

DATE: May 15, 1981

TO: Mary J. Lopez
Rules and Regulations
Secretary of State's Office

FROM: Curtis G. Power *C. G. Power*
Assistant Attorney General, Dept. of Health

SUBJECT: Departmental Rules and Regulations

MEMORANDUM



STATE OF WEST VIRGINIA
DEPT. OF HEALTH

As you had requested some time ago, enclosed is an index of Department of Health rules and regulations. In addition, the following rules and regulations have been promulgated since the last publication by the Michie Company:

Regulations for the Review of Indeterminate Commitments

Mental Health Licensing Regulations

Rules and Regulations for Licensing of Nursing Homes

Regulations--Certificate of Need

Rules and Regulations for Licensing of Personal Care Homes

Rules and Regulations--Instructors in Barbering and Beauty Culture

Rules of Procedure for Contested Case Hearings

Rules and Regulations of the West Virginia Office of Emergency Medical Services

Law Governing the Practice of Barbering and Beauty Culture

CGP:s

Enclosure

CHAPTER 4.
SERVICES OF STATE HYGIENIC
LABORATORY.

Article

1. Laboratory Examinations by the State Hygienic Laboratory.
2. Approval of Laboratories in West Virginia for Syphilis Serology, §§ 1-6.
3. Certificate Form Required for Each Applicant for a Marriage License in West Virginia.
4. Use of Specimen Mailing Containers Owned by State Hygienic Laboratory Restricted.
5. Preliminary Requirements for Approval by the W. Va. Department of Health of a Laboratory for a Specified Technique.
6. Methods and Standards Relating to Chemical Test for Blood Alcohol Implied Consent Law, §§ 1-3.

ARTICLE 1.

LABORATORY EXAMINATIONS BY THE STATE
HYGIENIC LABORATORY.

All work done by the State Hygienic Laboratory shall be done free of charge. Specimens for laboratory examination by the State Hygienic Laboratory shall be accepted from the following types of cases only:

1. Indigent cases, or those unable to pay laboratory fees.
2. Specimens submitted by public health agencies or state eleemosynary institutions.
3. Laboratory diagnostic service for industries shall be carried on by the State Department of Health only in the following cases:

(a) Survey: If the Federal or State public health agency deems it advisable to obtain an index of the incidence of disease, or to carry on a case finding program, in a given industrial group, or

(b) Laboratory service aiding diagnosis or control of communicable diseases: If the industry requesting such service agrees to follow up all cases detected according to the principles of public health communicable disease control. The industrial agency involved shall sign an agreement with the State Department of Health that it will:

- (1) Conduct such measures as are in effect in the public health agencies of the State, and as are recommended by the United States Public Health Service for control of communicable diseases in industry.
- (2) Not discharge from service or employment venereal disease cases who will take adequate treatment, unless the examining physician feels that an individual case, regardless of treatment,

CHAPTER 4.
SERVICES OF STATE HYGIENIC
LABORATORY.

ARTICLE 6.

METHODS AND STANDARDS RELATING TO
CHEMICAL TEST FOR BLOOD ALCOHOL
IMPLIED CONSENT LAW

Sec.

1. General.
2. Breath analysis.

Sec.

3. Blood analysis.
4. Urine analysis.

SEC. 1. GENERAL.

1.01. **Scope.**—Methods and standards relating to chemical test for blood alcohol implied consent law.

1.02. **Authority.**—These regulations are issued under authority of West Virginia Code, Article 6.

1.03. **Effective Date.**—These regulations became effective July 1, 1975.

1.04. **Filing Date.**—These regulations were filed in the Office of the Secretary of State, May 30, 1975.

SEC. 2. BREATH ANALYSIS.

2.01. Standards

Instruments for breath alcohol analysis shall meet the following standards:

- (a) The instrument and any related accessories shall be capable of the collection and analysis of breath specimens which are essentially alveolar in composition.
- (b) The instrument shall be capable of analyzing a blank sample and of analyzing a suitable reference sample, such as air equilibrated with a reference solution of known alcohol content at a known temperature.
- (c) The instrument shall be capable of the analysis of a reference sample of known alcohol concentration within accuracy and precision limits of plus or minus 0.01 grams per cent of the true value. These limits shall be applied to alcohol concentrations which are 0.01 grams per cent or higher.
- (d) The instrument shall be capable, in a controlled experiment, of breath alcohol analysis which results in a determination of a subject's blood alcohol concentration which has correlation with his actual blood alcohol concentration as measured on a blood sample taken at the same time as the breath sample.