

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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JUN 30 3 55 PM '99

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WEST VIRGINIA HEALTH CARE AUTHORITY TITLE NUMBER: 65

RULE TYPE: LEGISLATIVE; CITE AUTHORITY W. VA. CODE §16-2D-4(a)(1) and 8(c)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 17

TITLE OF RULE BEING AMENDED: HEALTH SERVICES OFFERED BY HEALTH PROFESSIONALS


IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JULY 30, 1999 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

MARIANNE K. STONESTREET
GENERAL COUNSEL
WEST VIRGINIA HEALTH CARE AUTHORITY
100 DEE DRIVE, SUITE 201
CHARLESTON, WV 25311-1600

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$2.60

BRIEF SUMMARY OF THE RULE

HEALTH SERVICES OFFERED BY HEALTH PROFESSIONALS PROPOSED RULE

SUMMARY: This proposed legislative rule, Health Services Offered by Health Professionals Rule, specifies which health services, major medical equipment, or facilities acquired, offered or developed by health professionals are subject to certificate of need review. Enrolled Senate Bill 492, which was passed by the legislature in 1999, made significant changes in the certificate of need law, necessitating the amendment to this rule.

This rule contains amendments which increases the threshold for major medical equipment/diagnostic center to \$2,000,000.00 in accordance with the mandate contained in Enrolled Senate Bill 492. In addition, it deletes CT as a reviewable health service and adds end-stage renal dialysis as a reviewable activity in accordance with changes mandated by Senate Bill 492.

In summary, the proposed rule implements the provisions of Senate Bill 492 and updates this rule to comply with current requirements. The Authority will administer and enforce the rule. For further information contact: Marianne K. Stonestreet, General Counsel, Health Care Authority, 100 Dee Drive, Suite 201, Charleston, West Virginia 25311-1600, telephone number (304) 558-7000; fax (304) 558-7001.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: HEALTH SERVICES OFFERED BY HEALTH PROFESSIONALS

Type of Rule: X Legislative Interpretive Procedural

Agency WEST VIRGINIA HEALTH CARE AUTHORITY

Address 100 DEE DRIVE, SUITE 201
CHARLESTON, WV 25311-1600

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERNATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

TO IMPLEMENT CHANGES IN THE CERTIFICATE OF NEED (CON) LAW MANDATED BY SENATE BILL 492 PASSED BY THE LEGISLATURE IN 1999.

Rule Title: HEALTH SERVICES OFFERED BY HEALTH PROFESSIONALS

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: JUNE 30, 1999

Signature of Agency Head or Authorized Representative

D. Palmer

TITLE 65
LEGISLATIVE RULE
HEALTH CARE ~~COST REVIEW~~ AUTHORITY

FILED
Jun 30 3 55 PM '99
OFFICE OF THE CLERK OF THE WEST VIRGINIA
SECRETARY OF STATE

SERIES 17
HEALTH SERVICES OFFERED BY HEALTH PROFESSIONALS

§65-17-1. General.

1.1. Scope. -- This legislative rule specifies which health services, major medical equipment, and/or facilities acquired, offered or developed by health professionals are subject to certificate of need review.

1.2. Authority. -- W. Va. Code, §§16-2D-4(a)(1), 16-2D-8(c).

1.3. Filing Date. -- ~~April 10, 1992~~

1.4. Effective Date. -- ~~April 10, 1992~~

§65-17-2. Definitions.

As used in this legislative rule, all terms that are defined in W. Va. Code §16-2D-1 et seq. have those same meanings which are in some cases further clarified herein. All terms not defined in W. Va. Code §16-2D-1 et seq. have the following meanings unless the context expressly requires otherwise.

2.1. Diagnostic center - a facility which offers laboratory ~~and/or~~ imaging services and in which the total cost of all the laboratory and imaging equipment exceeds ~~\$300,000.00~~ \$2,000,000.00. In determining whether the medical equipment costs more than ~~\$300,000.00~~ \$2,000,000.00, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included. If the equipment is acquired for less than fair market value, the term "cost" includes the fair market value.

2.2. "State agency" means the West Virginia Health Care ~~Cost Review~~ Authority which is designated to administer the certificate of need program by W. Va. Code, §16-29B-11.

§65-17-3. Health Services, Major Medical Equipment and/or Facilities.

3.1. One or more health professionals licensed to practice in this state pursuant to the provisions of Chapter 30 of the West Virginia Code who wish to acquire, offer or develop one or more of the health services, major medical equipment and/or facilities listed in subsection 3.3 of this rule shall follow the procedures set forth in the legislative rule "Certificate of Need," 65 C.S.R. 7.

3.2. If a health service, major medical equipment and/or facility is one set forth in subsection 3.3, the proposed acquisition, development or offering of that service, equipment and/or facility by a licensed health professional is subject to review regardless of the cost associated with the proposal, except for subdivision 3.3.9.

3.3. The list of health services, major medical equipment and/or facilities subject to review pursuant to W. Va. Code §16-2D-4(a)(1) is as follows. This list is all inclusive and shall not be altered except by amendment to this legislative rule.

3.3.1. ~~Computerized tomography (CT).~~ End-stage renal dialysis stations and home training.

3.3.2. Lithotripsy.

3.3.3. Radiation therapy.

3.3.4. Magnetic resonance imaging (MRI).

3.3.5. Proton emission tomography (PET).

3.3.6. Cardiac catheterization.

3.3.7. Birthing centers.

3.3.8. Ambulatory surgical facilities or ambulatory surgical centers.

3.3.9. Diagnostic centers.

§65-17-4. Batching Category.

All applications received pursuant to this rule shall be considered by the state agency in the applicable batching category as described in 65 C.S.R. 7. ~~Provided that, there is no expenditure minimum requirement for the inclusion of health services, major medical equipment and/or facilities offered, acquired or developed by health professionals.~~