



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

August 3, 1992

Gaston Caperton
Governor

The Honorable Ken Hechler
Secretary of State
State Capitol Building, Suite 157-K
Charleston, West Virginia 25305

Re: **Withdrawal of Proposed Legislative
Rule and Emergency Rule**

Dear Secretary Hechler:

The West Virginia Department of Health and Human Resources is withdrawing a proposed legislative rule and an emergency rule, and requests that the appropriate notice be filed in the State Register.

The proposed legislative rule would have amended an existing rule, Title 69 C.S.R. Series 3, "Implementation Of Omnibus Health Care Act Payment Provisions." The "Notice Of Agency Approval Of A Proposed Rule And Filing With The Legislative Rule-Making Review Committee" was filed on November 6, 1991. The emergency rule being withdrawn was filed on August 30, 1991, and made the same amendments to the Title 69 C.S.R. Series 3 rule. Copies of both rules are attached for your information.

The proposed amendments would have incorporated a new fee schedule methodology into the Series 3 rule. The Public Employees Insurance Agency desired to adopt a new methodology for calculating fees based on more current claims data. Unfortunately, the new schedule actually resulted in lower maximum fees in many cases, so that some providers were receiving less payment for services in 1992 than they did in 1991. For this reason, the PEIA decided to return to the fee schedule in effect in 1991, before the emergency rule and the proposed legislative rule were filed.

Your assistance in publishing this notice in the State Register is appreciated.

Sincerely,

W. Donald Weston, M.D.
Acting Secretary

WDW:DPL:trs

Attachments

cc: Sally K. Richardson
David P. Lambert
Debra A. Graham