Effective Date** - April 8, 1994.

**§64-68-2. Application and Enforcement.**

2.1. **Application** - This rule applies to health care providers and facilities, and to persons with access to or in charge of medical records or other sources of cancer-related information.

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

**§64-68-3. Definitions.**

3.1. **Abstract** - A summary of information relating to the diagnosis and course of disease of an individual case of cancer.

3.2. **Cancer** - A cellular tumor, the natural course of which is fatal and usually associated with the formation of secondary tumors.

3.3. **Cancer Registry** - The office within the division of health which collects and maintains information on cancer cases.

3.4. **Confidential Information** - Information which identifies individual cancer patients, health care facilities, or health care providers.

3.5. **Diagnosis** - The determination of the nature of a case of disease.

3.6. **Director** - The director of the division of health of the department of health and human resources or his or her lawful designee.

3.7. **Health Care Facility** - Any hospital, nursing home, clinic, cancer treatment center, laboratory, or any other facility

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or institution which provides health care or diagnostic services to individuals.

3.8. **Health Care Provider** - Any physician, dentist, nurse, or other individual who provides to individuals medical, dental, nursing, or other health care services of any kind.

3.9. **Person** - An individual, partnership, corporation or other legal entity.

3.10. **Reportable Cancer Case** - Any case of cancer diagnosed after December 31, 1992, where the primary tumor is determined to be malignant or carcinoma in situ, with the exception of basal cell or squamous cell carcinomas of the skin.

3.11. **Reporting Source** - A health care facility or provider which diagnoses or provides treatment for cancer.

3.12. **Tumor Registries** - A registry maintained for the collection of information concerning newly diagnosed cancer cases.

**§64-68-4. Reporting.**

4.1. All reporting sources shall provide the cancer registry office with the following patient-related information on all reportable cancer cases to the extent that the information would be routinely available at a particular type of reporting source:

- 4.1.1. The first name, last name, and middle initial;
- 4.1.2. Social security number;
- 4.1.3. Sex;
- 4.1.4. Birth date;
- 4.1.5. Maiden name;
- 4.1.6. Race/ethnicity;
- 4.1.7. Address at the time of diagnosis, including street, city, county and zip code;
- 4.1.8. Date of diagnosis;
- 4.1.9. A description of the cancer, including site, type, stage, and any other information needed to describe the case clearly;
- 4.1.10. Date of death, if the patient has died;
- 4.1.11. Cause of death; and
- 4.1.12. Other information relevant for the identification of hazards to the public, i.e., the presence of factors placing the patient at risk for the development of cancer. Risk factor information includes, but is not limited to: tobacco use, familial history of cancer and occupation.

4.2. Each cancer case report shall also include:

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- 4.2.1. The name of the reporting source; and
- 4.2.2. The name of the diagnosing physician.

4.3. Reporting sources with tumor registries shall submit the required information on all reportable cases of cancer served by that source to the cancer registry within eight (8) months of diagnosis. Reports shall be submitted monthly via electronic information transfer or paper copy of case abstracts, in a manner or on forms acceptable to the registry.

4.4. Reporting sources without tumor registries shall provide authorized cancer registry personnel access to all medical records which would identify cases of cancer or establish characteristics of cancer to collect the required information on reportable cases of cancer. The frequency of access shall be related to the number of patients seen and the incidence of reportable cancer cases. Registry staff shall schedule access in advance at reasonable times convenient to the reporting source and registry staff.

4.5. The cancer registry shall collect standardized data usable for research purposes.

4.6. The cancer registry shall work toward the use of the cancer stage classifications of the American Joint Committee on Cancer.

**§64-68-5. Confidentiality; Disclosure.**

5.1. No person who obtains information protected by the provisions of W. Va. Code §16-5A-2a and this rule may disclose confidential information to any other person except in strict compliance with W. Va. Code §16-5A-2a and this rule.

5.2. Any person who obtains information protected by the provisions of W. Va. Code §16-5A-2a and this rule shall sign a statement that he or she fully understands and will maintain the confidentiality of the information.

5.3. The cancer registry may release information which identifies a specific patient to the reporting source which originally reported the cancer case.

5.4. The cancer registry may release information which identifies a specific patient whose address at the time of diagnosis was outside West Virginia to the central cancer registry in the state where the patient resides. The cancer registry shall release the information only to central cancer registries in states with confidentiality standards equivalent to those of West Virginia and which establish reciprocal reporting with West Virginia. The cancer registry shall have a written agreement with other state

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cancer registries to which it releases information which specifically addresses provisions for maintaining confidentiality.

**§64-68.6. 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.

**§64-68-7. Severability.**

The provisions of this rule are severable. If any provisions of this rule are held invalid, the remaining provisions shall remain in effect.

H9871

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H. B. 4264

(By Delegates Gallagher, Douglas, Compton,  
Huntwork, Burk and Faircloth  
(Introduced January 31, 1994; referred to the  
Committee on Health and Human Resources then the  
Judiciary)

A BILL to amend and reenact section two, article five, chapter  
sixty-four of the code of West Virginia, one thousand nine  
hundred thirty-one, as amended, relating to authorizing the  
division of health to promulgate legislative rules relating  
to a cancer registry.

Be it enacted by the Legislature of West Virginia:

That section two, article five, chapter sixty-four of the  
code of West Virginia, one thousand nine hundred thirty-one, as  
amended, be amended and reenacted, to read as follows:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-2. State board of health; division of health.

(a) The legislative rules filed in the state register on the  
second day of June, one thousand nine hundred eighty-two,

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1 relating to the state board of health (waste water treatment  
2 works operations), are authorized.

3 (b) The legislative rules filed in the state register on the  
4 second day of June, one thousand nine hundred eighty-two,  
5 relating to the state board of health (laboratory reporting of  
6 syphilis and gonorrhoea), are authorized.

7 (c) The legislative rules filed in the state register on the  
8 second day of June, one thousand nine hundred eighty-two,  
9 relating to the state board of health (public water supply  
10 operators) with the modification of §11.02 as presented to the  
11 legislative rule-making review committee on the ninth day of  
12 November, one thousand nine hundred eighty-two, are authorized.

13 (d) The legislative rules filed in the state register on the  
14 twenty-second day of October, one thousand nine hundred  
15 eighty-two, relating to the state board of health (sewage  
16 systems) with the modification presented to the legislative  
17 rule-making review committee on the sixth day of December, one  
18 thousand nine hundred eighty-two, are authorized except lines ten  
19 through seventeen, page eight of the rules shall be stricken in  
20 their entirety and the remaining paragraphs renumbered.

21 (e) The legislative rules filed in the state register on the  
22 second day of June, one thousand nine hundred eighty-two,  
23 relating to the state board of health (approval of laboratories),  
24 are authorized.

1 (f) The legislative rules filed in the state register on the  
2 twenty-fourth day of November, one thousand nine hundred  
3 eighty-two, relating to the state board of health (permit fees),  
4 are authorized.

5 (g) The legislative rules filed in the state register on the  
6 third day of June, one thousand nine hundred eighty-two, relating  
7 to the state board of health (certificate of need), are  
8 authorized.

9 (h) The legislative rules filed in the state register on the  
10 sixteenth day of August, one thousand nine hundred eighty-two,  
11 relating to the state board of health (eyes of newborn children),  
12 are authorized.

13 (i) The legislative rules filed in the state register on the  
14 thirteenth day of August, one thousand nine hundred eighty-two,  
15 and filed with amendments on the eleventh day of January, one  
16 thousand nine hundred eighty-three, relating to the state board  
17 of health (nursing home licensure), are authorized with the  
18 amendment of §5.15.02 of those rules as set forth below:

19 By striking the word "and" at the end of subdivision (f), by  
20 changing the period at the end of subdivision (g) to a semicolon,  
21 and by adding the following after subdivision (g): "(h) One (1)  
22 member who represents social work services."

23 (j) The legislative rules filed in the state register on the  
24 twenty-fourth day of November, one thousand nine hundred  
25 eighty-two, relating to the state board of health (guardianship

1 service), are authorized with the exception of section 9.3 of  
2 those rules which may not be promulgated.

3 (k) The legislative rules filed in the state register on the  
4 third day of June, one thousand nine hundred eighty-two, relating  
5 to the state board of health (controlled substances research  
6 program and certification), are authorized.

7 (l) The legislative rules filed in the state register on the  
8 fifth day of November, one thousand nine hundred eighty-two,  
9 relating to the state board of health (chemical test for  
10 intoxication), are authorized.

11 (m) The legislative rules filed in the state register on the  
12 nineteenth day of December, one thousand nine hundred  
13 eighty-three, relating to the state board of health (birthing  
14 center licensure), are authorized.

15 (n) The legislative rules filed in the state register on the  
16 fourteenth day of November, one thousand nine hundred  
17 eighty-three, relating to the state board of health (licensure of  
18 behavioral health centers), are authorized with the amendment set  
19 forth below:

20 Page 45, §12.8.2. In the first sentence delete the words  
21 "without delay" and insert in lieu thereof the words "within  
22 twenty-four hours after receiving a report of a complaint."

23 (o) The legislative rules filed in the state register on the  
24 nineteenth day of December, one thousand nine hundred

1 eighty-three, relating to the state board of health (procedures  
2 for recovery of corneal tissue for transplant), are authorized.

3 (p) The legislative rules filed in the state register on the  
4 seventh day of September, one thousand nine hundred eighty-three,  
5 relating to the state board of health (well water regulations),  
6 are authorized with the amendments set forth below:

7 §4.1. In the first sentence delete the word "obtaining" and  
8 insert in lieu thereof the words "applying for". In the second  
9 sentence after "4.3" add "and 4.5."

10 §4.2. At the end of the second sentence, strike the period  
11 and add the words "unless emergency conditions prevail as noted  
12 under §4.3."

13 With the balance of §4.2 and create a new §4.3 with the  
14 following changes: In the first sentence delete the word  
15 "deadline" and insert in lieu thereof the word "requirements."  
16 Add after the first sentence the sentence, "Emergency conditions  
17 and unavoidable circumstances are those conditions involving acts  
18 of God, water outages or disruption of water service,  
19 unsatisfactory water quality or quantity or public health  
20 threats." In the third sentence delete the word "exceed" and  
21 insert in lieu thereof the words "be made in excess of."

22 Renumber §4.3 as §4.4 and add the following two sentences at  
23 the end of the section: "Such standards shall constitute the  
24 minimum standards for the installation, the alteration or the  
25 deepening of water wells. Any plans approved by the director

1 pursuant to these regulations shall be in substantial compliance  
2 with the heretofore mentioned standards."

3 Renumber §4.4 as §4.5, §4.5 as §4.6, §4.6 as §4.7, §4.7 as  
4 §4.8 and §4.8 as §4.9.

5 And,

6 §5.2. Delete the words "four (4)" and insert in lieu thereof  
7 the words "two (2)" and delete the words "active, continuous."

8 (q) The legislative rules filed in the state register on the  
9 third day of October, one thousand nine hundred eighty-four,  
10 relating to the state board of health (trauma center or facility  
11 designation), are authorized.

12 (r) The legislative rules filed in the state register on the  
13 twenty-first day of December, one thousand nine hundred  
14 eighty-four, relating to the state board of health (reportable  
15 diseases), are authorized.

16 (s) The legislative rules filed in the state register on the  
17 twenty-first day of December, one thousand nine hundred  
18 eighty-four, relating to the state board of health (licensure of  
19 medical adult day care centers), are authorized.

20 (t) The legislative rules filed in the state register on the  
21 third day of October, one thousand nine hundred eighty-four,  
22 relating to the state board of health (retail food store  
23 sanitation), are authorized.

24 (u) The legislative rules filed in the state register on the  
25 seventeenth day of December, one thousand nine hundred

1 eighty-five, modified by the director of health to meet the  
2 objections of the legislative rule-making review committee and  
3 refiled in the state register on the fifteenth day of January,  
4 one thousand nine hundred eighty-six, relating to the director of  
5 health (adult group home licensure), are authorized.

6 (v) The legislative rules filed in the state register on the  
7 twenty-ninth day of October, one thousand nine hundred  
8 eighty-five, modified by the state board of health to meet the  
9 objections of the legislative rule-making review committee and  
10 refiled in the state register on the twenty-seventh day of  
11 December, one thousand nine hundred eighty-five, relating to the  
12 state board of health (licensure of hospice care programs), are  
13 authorized.

14 (w) The legislative rules filed in the state register on the  
15 thirty-first day of October, one thousand nine hundred  
16 eighty-five, modified by the director of health to meet the  
17 objections of the legislative rule-making review committee and  
18 refiled in the state register on the twenty-seventh day of  
19 December, one thousand nine hundred eighty-five, relating to the  
20 director of health (rules governing emergency medical services),  
21 are authorized with the amendments set forth below:

22 On page 3, §3.9 shall read as follows:

23 "3.9 Quorum -- When applied to the EMSAC, a majority of the  
24 members thereof, except in the instance when at any meeting of  
25 the EMSAC, where a quorum is not present and the director causes

1 to be deposited in the United States mail, postage prepaid,  
2 return receipt requested, to each member of the EMSAC within  
3 three days, a notice calling a meeting of the EMSAC at some  
4 convenient place in the state of West Virginia two weeks after  
5 the meeting at which no quorum was present. Quorum means any  
6 number of members of the EMSAC who attend such subsequent  
7 meeting. Any member missing two consecutive meetings shall be  
8 removed from the EMSAC."

9 On page 6, §4.7.1 shall be deleted in its entirety;

10 And,

11 On page 7, §4.10.1 shall read as follows:

12 "4.10.1 every applicant for certification as an EMSP prior to  
13 such certification, shall demonstrate his or her knowledge and  
14 ability by undergoing a written examination and a demonstration  
15 of skills; and by attaining a passing score on the same. Passing  
16 score shall be the same for all testing programs."

17 (x) The legislative rules filed in the state register on the  
18 fifth day of September, one thousand nine hundred eighty-five,  
19 relating to the state department of health (revising the list of  
20 hazardous substances), are authorized.

21 (y) The legislative rules filed in the state register on the  
22 thirteenth day of August, one thousand nine hundred eighty-six,  
23 modified by the director of the department of health to meet the  
24 objections of the legislative rule-making review committee and  
25 refiled in the state register on the sixteenth day of October,

1 one thousand nine hundred eighty-six, relating to the director of  
2 the department of health (hazardous material treatment  
3 information repository), are authorized.

4 (z) The legislative rules filed in the state register on the  
5 seventeenth day of July, one thousand nine hundred eighty-six,  
6 modified by the state board of health to meet the objections of  
7 the legislative rule-making review committee and refiled in the  
8 state register on the sixteenth day of October, one thousand nine  
9 hundred eighty-six, relating to the state board of health  
10 (methods and standards for chemical tests for intoxication), are  
11 authorized.

12 (aa) The legislative rules filed in the state register on the  
13 twenty-first day of November, one thousand nine hundred  
14 eighty-six, modified by the state board of health to meet the  
15 objections of the legislative rule-making review committee and  
16 refiled in the state register on the twenty-third day of  
17 December, one thousand nine hundred eighty-six, relating to the  
18 state board of health (licensure of behavioral health centers),  
19 are authorized.

20 (bb) The legislative rules filed in the state register on the  
21 eighteenth day of April, one thousand nine hundred eighty-six,  
22 modified by the state board of health to meet the objections of  
23 the legislative rule-making review committee and refiled in the  
24 state register on the seventeenth day of October, one thousand

1 nine hundred eighty-six, relating to the state board of health  
2 (hospital licensure), are authorized.

3 (cc) The legislative rules filed in the state register on the  
4 ninth day of December, one thousand nine hundred eighty-six,  
5 modified by the state board of health to meet the objections of  
6 the legislative rule-making review committee and refiled in the  
7 state register on the twenty-third day of December, one thousand  
8 nine hundred eighty-six, relating to the state board of health  
9 (hospital licensure and allowing hospitals to have licensed  
10 hospital professionals, other than licensed physicians, on their  
11 medical staff), are authorized.

12 (dd) The legislative rules filed in the state register on the  
13 ninth day of December, one thousand nine hundred eighty-six,  
14 modified by the state board of health to meet the objections of  
15 the legislative rule-making review committee and refiled in the  
16 state register on the twenty-third day of December, one thousand  
17 nine hundred eighty-six, relating to the state board of health  
18 (vital statistics), are authorized.

19 (ee) The legislative rules filed in the state register on the  
20 eleventh day of September, one thousand nine hundred  
21 eighty-seven, relating to the director of the department of  
22 health (immunization criteria for transfer students), are  
23 authorized.

24 (ff) The legislative rules filed in the state register on the  
25 sixteenth day of November, one thousand nine hundred

1 eighty-seven, relating to the director of the department of  
2 health (hazardous substances), are authorized with the amendment  
3 set forth below:

4 Page 33, section 8, line 8 (unnumbered), by adding at the end  
5 of section 8 the following proviso: "Provided, That the owner's  
6 or operator's submissions are based on the threshold reporting  
7 requirements contained in section 5, article 31, chapter 16."

8 (gg) The legislative rules filed in the state register on the  
9 eighteenth day of November, one thousand nine hundred  
10 eighty-seven, relating to the director of the department of  
11 health (trauma center or facility designation), are authorized.

12 (hh) The legislative rules filed in the state register on the  
13 twenty-second day of June, one thousand nine hundred  
14 eighty-eight, modified by the state board of health to meet the  
15 objections of the legislative rule-making review committee and  
16 refiled in the state register on the fifteenth day of September,  
17 one thousand nine hundred eighty-eight, relating to the state  
18 board of health (licensure of hospice care programs), are  
19 authorized.

20 (ii) The legislative rules filed in the state register on the  
21 fifteenth day of September, one thousand nine hundred  
22 eighty-eight, modified by the state board of health to meet the  
23 objections of the legislative rule-making review committee and  
24 refiled in the state register on the third day of November, one  
25 thousand nine hundred eighty-eight, relating to the state board

1 of health (water wells), are authorized with the amendment set  
2 forth below:

3 On page 2, §3.8, shall read as follows:

4 "3.8 Water Well -- Any excavation or penetration in the  
5 ground, whether drilled, bored, cored, driven or jetted that  
6 enters or passes through an aquifer for purposes that may  
7 include, but are not limited to: A water supply, exploration for  
8 water, dewatering or heat pump wells, except that this definition  
9 shall not include ground water monitoring activities and all  
10 activities for the exploration, development, production, storage  
11 and recovery of coal, oil and gas and other mineral resources  
12 which are regulated under chapter 22, 22a or 22b of the code."

13 (jj) The legislative rules filed in the state register on the  
14 twenty-second day of June, one thousand nine hundred  
15 eighty-eight, modified by the state board of health to meet the  
16 objections of the legislative rule-making review committee and  
17 refiled in the state register on the fifteenth day of September,  
18 one thousand nine hundred eighty-eight, relating to the state  
19 board of health (plumbing requirements), are authorized.

20 (kk) The legislative rules filed in the state register on the  
21 twenty-second day of June, one thousand nine hundred  
22 eighty-eight, modified by the state board of health to meet the  
23 objections of the legislative rule-making review committee and  
24 refiled in the state register on the fifteenth day of September,

1 one thousand nine hundred eighty-eight, relating to the state  
2 board of health (public water supply operators), are authorized.

3 (ll) The legislative rules filed in the state register on the  
4 nineteenth day of October, one thousand nine hundred  
5 eighty-eight, modified by the state board of health to meet the  
6 objections of the legislative rule-making review committee and  
7 refiled in the state register on the twentieth day of December,  
8 one thousand nine hundred eighty-eight, relating to the state  
9 board of health (volatile synthetic organic chemicals), are  
10 authorized.

11 (mm) The legislative rules filed in the state register on the  
12 second day of January, one thousand nine hundred ninety, modified  
13 by the division of health to meet the objections of the  
14 legislative rule-making review committee and refiled in the state  
15 register on the seventeenth day of January, one thousand nine  
16 hundred ninety, relating to the division of health (asbestos  
17 abatement licensing), are authorized.

18 (nn) The legislative rules filed in the state register on the  
19 thirtieth day of August, one thousand nine hundred eighty-nine,  
20 modified by the division of health to meet the objections of the  
21 legislative rule-making review committee and refiled in the state  
22 register on the seventeenth day of November, one thousand nine  
23 hundred eighty-nine, relating to the division of public health  
24 (AIDS-related medical testing and confidentiality), are  
25 authorized.

1 (oo) The legislative rules filed in the state register on the  
2 nineteenth day of December, one thousand nine hundred  
3 eighty-nine, modified by the state board of health to meet the  
4 objections of the legislative rule-making review committee and  
5 refiled in the state register on the twenty-fourth day of  
6 January, one thousand nine hundred ninety, relating to the state  
7 board of health (nursing home licensure), are authorized.

8 (pp) The legislative rules filed in the state register on the  
9 nineteenth day of December, one thousand nine hundred  
10 eighty-nine, relating to the state board of health (licensure of  
11 behavioral health centers), are authorized.

12 (qq) The legislative rules filed in the state register on the  
13 twenty-eighth day of December, one thousand nine hundred  
14 eighty-nine, relating to the state board of health (methods and  
15 standards for chemical test for intoxication), are authorized.

16 (rr) The legislative rules filed in the state register on the  
17 twenty-third day of July, one thousand nine hundred ninety,  
18 modified by the board of health to meet the objections of the  
19 legislative rule-making review committee and refiled in the state  
20 register on the fifth day of September, one thousand nine hundred  
21 ninety, relating to the board of health (fees for permits), are  
22 authorized with the amendments set forth below:

23 On page two, subsection 3.6, by striking out all of the  
24 subsection and renumbering the subsequent subsections.

1 On page four, subsection 5.4, by striking out all of the  
2 subsection and renumbering the subsequent subsections.

3 And,

4 On page six, Table 64-30c, by striking out Table 64-30c and  
5 inserting in lieu thereof a new table, to read as follows:

6 TABLE 64-30C.

7 Individual On-Site and Innovative Alternative Type

8 Sewage System Permit Fees

9 Type of System	Fees for Permit
10 Class I (New or Modified)	\$100
11 Class II (New or Modified)	\$100
12 Home Aeration Unit	\$100

13  
14 (ss) The legislative rules filed in the state register on the  
15 seventh day of December, one thousand nine hundred ninety,  
16 modified by the board of health to meet the objections of the  
17 legislative rule-making review committee and refiled in the state  
18 register on the twenty-second day of January, one thousand nine  
19 hundred ninety-one, relating to the board of health (public water  
20 systems, bottled water and laboratory certification), are  
21 authorized.

22 (tt) The legislative rules filed in the state register on the  
23 thirteenth day of December, one thousand nine hundred ninety,  
24 modified by the board of health to meet the objections of the  
25 legislative rule-making review committee and refiled in the state  
26 register on the twenty-second day of January, one thousand nine  
27 hundred ninety-one, relating to the board of health (vital  
28 statistics), are authorized.

1 (uu) The legislative rules filed in the state register on the  
2 seventh day of January, one thousand nine hundred ninety-one,  
3 modified by the division of health to meet the objections of the  
4 legislative rule-making review committee and refiled in the state  
5 register on the twenty-second day of January, one thousand nine  
6 hundred ninety-one, relating to the division of health (fees for  
7 services), are authorized.

8 (vv) The legislative rules filed in the state register on the  
9 twenty-eighth day of December, one thousand nine hundred ninety,  
10 modified by the division of health to meet the objections of the  
11 legislative rule-making review committee and refiled in the state  
12 register on the twenty-sixth day of July, one thousand nine  
13 hundred ninety-one, relating to the division of health  
14 (specialized health procedures), are authorized.

15 (ww) The legislative rules filed in the state register on the  
16 second day of January, one thousand nine hundred ninety-one,  
17 modified by the division of health to meet the objections of the  
18 legislative rule-making review committee and refiled in the state  
19 register on the sixteenth day of May, one thousand nine hundred  
20 ninety-one, relating to the division of health (emergency medical  
21 services), are authorized.

22 (xx) The legislative rules filed in the state register on the  
23 tenth day of September, one thousand nine hundred ninety-one,  
24 modified by the secretary of the department of health and human  
25 resources to meet the objections of the legislative rule-making

1 review committee and refiled in the state register on the third  
2 day of January, one thousand nine hundred ninety-two, relating to  
3 the secretary of the department of health and human resources  
4 (retail food store sanitation), are authorized.

5 (yy) The Legislature hereby authorizes and directs the  
6 division of health to promulgate the legislative rule relating to  
7 swimming pools and bathing beaches, 64 CSR 16, effective the  
8 fifth day of May, one thousand nine hundred eighty, with the  
9 amendment set forth below:

10 On page five, section 11.3 by striking out the period  
11 following the word "beach" and adding the following: "Provided,  
12 That at hotels, motels, apartment complexes, or condominiums  
13 which have swimming pools of five feet or less in depth at the  
14 deepest point, employment of lifeguards is recommended but not  
15 mandatory, whether or not the establishment charges an admission  
16 fee (gate receipt, annual pass or membership dues). If no  
17 lifeguards are employed, the management shall post a sign in a  
18 prominent location near the swimming pool stating "SWIM AT YOUR  
19 OWN RISK - ALL PERSONS UNDER THE AGE OF 14 MUST BE ACCOMPANIED BY  
20 AN ADULT."

21 (zz) The legislative rules filed in the state register on the  
22 sixteenth day of September, one thousand nine hundred ninety-two,  
23 modified by the division of health to meet the objections of the  
24 legislative rule-making review committee and refiled in the state  
25 register on the seventeenth day of November, one thousand nine

1 hundred ninety-two, relating to the division of health (trauma  
2 center or facility designation), are authorized.

3 (aaa) The legislative rules filed in the state register on  
4 the second day of November, one thousand nine hundred ninety-two,  
5 modified by the division of health to meet the objections of the  
6 legislative rule-making review committee and refiled in the state  
7 register on the nineteenth day of February, one thousand nine  
8 hundred ninety-three, relating to the division of health (primary  
9 care center seed money grants), are authorized.

10 (bbb) The legislative rules filed in the state register on  
11 the second day of November, one thousand nine hundred ninety-two,  
12 modified by the division of health to meet the objections of the  
13 legislative rule-making review committee and refiled in the state  
14 register on the nineteenth day of February, one thousand nine  
15 hundred ninety-three, relating to the division of health (primary  
16 care center uncompensated care grants), are authorized.

17 (ccc) The legislative rules filed in the state register on  
18 the sixteenth day of August, one thousand nine hundred ninety-  
19 three, modified by the division of health to meet the objections  
20 of the legislative rule-making review committee and refiled in  
21 the state register on the fifteenth day of October, one thousand  
22 nine hundred ninety-three, relating to the division of health  
23 (cancer registry), are authorized.

24

25 NOTE: The purpose of this bill is to authorize the Division  
26 of Health to promulgate legislative rules relating to a cancer  
27 registry.

1     Strike-throughs indicate language that would be stricken from  
2 the present law, and underscoring indicates new language that  
3 would be added.

SENATE BILL NO. 182

1 (By Senators Manchin, Anderson, Grubb, Macnaughtan  
and Minard)

2 [Introduced January 31, 1994; referred to the  
3 Committee on

4 HEALTH AND HUMAN RESOURCES

5 *Finance*  
6 *Judiciary*

7  
8  
9  
10 A BILL to amend and reenact section two, article five, chapter  
11 sixty-four of the code of West Virginia, one thousand nine  
12 hundred thirty-one, as amended, relating to authorizing the  
13 division of health to promulgate legislative rules relating  
14 to a cancer registry.

15 Be it enacted by the Legislature of West Virginia:

16 That section two, article five, chapter sixty-four of the  
17 code of West Virginia, one thousand nine hundred thirty-one, as  
18 amended, be amended and reenacted, to read as follows:

19 ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN  
20 RESOURCES TO PROMULGATE LEGISLATIVE RULES.

21 §64-5-2. State board of health; division of health.

22 (a) The legislative rules filed in the state register on the  
23 second day of June, one thousand nine hundred eighty-two,

1 relating to the state board of health (waste water treatment  
2 works operations), are authorized.

3 (b) The legislative rules filed in the state register on the  
4 second day of June, one thousand nine hundred eighty-two,  
5 relating to the state board of health (laboratory reporting of  
6 syphilis and gonorrhoea), are authorized.

7 (c) The legislative rules filed in the state register on the  
8 second day of June, one thousand nine hundred eighty-two,  
9 relating to the state board of health (public water supply  
10 operators) with the modification of §11.02 as presented to the  
11 legislative rule-making review committee on the ninth day of  
12 November, one thousand nine hundred eighty-two, are authorized.

13 (d) The legislative rules filed in the state register on the  
14 twenty-second day of October, one thousand nine hundred  
15 eighty-two, relating to the state board of health (sewage  
16 systems) with the modification presented to the legislative  
17 rule-making review committee on the sixth day of December, one  
18 thousand nine hundred eighty-two, are authorized except lines ten  
19 through seventeen, page eight of the rules shall be stricken in  
20 their entirety and the remaining paragraphs renumbered.

21 (e) The legislative rules filed in the state register on the  
22 second day of June, one thousand nine hundred eighty-two,  
23 relating to the state board of health (approval of laboratories),  
24 are authorized.

1 (f) The legislative rules filed in the state register on the  
2 twenty-fourth day of November, one thousand nine hundred  
3 eighty-two, relating to the state board of health (permit fees),  
4 are authorized.

5 (g) The legislative rules filed in the state register on the  
6 third day of June, one thousand nine hundred eighty-two, relating  
7 to the state board of health (certificate of need), are  
8 authorized.

9 (h) The legislative rules filed in the state register on the  
10 sixteenth day of August, one thousand nine hundred eighty-two,  
11 relating to the state board of health (eyes of newborn children),  
12 are authorized.

13 (i) The legislative rules filed in the state register on the  
14 thirteenth day of August, one thousand nine hundred eighty-two,  
15 and filed with amendments on the eleventh day of January, one  
16 thousand nine hundred eighty-three, relating to the state board  
17 of health (nursing home licensure), are authorized with the  
18 amendment of §5.15.02 of those rules as set forth below:

19 By striking the word "and" at the end of subdivision (f), by  
20 changing the period at the end of subdivision (g) to a semicolon,  
21 and by adding the following after subdivision (g): "(h) One (1)  
22 member who represents social work services."

23 (j) The legislative rules filed in the state register on the  
24 twenty-fourth day of November, one thousand nine hundred  
25 eighty-two, relating to the state board of health (guardianship

1 service), are authorized with the exception of section 9.3 of  
2 those rules which may not be promulgated.

3 (k) The legislative rules filed in the state register on the  
4 third day of June, one thousand nine hundred eighty-two, relating  
5 to the state board of health (controlled substances research  
6 program and certification), are authorized.

7 (l) The legislative rules filed in the state register on the  
8 fifth day of November, one thousand nine hundred eighty-two,  
9 relating to the state board of health (chemical test for  
10 intoxication), are authorized.

11 (m) The legislative rules filed in the state register on the  
12 nineteenth day of December, one thousand nine hundred  
13 eighty-three, relating to the state board of health (birthing  
14 center licensure), are authorized.

15 (n) The legislative rules filed in the state register on the  
16 fourteenth day of November, one thousand nine hundred  
17 eighty-three, relating to the state board of health (licensure of  
18 behavioral health centers), are authorized with the amendment set  
19 forth below:

20 Page 45, §12.8.2. In the first sentence delete the words  
21 "without delay" and insert in lieu thereof the words "within  
22 twenty-four hours after receiving a report of a complaint."

23 (o) The legislative rules filed in the state register on the  
24 nineteenth day of December, one thousand nine hundred

1 eighty-three, relating to the state board of health (procedures  
2 for recovery of corneal tissue for transplant), are authorized.

3 (p) The legislative rules filed in the state register on the  
4 seventh day of September, one thousand nine hundred eighty-three,  
5 relating to the state board of health (well water regulations),  
6 are authorized with the amendments set forth below:

7 §4.1. In the first sentence delete the word "obtaining" and  
8 insert in lieu thereof the words "applying for". In the second  
9 sentence after "4.3" add "and 4.5."

10 §4.2. At the end of the second sentence, strike the period  
11 and add the words "unless emergency conditions prevail as noted  
12 under §4.3."

13 With the balance of §4.2 and create a new §4.3 with the  
14 following changes: In the first sentence delete the word  
15 "deadline" and insert in lieu thereof the word "requirements."  
16 Add after the first sentence the sentence, "Emergency conditions  
17 and unavoidable circumstances are those conditions involving acts  
18 of God, water outages or disruption of water service,  
19 unsatisfactory water quality or quantity or public health  
20 threats." In the third sentence delete the word "exceed" and  
21 insert in lieu thereof the words "be made in excess of."

22 Renumber §4.3 as §4.4 and add the following two sentences at  
23 the end of the section: "Such standards shall constitute the  
24 minimum standards for the installation, the alteration or the  
25 deepening of water wells. Any plans approved by the director

1 pursuant to these regulations shall be in substantial compliance  
2 with the heretofore mentioned standards."

3       Renumber §4.4 as §4.5, §4.5 as §4.6, §4.6 as §4.7, §4.7 as  
4 §4.8 and §4.8 as §4.9.

5       And,

6       §5.2. Delete the words "four (4)" and insert in lieu thereof  
7 the words "two (2)" and delete the words "active, continuous."

8       (q) The legislative rules filed in the state register on the  
9 third day of October, one thousand nine hundred eighty-four,  
10 relating to the state board of health (trauma center or facility  
11 designation), are authorized.

12       (r) The legislative rules filed in the state register on the  
13 twenty-first day of December, one thousand nine hundred  
14 eighty-four, relating to the state board of health (reportable  
15 diseases), are authorized.

16       (s) The legislative rules filed in the state register on the  
17 twenty-first day of December, one thousand nine hundred  
18 eighty-four, relating to the state board of health (licensure of  
19 medical adult day care centers), are authorized.

20       (t) The legislative rules filed in the state register on the  
21 third day of October, one thousand nine hundred eighty-four,  
22 relating to the state board of health (retail food store  
23 sanitation), are authorized.

24       (u) The legislative rules filed in the state register on the  
25 seventeenth day of December, one thousand nine hundred

1 eighty-five, modified by the director of health to meet the  
2 objections of the legislative rule-making review committee and  
3 refiled in the state register on the fifteenth day of January,  
4 one thousand nine hundred eighty-six, relating to the director of  
5 health (adult group home licensure), are authorized.

6 (v) The legislative rules filed in the state register on the  
7 twenty-ninth day of October, one thousand nine hundred  
8 eighty-five, modified by the state board of health to meet the  
9 objections of the legislative rule-making review committee and  
10 refiled in the state register on the twenty-seventh day of  
11 December, one thousand nine hundred eighty-five, relating to the  
12 state board of health (licensure of hospice care programs), are  
13 authorized.

14 (w) The legislative rules filed in the state register on the  
15 thirty-first day of October, one thousand nine hundred  
16 eighty-five, modified by the director of health to meet the  
17 objections of the legislative rule-making review committee and  
18 refiled in the state register on the twenty-seventh day of  
19 December, one thousand nine hundred eighty-five, relating to the  
20 director of health (rules governing emergency medical services),  
21 are authorized with the amendments set forth below:

22 On page 3, §3.9 shall read as follows:

23 "3.9 Quorum -- When applied to the EMSAC, a majority of the  
24 members thereof, except in the instance when at any meeting of  
25 the EMSAC, where a quorum is not present and the director causes

1 to be deposited in the United States mail, postage prepaid,  
2 return receipt requested, to each member of the EMSAC within  
3 three days, a notice calling a meeting of the EMSAC at some  
4 convenient place in the state of West Virginia two weeks after  
5 the meeting at which no quorum was present. Quorum means any  
6 number of members of the EMSAC who attend such subsequent  
7 meeting. Any member missing two consecutive meetings shall be  
8 removed from the EMSAC."

9 On page 6, §4.7.1 shall be deleted in its entirety;

10 And,

11 On page 7, §4.10.1 shall read as follows:

12 "4.10.1 every applicant for certification as an EMSP prior to  
13 such certification, shall demonstrate his or her knowledge and  
14 ability by undergoing a written examination and a demonstration  
15 of skills, and by attaining a passing score on the same. Passing  
16 score shall be the same for all testing programs."

17 (x) The legislative rules filed in the state register on the  
18 fifth day of September, one thousand nine hundred eighty-five,  
19 relating to the state department of health (revising the list of  
20 hazardous substances), are authorized.

21 (y) The legislative rules filed in the state register on the  
22 thirteenth day of August, one thousand nine hundred eighty-six,  
23 modified by the director of the department of health to meet the  
24 objections of the legislative rule-making review committee and  
25 refiled in the state register on the sixteenth day of October,

1 one thousand nine hundred eighty-six, relating to the director of  
2 the department of health (hazardous material treatment  
3 information repository), are authorized.

4 (z) The legislative rules filed in the state register on the  
5 seventeenth day of July, one thousand nine hundred eighty-six,  
6 modified by the state board of health to meet the objections of  
7 the legislative rule-making review committee and refiled in the  
8 state register on the sixteenth day of October, one thousand nine  
9 hundred eighty-six, relating to the state board of health  
10 (methods and standards for chemical tests for intoxication), are  
11 authorized.

12 (aa) The legislative rules filed in the state register on the  
13 twenty-first day of November, one thousand nine hundred  
14 eighty-six, modified by the state board of health to meet the  
15 objections of the legislative rule-making review committee and  
16 refiled in the state register on the twenty-third day of  
17 December, one thousand nine hundred eighty-six, relating to the  
18 state board of health (licensure of behavioral health centers),  
19 are authorized.

20 (bb) The legislative rules filed in the state register on the  
21 eighteenth day of April, one thousand nine hundred eighty-six,  
22 modified by the state board of health to meet the objections of  
23 the legislative rule-making review committee and refiled in the  
24 state register on the seventeenth day of October, one thousand

1 nine hundred eighty-six, relating to the state board of health  
2 (hospital licensure), are authorized.

3 (cc) The legislative rules filed in the state register on the  
4 ninth day of December, one thousand nine hundred eighty-six,  
5 modified by the state board of health to meet the objections of  
6 the legislative rule-making review committee and refiled in the  
7 state register on the twenty-third day of December, one thousand  
8 nine hundred eighty-six, relating to the state board of health  
9 (hospital licensure and allowing hospitals to have licensed  
10 hospital professionals, other than licensed physicians, on their  
11 medical staff), are authorized.

12 (dd) The legislative rules filed in the state register on the  
13 ninth day of December, one thousand nine hundred eighty-six,  
14 modified by the state board of health to meet the objections of  
15 the legislative rule-making review committee and refiled in the  
16 state register on the twenty-third day of December, one thousand  
17 nine hundred eighty-six, relating to the state board of health  
18 (vital statistics), are authorized.

19 (ee) The legislative rules filed in the state register on the  
20 eleventh day of September, one thousand nine hundred  
21 eighty-seven, relating to the director of the department of  
22 health (immunization criteria for transfer students), are  
23 authorized.

24 (ff) The legislative rules filed in the state register on the  
25 sixteenth day of November, one thousand nine hundred

1 eighty-seven, relating to the director of the department of  
2 health (hazardous substances), are authorized with the amendment  
3 set forth below:

4 Page 33, section 8, line 8 (unnumbered), by adding at the end  
5 of section 8 the following proviso: "Provided, That the owner's  
6 or operator's submissions are based on the threshold reporting  
7 requirements contained in section 5, article 31, chapter 16."

8 (gg) The legislative rules filed in the state register on the  
9 eighteenth day of November, one thousand nine hundred  
10 eighty-seven, relating to the director of the department of  
11 health (trauma center or facility designation), are authorized.

12 (hh) The legislative rules filed in the state register on the  
13 twenty-second day of June, one thousand nine hundred  
14 eighty-eight, modified by the state board of health to meet the  
15 objections of the legislative rule-making review committee and  
16 refiled in the state register on the fifteenth day of September,  
17 one thousand nine hundred eighty-eight, relating to the state  
18 board of health (licensure of hospice care programs), are  
19 authorized.

20 (ii) The legislative rules filed in the state register on the  
21 fifteenth day of September, one thousand nine hundred  
22 eighty-eight, modified by the state board of health to meet the  
23 objections of the legislative rule-making review committee and  
24 refiled in the state register on the third day of November, one  
25 thousand nine hundred eighty-eight, relating to the state board

1 of health (water wells), are authorized with the amendment set  
2 forth below:

3 On page 2, §3.8, shall read as follows:

4 "3.8 Water Well -- Any excavation or penetration in the  
5 ground, whether drilled, bored, cored, driven or jetted that  
6 enters or passes through an aquifer for purposes that may  
7 include, but are not limited to: A water supply, exploration for  
8 water, dewatering or heat pump wells, except that this definition  
9 shall not include ground water monitoring activities and all  
10 activities for the exploration, development, production, storage  
11 and recovery of coal, oil and gas and other mineral resources  
12 which are regulated under chapter 22, 22a or 22b of the code."

13 (jj) The legislative rules filed in the state register on the  
14 twenty-second day of June, one thousand nine hundred  
15 eighty-eight, modified by the state board of health to meet the  
16 objections of the legislative rule-making review committee and  
17 refiled in the state register on the fifteenth day of September,  
18 one thousand nine hundred eighty-eight, relating to the state  
19 board of health (plumbing requirements), are authorized.

20 (kk) The legislative rules filed in the state register on the  
21 twenty-second day of June, one thousand nine hundred  
22 eighty-eight, modified by the state board of health to meet the  
23 objections of the legislative rule-making review committee and  
24 refiled in the state register on the fifteenth day of September,

1 one thousand nine hundred eighty-eight, relating to the state  
2 board of health (public water supply operators), are authorized.

3 (ll) The legislative rules filed in the state register on the  
4 nineteenth day of October, one thousand nine hundred  
5 eighty-eight, modified by the state board of health to meet the  
6 objections of the legislative rule-making review committee and  
7 refiled in the state register on the twentieth day of December,  
8 one thousand nine hundred eighty-eight, relating to the state  
9 board of health (volatile synthetic organic chemicals), are  
10 authorized.

11 (mm) The legislative rules filed in the state register on the  
12 second day of January, one thousand nine hundred ninety, modified  
13 by the division of health to meet the objections of the  
14 legislative rule-making review committee and refiled in the state  
15 register on the seventeenth day of January, one thousand nine  
16 hundred ninety, relating to the division of health (asbestos  
17 abatement licensing), are authorized.

18 (nn) The legislative rules filed in the state register on the  
19 thirtieth day of August, one thousand nine hundred eighty-nine,  
20 modified by the division of health to meet the objections of the  
21 legislative rule-making review committee and refiled in the state  
22 register on the seventeenth day of November, one thousand nine  
23 hundred eighty-nine, relating to the division of public health  
24 (AIDS-related medical testing and confidentiality), are  
25 authorized.

1       (oo) The legislative rules filed in the state register on the  
2 nineteenth day of December, one thousand nine hundred  
3 eighty-nine, modified by the state board of health to meet the  
4 objections of the legislative rule-making review committee and  
5 refiled in the state register on the twenty-fourth day of  
6 January, one thousand nine hundred ninety, relating to the state  
7 board of health (nursing home licensure), are authorized.

8       (pp) The legislative rules filed in the state register on the  
9 nineteenth day of December, one thousand nine hundred  
10 eighty-nine, relating to the state board of health (licensure of  
11 behavioral health centers), are authorized.

12       (qq) The legislative rules filed in the state register on the  
13 twenty-eighth day of December, one thousand nine hundred  
14 eighty-nine, relating to the state board of health (methods and  
15 standards for chemical test for intoxication), are authorized.

16       (rr) The legislative rules filed in the state register on the  
17 twenty-third day of July, one thousand nine hundred ninety,  
18 modified by the board of health to meet the objections of the  
19 legislative rule-making review committee and refiled in the state  
20 register on the fifth day of September, one thousand nine hundred  
21 ninety, relating to the board of health (fees for permits), are  
22 authorized with the amendments set forth below:

23       On page two, subsection 3.6, by striking out all of the  
24 subsection and renumbering the subsequent subsections.

1 On page four, subsection 5.4, by striking out all of the  
2 subsection and renumbering the subsequent subsections.

3 And,

4 On page six, Table 64-30c, by striking out Table 64-30c and  
5 inserting in lieu thereof a new table, to read as follows:

6 TABLE 64-30C.

7 Individual On-Site and Innovative Alternative Type

8 Sewage System Permit Fees

9 Type of System	Fees for Permit
10 Class I (New or Modified)	\$100
11 Class II (New or Modified)	\$100
12 Home Aeration Unit	\$100

13  
14 (ss) The legislative rules filed in the state register on the  
15 seventh day of December, one thousand nine hundred ninety,  
16 modified by the board of health to meet the objections of the  
17 legislative rule-making review committee and refiled in the state  
18 register on the twenty-second day of January, one thousand nine  
19 hundred ninety-one, relating to the board of health (public water  
20 systems, bottled water and laboratory certification), are  
21 authorized.

22 (tt) The legislative rules filed in the state register on the  
23 thirteenth day of December, one thousand nine hundred ninety,  
24 modified by the board of health to meet the objections of the  
25 legislative rule-making review committee and refiled in the state  
26 register on the twenty-second day of January, one thousand nine  
27 hundred ninety-one, relating to the board of health (vital  
28 statistics), are authorized.

1 (uu) The legislative rules filed in the state register on the  
2 seventh day of January, one thousand nine hundred ninety-one,  
3 modified by the division of health to meet the objections of the  
4 legislative rule-making review committee and refiled in the state  
5 register on the twenty-second day of January, one thousand nine  
6 hundred ninety-one, relating to the division of health (fees for  
7 services), are authorized.

8 (vv) The legislative rules filed in the state register on the  
9 twenty-eighth day of December, one thousand nine hundred ninety,  
10 modified by the division of health to meet the objections of the  
11 legislative rule-making review committee and refiled in the state  
12 register on the twenty-sixth day of July, one thousand nine  
13 hundred ninety-one, relating to the division of health  
14 (specialized health procedures), are authorized.

15 (ww) The legislative rules filed in the state register on the  
16 second day of January, one thousand nine hundred ninety-one,  
17 modified by the division of health to meet the objections of the  
18 legislative rule-making review committee and refiled in the state  
19 register on the sixteenth day of May, one thousand nine hundred  
20 ninety-one, relating to the division of health (emergency medical  
21 services), are authorized.

22 (xx) The legislative rules filed in the state register on the  
23 tenth day of September, one thousand nine hundred ninety-one,  
24 modified by the secretary of the department of health and human  
25 resources to meet the objections of the legislative rule-making

1 review committee and refiled in the state register on the third  
2 day of January, one thousand nine hundred ninety-two, relating to  
3 the secretary of the department of health and human resources  
4 (retail food store sanitation), are authorized.

5 (yy) The Legislature hereby authorizes and directs the  
6 division of health to promulgate the legislative rule relating to  
7 swimming pools and bathing beaches, 64 CSR 16, effective the  
8 fifth day of May, one thousand nine hundred eighty, with the  
9 amendment set forth below:

10 On page five, section 11.3 by striking out the period  
11 following the word "beach" and adding the following: "Provided,  
12 That at hotels, motels, apartment complexes, or condominiums  
13 which have swimming pools of five feet or less in depth at the  
14 deepest point, employment of lifeguards is recommended but not  
15 mandatory, whether or not the establishment charges an admission  
16 fee (gate receipt, annual pass or membership dues). If no  
17 lifeguards are employed, the management shall post a sign in a  
18 prominent location near the swimming pool stating "SWIM AT YOUR  
19 OWN RISK - ALL PERSONS UNDER THE AGE OF 14 MUST BE ACCOMPANIED BY  
20 AN ADULT."

21 (zz) The legislative rules filed in the state register on the  
22 sixteenth day of September, one thousand nine hundred ninety-two,  
23 modified by the division of health to meet the objections of the  
24 legislative rule-making review committee and refiled in the state  
25 register on the seventeenth day of November, one thousand nine

1 hundred ninety-two, relating to the division of health (trauma  
2 center or facility designation), are authorized.

3 (aaa) The legislative rules filed in the state register on  
4 the second day of November, one thousand nine hundred ninety-two,  
5 modified by the division of health to meet the objections of the  
6 legislative rule-making review committee and refiled in the state  
7 register on the nineteenth day of February, one thousand nine  
8 hundred ninety-three, relating to the division of health (primary  
9 care center seed money grants), are authorized.

10 (bbb) The legislative rules filed in the state register on  
11 the second day of November, one thousand nine hundred ninety-two,  
12 modified by the division of health to meet the objections of the  
13 legislative rule-making review committee and refiled in the state  
14 register on the nineteenth day of February, one thousand nine  
15 hundred ninety-three, relating to the division of health (primary  
16 care center uncompensated care grants), are authorized.

17 (ccc) The legislative rules filed in the state register on  
18 the sixteenth day of August, one thousand nine hundred ninety-  
19 three, modified by the division of health to meet the objections  
20 of the legislative rule-making review committee and refiled in  
21 the state register on the fifteenth day of October, one thousand  
22 nine hundred ninety-three, relating to the division of health  
23 (cancer registry), are authorized.

24

25 NOTE: The purpose of this bill is to authorize the Division  
26 of Health to promulgate legislative rules relating to a cancer  
27 registry.

1        Strike-throughs indicate language that would be stricken from  
2 ~~the present law~~, and underscoring indicates new language that  
3 would be added.



RECEIVED

JUN 16 1994

WILLIAM H. HARRINGTON  
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Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

KEN HECHLER  
Secretary of State  
  
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Telephone: (304) 558-6000  
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STATE OF WEST VIRGINIA

REGULATORY DEVELOPMENT  
SECTION

SECRETARY OF STATE  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

(Plus all the volunteer  
help we can get)

FAX: (304) 558-0900

TO: Kay Howard

AGENCY: Health

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 14, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

OFFICE OF THE SECRETARY OF STATE

JUL 22 11 33 PM '94

FILED

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 68 TITLE: 64 Health

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: Kay Howard, Director, Regulatory Development

DATE: July 12, 1994

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

KEN HECHLER  
Secretary of State

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Deputy Secretary of State

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## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Building 1, Suite 157-K  
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WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

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Director, Corporations

(Plus all the volunteer  
help we can get)

FAX: (304) 558-0900

March 16, 1994

Kay Howard  
Health  
Bldg. 3, Rm. 204  
State Capitol Complex  
Charleston, WV 25305

**SB 1006** authorizing, **Title 64, Series 68, Cancer Registry**, passed the Legislature on **March 15, 1994**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 1006, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 1006** section **64-5-2(ccc)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

**\*\*\*IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You  
Administrative Law Division