

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #5

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FILED

2007 JUL 27 PM 5:10

WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: DHHR - Bureau for Public Health TITLE NUMBER: 64

CITE AUTHORITY: §48-27A-1

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§48-27A-1(f)(1) and §48-27A-1(f)(2)

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 RULE BEING PROPOSED: 93

TITLE OF RULE BEING PROPOSED: DOMESTIC VIOLENCE FATALITY REVIEW TEAM

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS _____

Martha Yeager Walker
Authorized Signature

FISCAL NOTE FOR PROPOSED RULES

Rule Title: DOMESTIC VIOLENCE FATALITY REVIEW TEAM 64CSR93

Type of Rule: Legislative Interpretive x Procedural

Agency: Health and Human Resources

Address: Building 3, Room 206
Capitol Complex
Charleston, West Virginia 25305

Phone Number: 304 558-6920 Email: daleporter@wvdhhr.org

Fiscal Note Summary

Summarize in a clear and concise manner what effect this measure will have on costs and revenues of state government.

The proposed rule will have no effect on costs or revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

Effect of Proposal	Fiscal Year		
	2008 Increase/Decrease (use "-")	2009 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services			
Current Expenses			
Repairs and Alterations			
Equipment			
Other			
2. Estimated Total Revenues	0	0	0

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Memorandum

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date

7/27/07

Agency

Department of Health and Human Resources

Authorized Representative

Martha Yeager Walker
Martha Yeager Walker
Secretary

**Department of Health and Human Resources
Bureau for Public Health
Legislative Rule
Title 64, Series 93**

DOMESTIC VIOLENCE FATALITY REVIEW TEAM

BRIEF SUMMARY OF PROPOSED RULE

This rule is being proposed to comply with the provisions of WV Code §48-27A-1(f), which requires that the DVFRT promulgate rules governing the procedures of the Team.

STATEMENT OF CIRCUMSTANCES

The DVFRT was established by law in legislation passed in the 2003 session. Many of the people serving on the Team received their official appointment from the Governor in 2007. This rule is being proposed to establish the standard procedures for operation of the Team.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 27, 2007

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Bureau for Public Health
Office of the Chief Medical Examiner
619 Virginia Street West
Charleston, WV 25302
ATTN. Dale Porter, 558-6920, ext 4010

LEGISLATIVE RULE TITLE: _____
DOMESTIC VIOLENCE FATALITY REVIEW TEAM

1. Authorizing statute(s) citation _____
§48-27A-1

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 25, 2007

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

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 25, 2007 at noon

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

Attached _____ No comments received X

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

July 2007

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Ann A. Spaner

Director, Public Health Regulations
Bureau for Public Health

350 Capitol Street, Room 702

Charleston, WV 25301-3712

~~(304) 558-0035~~

(304) 558-1035 Fax

annspaner@wvdhhr.org

- g. **IF DIFFERENT FROM ITEM 'F'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Dale Porter

Office of the Cheif Medical Examine

619 Virginia Street West

Charleston, WV 25302

558-6920, ext. 4010

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of hearing or comment period:

NA _____

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

NA _____

d. Attach findings and determinations and reasons:

Attached NA _____

TITLE 64
PROCEDURAL RULE
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH

FILED
JUN 27 PM 5:10
OFFICE OF THE SECRETARY OF STATE

SERIES 93

DOMESTIC VIOLENCE FATALITY REVIEW TEAM

§64-93-1. General

1.1. Scope. – This rule established standard procedures for the formation and conduct of the domestic violence fatality review team and recommends protocols for the review of domestic violence fatalities where other than natural causes are suspected. This rule should be read in conjunction with WEST VIRGINIA Code §48-27A-1, et seq. The West Virginia Code is available in public libraries and on the Legislature’s web page, <http://www.legis.state.wv.us/>

1.2. Authority. – West Virginia Code §48-27A-1.

1.3. Filing Date. –

1.4. Effective Date. –

§64-93-2. Application and Enforcement

2.1. Application. – This rule applies to the members of the domestic violence fatality review team and consultants, experts or other specialist who may work with the DVFRT.

2.2. Enforcement. – This rule is enforced by the Office of the Chief Medical Examiner in the Bureau for Public Health, Department of Health and Human Resources.

§64-93-3. Definitions

3.1. Department. – The West Virginia Department of Health and Human Resources.

3.2. Domestic Violence Fatality. – An unnatural death precipitated by events surrounding a relationship among individuals who are family or household members as defined in West Virginia Code §48-27-204.

3.3. Domestic Violence Fatality Review Team (DVFRT). – A multidisciplinary and multi-agency group of professionals including but not limited to representatives from public health, mental health, medicine, law and law enforcement and adult welfare that reviews the circumstances surrounding the deaths of children or adults which may be related to incidents of domestic violence.

3.4. Incident – An unnatural death reviewed by the team. The final determination as to whether an incident is a domestic violence fatality will be made at the time of the team review.

§64-93-4. Responsibilities of Domestic Violence Fatality Review Team.

The DVFRT shall perform the duties described in West Virginia Code §48-27A-1, including the review of all suspected domestic violence deaths occurring in the State of West Virginia.

§64-93-5. Conduct of Domestic Violence Fatality Review Team

5.1. The DVFRT shall meet as needed to fulfill its mission as set forth in West Virginia Code §48-27A-1, but no less frequently than quarterly.

5.2. In addition to those members specified in West Virginia Code §48-27A-1, additional individuals whose expertise is determined to be beneficial to the DVFRT or who may serve the team as consultants may be added as non-voting attendees with the approval of the majority of the existing team members.

5.3. The chairperson of the DVFRT, or his or her designee, will screen adult deaths that are reported to the chief medical examiner, under West Virginia Code §61-12-8(a), in an attempt to identify those incidents that might be domestic violence related. DVFRT members may also submit incidents for review by the team to determine whether it is a domestic violence incident.

5.4. Each member of the DVFRT shall examine the records of his or her agency to determine if they have information relating to the incident under review. Members may contact other agencies to collect pertinent records and information if necessary.

5.5. Team members shall present to the rest of the DVFRT the information obtained from the record reviews and information collection.

5.6. Some incidents may be reviewed by the full DVFRT while other incidents may be reviewed by designees and summaries presented to the full DVFRT.

§64-93-6. Confidentiality

6.1. All information, records of the DVFRT, and opinions expressed by members of the DVFRT, are confidential.

6.2. With the approval of the majority of members present at a regularly scheduled meeting of the DVFRT at which at least 50 percent of the appointed members are present, information, recommendations, opinions, and publications may be released in accordance with the provisions of West Virginia Code §§48-27A-1(g) and 48-27A-1(h). The chairperson of the team may authorize the release of purely statistical information.

§64-93.7. Publication of Statistics and Reports

7.1. The DVFRT has final approval of all content, wording, data and format of all reports it authors.

7.2. Any previously approved information, recommendations, opinions or publications developed by the DVFRT may be released, published, or disseminated by any agency that has a participating member serving on the DVFRT with the proper recognition and acknowledgement given to the DVFRT as the source.

7.3. The DVFRT may authorize the release, publication or dissemination of information, recommendations, opinions and publications by any agency it deems appropriate.