

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Health Care Cost Review Authority TITLE NUMBER: 65
RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code, §16-2D-4(a)(1);
16-2D-8
AMENDMENT TO AN EXISTING RULE: YES___ NO___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 17

TITLE OF RULE BEING PROPOSED: _____
Health Services Offered By Health Professionals

DATE OF PUBLIC HEARING: July 20, 1990 TIME: 9:30 a.m.

LOCATION OF PUBLIC HEARING: Health Care Cost Review Authority
Large Conference Room
100 Dee Drive, Suite 201
Charleston, WV 25311

COMMENTS LIMITED TO: ORAL___, WRITTEN___, BOTH___

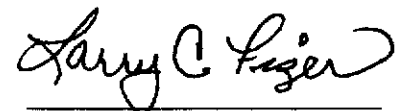
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

Health Care Cost
Review Authority
100 Dee Drive, Suite 201
Charleston, WV 25311
ATTN: Marianne Stonestreet

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



LARRY C. FIZER, CHAIRMAN



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Building 3, Capitol Complex
Charleston, WV 25305

Gaston Caperton
Governor

June 18, 1990

The Honorable Ken Hechler
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Re: Proposed Legislative Rule-
Health Services Offered by
Health Professionals

Dear Secretary Hechler:

I have reviewed the proposed legislative rule for health services offered by health professionals and hereby approve the filing of this rule.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Taunja Willis Miller".

Taunja Willis Miller, Secretary
Department of Health and Human Resources

TWM/jah

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Health Services Offered By Health Professionals

Type of Rule: X Legislative Interpretive Procedural

Agency Health Care Cost Review Authority Address 100 Dee Drive, 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 offered by health professionals as mandated by W. Va. Code § 16-2D-4(a)(1).

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None.

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

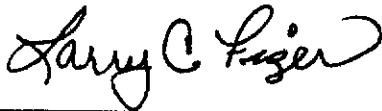
Health care professionals subject to review must pay a
\$500.00 application fee for certificate of need review.

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 19, 1990

Signature of Agency Head or Authorized Representative



LARRY C. FIZER, CHAIRMAN

SUMMARY OF PROPOSED RULE

The proposed legislative rule implements certain provisions of Enrolled House Bill 4230. This bill amended W. Va. Code, §§ 16-2D-2(b), (c), and 4(a)(1) by requiring certificate of need review for the offering of certain health services by health professionals.

TITLE 65
WEST VIRGINIA LEGISLATIVE RULE
HEALTH CARE COST REVIEW AUTHORITY

SERIES 17

Title: HEALTH SERVICES OFFERED BY HEALTH PROFESSIONALS

§ 65-17-1 General

1.1. Scope - This legislative rule specifies which health services acquired, offered or developed by health professionals that 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-

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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.

§ 65-17-3 Definitions

As used in this legislative rule, all terms that are defined in the Act at section 2 thereof have those same meanings which are in some cases further clarified herein. All terms not defined in the Act have the following meanings unless the context expressly requires otherwise.

3.1. "Act" means the certificate of need act, West Virginia Code, § 16-2D-1 et seq.

3.2. 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.

3.3. "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.

§ 65-17-4 Health Services

4.1. One or more health professionals licensed to practice in this state pursuant to the provisions of Chapter 30 of the West Virginia Code who wishes to acquire, offer or develop one or more of the health services listed in subsection 4.3 of this rule shall follow the procedures set forth in the legislative rule "Certificate of Need," § 65 CSR 7 (1983).

4.2. If a health service is one of the health services set forth in subsection 4.3, the proposed acquisition, development or offering of that service by a licensed health professional is subject to review.

4.3. The list of health services 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."

4.3.1. Computerized tomography (CT).

4.3.2 Lithotripsy.

4.3.3. Radiation therapy.

4.3.4. Magnetic resonance imaging (MRI).

4.3.4. Proton emission tomography (PET).

4.3.5. Cardiac catheterization.

4.3.6. Birthing centers

4.3.7. Ambulatory surgical facilities or ambulatory surgical centers.

4.3.8. Diagnostic centers.

4.4. 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.

4.5. Batching Category

All applications received pursuant to this rule shall be considered by the state agency in batching category seven (7) as described in W. Va. § CSR 65-7-16.1. Provided that, there shall be no expenditure minimum requirement for the

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inclusion of health services offered, acquired or developed by health professionals in batching category seven (7).