

John D. Rockefeller IV  
Governor



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chairperson  
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members  
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# Health Care Cost Review Authority

1984 SEP 14 PM 4:19

State Capitol Building  
Charleston, West Virginia 25305  
September 13, 1984

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

The Honorable A. James Manchin  
Secretary of State  
State Capitol Building  
Charleston, West Virginia 25305

Dear Mr. Manchin:

RE: State Register  
Proposed Permanent Legislative  
Rules To Implement Utilization  
Review And Quality Assurance  
Program - Phase 1

Enclosed herewith for filing in the State Register, please find three (3) copies of the above-noted proposed legislative rules. Please return one (1) copy to us with your stamp acknowledging receipt. You are requested to publish this letter in the State Register as notice to the public.

A public hearing will be held at 3:00 p.m., on Monday, October 15, 1984, at the Authority's offices located at 100 Dee Drive, Charleston, West Virginia 25305. Persons wishing to comment on the rules should do so in writing and may either attend the hearing or mail them to the Authority.

With much appreciation for your assistance in this matter, I remain

Very truly yours,

JOHN H. KOZAK  
General Counsel

JHK/jmh

Enclosures

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1984 SEP 14 PM 4:19

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

September 13, 1984

LEGISLATIVE RULES

WEST VIRGINIA  
HEALTH CARE COST REVIEW AUTHORITY

LEGISLATIVE RULES TO IMPLEMENT UTILIZATION REVIEW  
AND QUALITY ASSURANCE PROGRAM - PHASE 1

Chapter 16-29B  
Series IV  
(1984)

**FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA**

**THIS DATE** 9-14-84

FILED  
1984 DEC 21 PM 2:06  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

December 21, 1984

LEGISLATIVE RULES

WEST VIRGINIA  
HEALTH CARE COST REVIEW AUTHORITY

LEGISLATIVE RULES TO IMPLEMENT UTILIZATION REVIEW  
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Chapter 16-29B  
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WEST VIRGINIA HEALTH CARE COST REVIEW AUTHORITY

LEGISLATIVE RULES

LEGISLATIVE RULES TO IMPLEMENT UTILIZATION  
REVIEW AND QUALITY ASSURANCE PROGRAM - PHASE 1

Chapter 16-29B  
Series IV  
(1984)

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LEGISLATIVE RULES

WEST VIRGINIA HEALTH CARE COST REVIEW AUTHORITY

Chapter 16-29B  
Series IV  
(1984)

Subject: Legislative Rules To Implement Utilization Review And Quality Assurance Program - Phase 1

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Section 1. General.

1.01. Scope. These rules set forth initial requirements for the implementation of the utilization review and quality assurance program mandated by West Virginia Code, §16-29B-23. The requirements include specified time periods for the filing of information and descriptions of what must be filed. Also included is a description of a peer review organization. These rules supplement the Health Care Cost Review Authority Act, West Virginia Code, §§16-29B-1 et seq., as amended, and the West Virginia Administrative Procedures Act, West Virginia Code, §§29A-1-1 et seq., as amended, and must be read in conjunction with those Acts.

1.02. Authority. These rules are issued under the authority of the Health Care Cost Review Authority Act, West Virginia Code, §§16-29B-8(a)(1), -23, the Administrative Procedures Act, West Virginia Code, §§29A-2-9,-15, and the Freedom of Information Act, West Virginia Code, §29B-1-3.

1.03. Filing Date. These rules were promulgated on \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and were filed in the Office of the Secretary of State  
on \_\_\_\_\_, \_\_\_\_\_.

1.04. Effective Date. These rules are effective on \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_.

Section 2. Definitions. As used in these rules, all terms have the  
same meaning as provided in the definition section of the Health Care  
Cost Review Authority Act, West Virginia Code, §16-29B-3. Definitions  
of additional terms are set forth below and whenever those terms are  
used in these rules the following definitions apply, unless a different  
meaning clearly appears from the context.

2.01. Act means the West Virginia Health Care Cost Review Authority  
Act, West Virginia Code, §§16-29B-1 et seq., as amended.

2.02. Authority means the West Virginia Health Care Cost Review  
Authority, an autonomous division within the State Department of Health,  
established pursuant to West Virginia Code, §16-29B-5.

2.03. Contractor means the person or persons who enter into  
agreements with the Authority for the performance of duties required by  
the Authority's utilization review and quality assurance program.

2.04. Person means a natural person, a corporation, association, or other legal entity.

2.05. Program means the Authority's utilization review and quality assurance program required by Section 23 of the Act.

2.06. UB-82 means Uniform Bill-82.

Section 3. Professional Review Organization. In order to carry out its duties under the Act for the establishment of a utilization review and quality assurance program, the Authority must have available to it qualified medical and surgical expertise and the requisite data storage and handling capabilities. Accordingly, the Authority will, from time to time, enter into a contract or contracts with a person or persons to collect patient information, to process that information, and to compile reports from that information in formats to be determined by the Authority.

3.01. West Virginia Medical Institute, Inc. The initial contractor shall be the West Virginia Medical Institute, Inc., a West Virginia corporation, whose principle place of business is located in Charleston, West Virginia. The West Virginia Medical Institute, Inc., is presently the holder of the contract with the Health Care Financing Administration of the United States Department of Health and Human Services to operate a peer review organization for the federal medicare program in the State of West Virginia.

3.02. Subsequent Contractors. The Authority may in the future either contract with the West Virginia Medical Institute, Inc., or with one or more other persons for the performance of subsequent programs under the terms of these rules.

Section 4. Patient Data.

4.01. Hospitals. Each hospital covered by the Act must submit one complete copy of the UB-82 data for each and every one of its inpatients, except that, individual patient names and street addresses will not be required. To the extent that a particular hospital must already submit a complete copy of UB-82 data for one or more classes of patients (e.g., medicare or medicaid) to the contractor, then such submissions need not be duplicated and the previously required submission will suffice.

4.02. Data Format. The UB-82 data must be submitted to the contractor on Industry Standard 1600 BPI tape with IBM tape labels or unlabeled with block size of 10 and record size clearly specified. Hard copies of the UB-82 data are not to be submitted to the contractor unless the hospital does not itself have access to one of the above noted computer tape formats and unless the hospital first notifies the contractor.

Section 5. Patient Confidentiality. The contractor, and its officers, employees, and agents, as well as the Authority, and its officers, employees, and agents, shall maintain the confidentiality of all personal medical information personally identifiable to a purchaser. The hospitals shall submit and the contractor shall collect such confidential data from the hospitals from the UB-82 data and provide it to the Authority as provided for in its agreement with the Authority.

Section 6. Sanctions. Any person or persons who violate or refuse to comply with the requirements of these rules shall be subject to remedial action as provided for under the Act including criminal penalties as provided for by West Virginia Code, §16-29B-27, orders of enforcement as provided for by West Virginia Code, §16-29B-15, civil actions as provided for by West Virginia Code, §16-29B-14, and such other sanctions as are reasonably necessary or essential to effect the express objectives and purposes of the Act as provided for by West Virginia Code, §16-29B-8(a)(6).

Section 7. Phase 2. These rules cover only phase 1 of the Authority's program under Section 23(a) of the Act. Phase 2 of the program will consist of the implementation of the provisions of Section 23(b) and (c) of the Act. Phase 2 will be developed following the collection of this initial data and following the required hearings.

Section 8. Severability. If any provision or provisions of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of these rules which can be given effect without the invalid provision or provisions or application and to this end the provisions of these rules are declared to be severable.

WEST VIRGINIA HEALTH CARE COST REVIEW AUTHORITY

LEGISLATIVE RULES

LEGISLATIVE RULES TO IMPLEMENT UTILIZATION REVIEW  
AND QUALITY ASSURANCE PROGRAM - PHASE 1

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APPENDIX B

FISCAL NOTE FOR PROPOSED RULES FILED

Rule Title: Legislative Rules to Implement Utilization Review and Quality Assurance Program -- Phase I

DEC 21 PM 2:06  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Type of Rule: xx Legislative \_\_\_\_\_ Interpretive \_\_\_\_\_ Procedural

Agency WV Health Care Cost Review Authority Address 100 Dee Drive  
Charleston, WV 25311

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
			180,350	193,876	
Personal Services			45,258	48,652	
Current Expense			135,092	145,224	
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

The estimates are based on the percentage of time that agency staff spend on this activity and the cost of collecting and analyzing the data.

3. Objectives of these rules:

Implementation of the utilization review and quality assurance program mandated by West Virginia Code, §16-29B-23.

DATE: December 21, 1984

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Sally K. Richardson, Chairperson *SKR*

LEGISLATIVE RULE TITLE:

1. Authorizing statute(s) citation \_\_\_\_\_  
§§16-29B-8(a)(1)-23, §§29A-2-9, -15, §29B-1-3  
\_\_\_\_\_

2. a. Date filed in State Register with Notice of Hearing:  
September 13, 1984  
\_\_\_\_\_

b. What other notice, including advertising, did you  
give of the hearing?  
Advisory Council Members  
Task Force Members \_\_\_\_\_  
Interested Persons \_\_\_\_\_  
~~County or City Government Representatives~~ \_\_\_\_\_  
Hospital Administrators \_\_\_\_\_  
Statewide Health Coordinating Council \_\_\_\_\_

c. Date of Hearing(s): October 15, 1984  
\_\_\_\_\_

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

Attached XX No comments received \_\_\_\_\_

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

December 21, 1984  
\_\_\_\_\_

f. Name and phone number of agency person to contact  
for additional information:

Bill J. Crouch, Executive Director

(304) 343-3701  
\_\_\_\_\_  
\_\_\_\_\_

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.

NOT APPLICABLE  
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b. Date of Hearing: NOT APPLICABLE  
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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NOT APPLICABLE  
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d. Attach findings and determinations and reasons:

Attached NOT APPLICABLE  
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