

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Department of Health and Human Resources 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: 70

TITLE OF RULE BEING PROPOSED: Primary Care Center Uncompensated

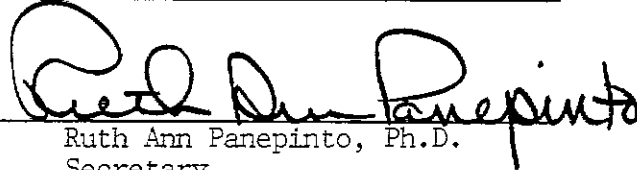
Care Grants

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

AUTHORIZATION IS CITED IN (house or senate bill number) HB 100

SECTION §64-5-1(bbb), PASSED ON May 26, 1993

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: June 11, 1993


Ruth Ann Panepinto, Ph.D.
Secretary

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STATE OF TEXAS

TITLE 64
WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH
PRIMARY CARE CENTER UNCOMPENSATED CARE GRANTS
Series 70
1993

WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH
PRIMARY CARE CENTER UNCOMPENSATED CARE GRANTS
64 CSR 70

FILED

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SECRETARY OF STATE

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TITLE 64
WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH

SERIES 70
PRIMARY CARE CENTER UNCOMPENSATED CARE GRANTS

§64-70-1. General.

1.1. Scope - This rule establishes procedures and standards for the distribution of funds to primary care centers in the form of grants to offset the cost of the provision of uncompensated health care services. The funds to be distributed are from the primary care uncompensated care fund appropriated for this purpose by the State legislature.

1.2. Authority - W. Va. Code §§16-2H-2(e).

1.3. Filing Date - June 11, 1993

1.4. Effective Date - June 11, 1993

§64-70-2. Application and Enforcement.

2.1. Application - This rule applies to applicants for and recipients of grants to offset primary care centers' costs of providing uncompensated health care services.

2.2. Enforcement - This rule is enforced by the director of the division of health of the West Virginia department of health and human resources.

§64-70-3. Definitions.

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

3.2. Community-Based Board of Directors - A board of directors composed of members who reside within the service area of the primary care center under consideration.

3.3. Family Members - Brothers and sisters, whether by the whole or half blood, spouses, ancestors and lineal descendants.

3.4. Federally Qualified Health Center (FQHC) - An entity which meets the United States Health Care Financing Administration definition of a federally qualified health center promulgated at 57 Federal Register 24975 (June 12, 1992).

3.5. Free Clinic - A primary care center which provides at least ninety percent (90%) of all services free of charge.

3.6. Freestanding - As applied to a primary care center, a primary care center controlled by a board of directors who are not

subject to the control or appointment of another organizational entity.

3.7. Medicare Part B - Supplementary medical insurance program authorized under Part B of Title XVIII of the United States Social Security Act, Title 42 USC §139j et seq.

3.8. Nonprofit - Registered with the secretary of state as a nonprofit organization and recognized as such for tax purposes, or having filed an application for such designation.

3.9. Primary Care Center - An organization which has as its purpose the delivery of primary care services.

3.10. Primary Care Service - A health care, including medical care, service which emphasizes first contact patient care and assumes overall and ongoing responsibility for the patient in both health maintenance and treatment of illness. Primary care involves a unique interaction between the patient and primary care physician or a multi-disciplinary team under the supervision of a physician or both. The appropriate use of referrals and community resources is an important part of effective primary care. The care is generally provided by a physician, but may be provided by other members of a multi-disciplinary team such as registered nurses, nurse practitioners, physician assistants and nurse-midwives. The purpose of this interaction is to achieve comprehensive, coordinated, and social aspects of care. It is a patient care-oriented approach which emphasizes the continuity of care over the full spectrum of health services. It begins with patient assessment, wellness, and prevention through medical management, lifestyle modification, and health education. The primary care provider is the patient's advocate through the complex system of health care delivery.

3.11. Related Organization - Any organization, whether publicly owned, nonprofit tax-exempt, or for profit, related to a primary care center through common membership, governing bodies, trustees, officers, stock ownership, family members, partners or limited partners, or a subsidiary, foundation, related corporation, joint venture or other similar organization, if such similar organization controls or is controlled by the primary care center through contracts or other legal documents which allow the organization the authority to direct any of the primary care center's activities, management, or policies.

A subsidiary, foundation, related corporation, joint venture or other similar organization shall also be considered a "related organization" in the following situations:

3.11.1. The subsidiary, foundation, related corporation, joint venture or other similar organization has solicited funds in the name of the primary care center with the express or implied approval of the primary care center, and any portion of the funds

were intended by the contributor, or otherwise required to be used, for the benefit of the primary care center;

3.11.2. The primary care center has transferred or may transfer resources to the subsidiary, foundation, related corporation, joint venture or other similar organization;

3.11.3. The subsidiary, foundation, related corporation, joint venture or other similar organization has transferred or may transfer resources to the primary care center, or any of the primary care center's resources are held for the benefit of the subsidiary, foundation, related corporation, joint venture or other similar organization;

3.11.4. The primary care center has assigned certain of its functions to the subsidiary, foundation, related corporation, joint venture or other similar organization, which is operating primarily for the benefit of the primary care center;

3.11.5. The subsidiary, foundation, related corporation, joint venture or other similar organization is wholly-owned or was created by the primary care center, and the primary care center receives any of the profits of the subsidiary, foundation, related corporation, joint venture or other similar organization; or

3.11.6. The primary care center is wholly-owned or was created by the foundation, related corporation, joint venture or other similar organization, and the foundation, related corporation, joint venture or other similar organization receives any of the revenues of the primary care center.

3.12. Rural Health Clinic (RHC) - A facility that:

3.12.1. Has been determined by the Secretary of the United States Department of Health and Human Services to meet the requirements of section 1861(aa)(2) of the United States Social Security Act, Title 42 USC §1395x(aa)(2), and for certification for participation in Medicare; and

3.12.2. Has filed an agreement with the Secretary of the United States Department of Health and Human Services in order to provide rural health clinic services under Medicare. (See 42 CFR Part 405, Subpart X and 42 CFR Part 491 for additional information.)

3.13. Service Area - The geographical area served by a primary care center.

3.14. Sliding Fee Scale - A set of varying amounts (percentages of a maximum fee) to be charged for services to individuals receiving varying levels of income.

3.15. Uncompensated Primary Care Services - A primary care

center financial deficit created when the primary care center's revenues do not offset expenses incurred in rendering primary care services.

§64-70-4. Application Procedures.

4.1. Applications for grants to offset the cost of providing uncompensated primary care services shall be submitted by May 1 of each year unless another date is announced by the director, and shall be on forms approved by the director. The director may request appropriate documentation or clarification of the application from the applicant.

4.2. Incomplete applications will not be considered for grant awards.

§64-70-5. Eligibility.

5.1. In order for a primary care center to be eligible to be considered for an uncompensated care grant, it shall:

5.1.1. Be freestanding;

5.1.2. Have been in existence for a period of at least two (2) years as of the effective date of this rule or have requested certificate of need review at least two (2) years prior to the date of the application;

5.1.3. Be incorporated under the laws of West Virginia as a private nonprofit corporation;

5.1.4. Have a community-based board of directors;

5.1.5. If it derives revenues, derive eighty per cent (80%) of the revenues, excluding those funds from charitable foundations and state and federal grants, from the provision of primary care services;

5.1.6. Provide in the application or as requested by the director full disclosure regarding all related organizations and their financial relationship to the primary care center;

5.1.7. Provide primary care services to all patients regardless of the patient's ability to pay;

5.1.8. Use generally accepted accounting principles.

5.1.9. Present evidence:

5.1.9.1. Of designation as a federally qualified health center or rural health clinic; or

5.1.9.2. Of having initiated a process, with evidence of

reasonable progress towards completion, to become a federally qualified health center or rural health clinic; or

5.1.9.3. Why status as a federally qualified health center or rural health clinic would not result in improved revenues to the primary care center.

5.2. The director may consider for funding primary care centers which do not meet federal requirements for qualification as a federally qualified health center (FQHC) or as a rural health clinic (RHC) due to geographical location, limited provision of primary care services, or free clinic status. The primary care center may request, in writing, an exemption from FQHC or RHC requirements from the director.

§64-70-6. Application Reviews and Grant Awards.

6.1. Review of grant applications consists of the analysis and evaluation of the following information:

6.1.1. The organization's most recent audit as described in Section 7 of this rule;

6.1.2. A twelve (12) month period summary of revenues and expenses;

6.1.3. Projected grant year revenues and expenses;

6.1.4. Number of actual and projected patients and patient encounters;

6.1.5. Actual and projected collections;

6.1.6. Services provided;

6.1.7. Indebtedness;

6.1.8. Notice of Federal grant awards;

6.1.9. Verification of quality assurance; and

6.1.10. Any other information judged necessary by the director to evaluate the organization's need for state funding.

6.2. The director shall base awards of grant funds on the grant application review and the availability of funds.

6.3. The grantee shall use grant funds only to support the delivery of uncompensated health care services.

6.4. The grantee shall not divert grant funds to any related or other organization.

6.5. The director may deny or revoke a grant, or take other available actions, if an applicant, a grantee, or an officer or principal owner of the applicant or grantee has been determined by an appropriate administrative agency or court to be in violation of any applicable federal, state, or local law, rule or ordinance related to the provision of primary care services by the primary care center.

§64-70-7. Audits.

7.1. A primary care center which has received a grant under this rule shall arrange to have an audit of its total entity for its annual fiscal period in accordance with the United States Office of Management and Budget (OMB) Circular A-128, "Audits of State and Local Governments", or OMB Circular A-133, "Audits of Institutions or Higher Education and Other Nonprofit Institutions", whichever is applicable. These circulars are incorporated by reference. The primary care center shall furnish the director with two (2) copies of the audit report within one hundred and twenty (120) days of the end of the primary care center's annual fiscal (audit) period. All questioned or disallowed costs identified in the audit that cannot be resolved to the director's, and if applicable, the appropriate federal granting agency's satisfaction shall be returned to the director no later than one hundred and eighty (180) days following the audit period. The primary care center shall retain audit work papers for a minimum of three (3) years from the date of the audit report and shall make the audit work papers available upon request to the director as well as the appropriate federal granting agency.

7.2. In carrying out the requirements of Section 7.1 of this rule the primary care center shall not use the firm that prepares the organization's financial statements to conduct the annual independent audit. The director may grant an exemption from the audit requirement to a free clinic upon the submission of a written request for an exemption.

7.3. If the primary care center's receipts from federal funds, State-match funds and all other sources are less than twenty-five thousand dollars (\$25,000) annually, the primary care center may request an exemption from the audit requirement from the director. The request shall be written and shall include justification for the exemption. The director may, at his or her discretion, grant the exemption. Free clinics may be exempted from the twenty five thousand dollars (\$25,000) upper limit by providing a written request for exemption to the director.

§64-70-8. 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.

§64-70-9. Severability - The provisions of this rule are severable. If any portion of this rule is held invalid, the remaining provisions remain in effect.

SENATE BILL NO. 196

(By Senator Manchin)

[Introduced March 1, 1993; referred to the
Committee on Health and Human Resources; and
then to the Committee on the Judiciary.]

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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 primary care center uncompensated care grants.

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 second day of November, 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 nineteenth day of February, one thousand nine

1 hundred ninety-three, relating to the division of health (primary
2 care center uncompensated care grants), are authorized.

3

4 NOTE: The purpose of this bill is to authorize the Division
5 of Health to promulgate legislative rules relating to primary
6 care center uncompensated care grants.

7

8 Strike-throughs indicate language that would be stricken from
9 the present law, and underscoring indicates new language that
10 would be added.



RECEIVED

WILLIAM HARRINGTON
Chief of Staff

JAN 12 1994

JUDY COOPER
Director, Administrative Law

REGULATORY DEVELOPMENT
SECTION

DONALD R. WILKES
Director, Corporations

STATE OF WEST VIRGINIA

SECRETARY OF STATE

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1900 Kanawha Blvd., East
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(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

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A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

TO: Kay Howard

AGENCY: Health

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: January 11, 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.

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: 70 TITLE: 64 Health

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

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

SIGNED: Kay Howard

TITLE OF PERSON SIGNING: Director, Regulatory Development

DATE: 5/3/94

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

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

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(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

May 28, 1993

Kay Howard
Health, Div. of
Building 3, Room 204
State Capitol
Charleston, WV 25305

HB 100 authorizing, **Title 64, Series 70, Primary Care Center Uncompensated Care Grants**, passed the Legislature on **May 26, 1993**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs HB 100, 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. Authorization for your legislative rule is cited in **HB 100** section **64-5-2(bbb)**. 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 COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, PLEASE 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