

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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1991 APR -8 PM 3:06
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Health Care Cost Review Authority TITLE NUMBER: 65

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

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S. B. 637

SECTION 64-5-3(k), PASSED ON March 9, 1991

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 8, 1991


LARRY C. FIZER
CHAIRMAN

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-

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 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.

3.1. 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. In determining whether the medical equipment costs more than \$750,000.00, 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.

3.2. "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.

§ 65-17-4 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 wish 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 inclusion of health services offered, acquired or developed by health professionals in batching category seven (7).

KEN HECHLER
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SHEREE COHEN
Special Assistant
Plus all the volunteer help we can get)

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
1992 APR 0 AM 10:38
FILED

TO: Marianne Stonestreet

AGENCY: HCCRA

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 19, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 17 TITLE: Health Services Offered by Health Professionals

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Marianne K. Stonestreet

TITLE OF PERSON SIGNING: General Counsel

DATE: 4-10-92