



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Building 3, Capitol Complex
Charleston, WV 25305

FILED

1991 JUN 24 PM 3:53

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Gaston Caperton
Governor

June 18, 1991

The Honorable Ken Hechler
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Amendments to Certificate of Need Rules

Dear Secretary Hechler:

Enclosed please find copies of the Health Care Cost Review Authority's proposed amendments to two legislative rules currently in effect: "Health Services Offered By Health Professionals" and "Exemption For Shared Services." The proposed amendments are necessary to bring the rules into conformity with the provisions of H.B. 2194 and the procedural requirements of the "Certificate of Need" Rule, §65 C.S.R. 7. I hereby approve these amended rules for filing.

Very truly yours,

A handwritten signature in cursive script, reading "Taunja Willis Miller".

Taunja Willis Miller, Secretary
Department of Health and Human Resources

TWM/jah

Enclosures

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES FILED

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Rule Title: Health Services Offered By Health Professionals

DEPT OF WEST VIRGINIA
SECRETARY OF STATE

Type of Rule: Legislative Interpretive Procedural

Agency Health Care Cost Review Authority Address 100 Dee Dr., Suite 201

Charleston, WV 25311

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services	0	0	0	0	0
Current Expense	0	0	0	0	0
Repairs and Alterations	0	0	0	0	0
Equipment	0	0	0	0	0
Other	0	0	0	0	0

2. Explanation of above estimates.

The agency estimates no cost associated with the implementation of this rule.

3. Objectives of these rules:

To require certificate of need review for certain health services, equipment and/or facilities offered, acquired or developed by health professionals as required by W.Va. §16-2D-4(a)(1).

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4. Explanation of Overall Economic Impact of Proposed Rule 1991 JUN 24 PM 3:53

A. Economic Impact on State Government.

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None

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

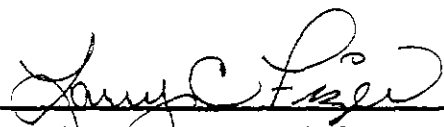
Health professionals subject to review must pay the
applicable fee for certificate of need review as required by
65 CSR 10.

C. Economic Impact on Citizens/Public at Large.

The public should benefit from the prevention of unnecessary
and duplicative health services which escalate the cost of health
care.

Date June 24, 1991

Signature of Agency Head or Authorized Representative



Larry C. Fizer, Chairman

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SUMMARY OF PROPOSED AMENDMENT TO RULE

This proposed amendment to §65 CSR 17 brings the rule into conformity with the reduced thresholds for certificate of need review established by H.B. 2194, effective March 20, 1991. Futhermore, it adds language which clarifies the original intent of the enabling legislation and updates the "batching category" section to conform to the current certificate of need rule.

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TITLE 65
WEST VIRGINIA LEGISLATIVE RULE OFFICE OF WEST VIRGINIA
HEALTH CARE COST REVIEW AUTHORITY SECRETARY OF STATE

SERIES 17

Title: 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.

1.3. Filing Date - _____.

1.4. Effective Date - _____.

~~§ 65-17-2~~ Introduction

~~This legislative rule implements certain provisions of Enrolled House Bill 4230 which was passed by the Legislature on March 10, 1990, and became effective ninety (90) days from passage. This bill amended W. Va. Code, § 16-~~

HCCRA
Leg. Rule, 2D
Series 17, Sec. 2

~~2D 2(b), (c) and § 16-2D-4(a)(1) by adding language which requires certificate of need review of the acquisition, offering or development of certain health services by health professionals. This bill authorizes the state agency to adopt rules to implement this requirement.~~

§ 65-17-32 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 ~~\$750,000.00~~ \$300,000.00. In determining whether the medical equipment costs more than ~~\$750,000.00~~ \$300,000.00, 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 West Virginia Code, § 16-29B-11.

§ 65-17-43 Health Services, Major Medical Equipment and/or Facilities

43.1. 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 43.3 of this rule shall follow the procedures set forth in the legislative rule "Certificate of Need," § 65 CSR 7 (1983).

43.2. If a health service, major medical equipment and/or facility is one of the ~~health services~~ set forth in subsection 43.3, the proposed acquisition, development or offering of that service, equipment and/or facility by a licensed health professional is subject to review.

43.3. The list of health services, major medical equipment and/or facilities subject to review pursuant to section 4(a)(1) of the Act is as follows. This list is all inclusive and shall not be altered except by amendment to this legislative rule. ~~A health service on the list shall hereafter be referred to as a "listed health service."~~

43.3.1. Computerized tomography (CT).

43.3.2. Lithotripsy.

43.3.3. Radiation therapy.

~~43.3.4.~~ Magnetic resonance imaging (MRI).

~~43.3.4.5.~~ Proton emission tomography (PET).

~~43.3.56.~~ Cardiac catheterization.

~~43.3.67.~~ Birthing centers.

~~43.3.78.~~ Ambulatory surgical facilities or ambulatory surgical centers.

~~43.3.89.~~ Diagnostic centers.

~~4.1.~~ Application Fee

~~The fee to be paid by the licensed health professional(s) upon filing an application shall be the same fee paid by a health care facility for the addition of a health service as specified in W. Va. CSR § 65-10-3.2.10.~~

HCCRA
Leg. Rule, 2D
Series 17, Sec. 4

~~4.5:~~ § 65-17-4 Batching Category

All applications received pursuant to this rule shall be considered by the state agency in the applicable batching category ~~seven (7)~~ as described in ~~W. Va. § CSR 65-7-16.1.~~ § 65 C.S.R. 7. Provided that, there shall be no expenditure minimum requirement for the inclusion of health services, major medical equipment and/or facilities offered, acquired or developed by health professionals. ~~in batching category seven (7).~~