



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF HEALTH FACILITY LICENSURE
AND CERTIFICATION

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

July 31, 2009

Debra Graham, Esquire
Committee Counsel
Legislative Services
Building 1, Room MB-49
Charleston, West Virginia 25305

RE: 64-87 Sex Offenders Treatment Program Licensure

Dear Ms. Graham;

The Department of Health and Human Resources hereby withdraws the above referenced rule.

Sincerely,

Martha Yeager Walker
Secretary

cc: John Law, Assistant Secretary
John Wilkinson, Director OHFLAC
Dr. Rose Lowther-Berman, PMII
Aimee Jackson, Paralegal

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2009 JUL 31 PM 12:40

FILED

Payne, Judy L

From: Jackson, Aimee N
Sent: Friday, July 31, 2009 11:21 AM
To: Law, John D; Wilkinson, John M
Cc: Lowther-Berman, Rose R; Curtis, Chris H; Sargent, Kathy E; Richards, Janet L; Spaner, Ann A; El Sheikh, Sherri E; Wallace, Shannon D; Shumlas, Alice W; Dadisman, Marsha A; Samples, Jeremiah; Kemp, Ruth F; Payne, Judy L
Subject: RE: 64-87 Sex Offender Treatment Program Licensure Rule
Attachments: Rule Withdrawal Letter.doc

FILED
2009 JUL 31 PM 12:40
OFFICE OF THE
SECRETARY OF STATE

Please find attached the rule withdrawal letter.

-----Original Message-----

From: Law, John D
Sent: Friday, July 31, 2009 11:13 AM
To: Wilkinson, John M
Cc: Lowther-Berman, Rose R; Curtis, Chris H; Sargent, Kathy E; Richards, Janet L; Spaner, Ann A; El Sheikh, Sherri E; Jackson, Aimee N; Wallace, Shannon D; Shumlas, Alice W; Dadisman, Marsha A; Samples, Jeremiah; Kemp, Ruth F; Law, John D; Payne, Judy L
Subject: RE: 64-87 Sex Offender Treatment Program Licensure Rule

7/31/2009 11:12 AM

Her word is pretty much law on these things. Please prepare the necessary letter for the secretary's signature. Please send it through me.

-----Original Message-----

From: Wilkinson, John M
Sent: Friday, July 31, 2009 11:01 AM
To: Law, John D
Cc: Lowther-Berman, Rose R; Curtis, Chris H; Sargent, Kathy E; Richards, Janet L; Spaner, Ann A; El Sheikh, Sherri E; Jackson, Aimee N; Wallace, Shannon D; Shumlas, Alice W
Subject: RE: 64-87 Sex Offender Treatment Program Licensure Rule

I just received a call from Rita Pauley, Counsel to Senate Judiciary Committee, informing me that she is contacting the LRRRC to ask them to remove the rule from their agenda because it exceeds its statutory authority by licensing these entities and by enforcing compliance with the license when not authorized by the law to do so.

Rita recommended that we send a letter to LRRRC withdrawing the rule. John, Rita (304.357.7815) asked that if you need additional clarification to call her. She said DHHR is authorized to propose rules establishing qualifications for programs and counselors.

John M. Wilkinson, Director
Office of Health Facility Licensure and Certification
1 Davis Square, Suite 101
Charleston, WV 25301-1799
(304) 558-0050

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-----Original Message-----

From: Law, John D
Sent: Thursday, July 30, 2009 4:34 PM
To: Jackson, Aimee N; El Sheikh, Sherri E
Cc: Lowther-Berman, Rose R; Wilkinson, John M; Bazzle, Nancye M; Curtis, Chris H; Sargent, Kathy E; Richards, Janet L; Spaner, Ann A
Subject: RE: 64-87 Sex Offender Treatment Program Licensure Rule

Aimee,
What a good job you have done on this. Thanks!

Sent with Good (www.good.com)

-----Original Message-----

From: Jackson, Aimee N
Sent: Thursday, July 30, 2009 02:13 PM Eastern Standard Time
To: Law, John D; El Sheikh, Sherri E
Cc: Lowther-Berman, Rose R; Wilkinson, John M
Subject: 64-87 Sex Offender Treatment Program Licensure Rule

John, after further review of this rule with the Program Manager, we discovered some problems with the filing:

- 2 comments were attached that were not permissible because they were submitted 6 months before the public comment period even began;
- No one responded to the comment that was received during the public comment period; and
- There was no Legislative Questionnaire attached.

After speaking with Felicia at the LRMRC and per Debra Graham, I have been instructed to do a letter withdrawing the February 2, 2009 filing, have the secretary sign a new Notice of Agency Approval and bring the new completed packets to Felicia at the Rule Committee, and the withdrawal letter, and she will take care of the correction of the filing with the Secretary of State and the Rule Committee.

Thanks,

Aimee N. Silva Jackson

Paralegal

Office of Health Facility Licensure and Certification

(304) 558-0687

Aimee.N.Jackson@wv.gov

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