

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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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: 22


TITLE OF RULE BEING PROPOSED: Temporary Approval of Discount Contracts
For Border Hospitals

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

AUTHORIZATION IS CITED IN (house or senate bill number) H.B. 100

SECTION 64-5-3(w), PASSED ON May 26, 1993

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: June 24, 1993


LARRY C. FIZER, Chairman

5.60

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE 65

WEST VIRGINIA LEGISLATIVE RULE
HEALTH CARE COST REVIEW AUTHORITY

SERIES 22

Title: TEMPORARY APPROVAL OF DISCOUNT CONTRACTS
FOR BORDER HOSPITALS

§65-22-1 General

1.1. Scope - This rule establishes a process for obtaining temporary approval, subject to retroactive review, of discount contracts for border hospitals under certain limited circumstances.

1.2. Authority - W. Va. Code §§16-29B-8(a)(1), 19a and 20.

1.3. Filing Date - June 24, 1993.

1.4. Effective Date - June 24, 1993.

This rule addresses a problem identified in the report prepared by the Health Care Cost Review Authority pursuant to the provisions of W. Va. Code §16-29B-19a relating to border hospital and discount contracts. This rule is intended to allow border hospitals seeking approval of proposed discount contracts pursuant to W. Va. Code §16-29B-20 to obtain temporary approval subject to retroactive review by the Authority, upon the filing of certain information with the Authority as set forth in this rule and under certain limited circumstances as set forth in this rule. The report prepared by the Health Care Cost Review Authority pursuant to W. Va. Code §16-29B-19a indicated that certain border hospitals may face a loss of patients to nearby out-of-state hospitals which are not regulated regarding discount contracts, such that out-of-state hospitals may immediately implement discount contracts. Out-of-state hospitals may obtain a competitive advantage over border hospitals by having access to the information submitted to the Authority related to discount contracts for border hospitals in certain circumstances in which the border hospital could not obtain similar information for out-of-state hospitals which are not regulated regarding discount contracts. This rule is intended to prevent border hospitals in a limited geographic area from being at a competitive disadvantage to out-of-state hospitals due to the necessity of obtaining approval from the Authority of discount contracts with the rate application under W. Va. Code §16-29B-20.

This rule is intended to allow border hospitals to temporarily obtain approval of discount contracts, subject to retroactive approval by the Authority in accordance with W.Va. Code §16-29B-20.

§65-22-3 Definitions

As used in this rule, all terms have the same meaning as provided in section two of the Act. Terms not defined in the Act have the following meanings except where the context may expressly require otherwise.

3.1. "Authority" means the West Virginia Health Care Cost Review Authority, an autonomous division of the West Virginia Department of Health and Human Services.

3.2. "Act" means the West Virginia Health Care Cost Review Authority Act, W. Va. Code §16-29B-1 et seq.

3.3. "Interested party" means any individual, group or organization which files a written request with the Authority on or before the prehearing conference stating that the individual, group or organization is aggrieved or is likely to be aggrieved based upon information and belief by any act or failure to act by the Authority or by any rule, regulation or final order of the Authority and setting forth with particularity the basis for the request.

3.4. "Affected party" means any interested party which is recognized by the Authority as an affected party.

3.5. "Code" means the Code of West Virginia of 1931, as amended.

3.6. "Border hospital" means a hospital located in the State of West Virginia which is located within ten (10) miles of an out-of-state hospital having a similar number of beds and a similar array of services as the West Virginia hospital.

3.7. "Discount contract" means any contract for the payment of patient care services between a purchaser or third party payor and a hospital which establishes discounts to the purchaser or third party payor and which is subject to the approval of the Authority pursuant to W. Va. Code §16-29-20. Examples of discount contracts include, but are not limited to, (1) written contracts between a hospital and a third party payor or purchaser establishing a discount to the payor or purchaser in the form of a percentage reduction in the amount of charges, (2) other adjustments that have the effect of decreasing the amount of charges and (3) informal arrangements between hospitals and purchasers or third party payors which have the effect of decreasing the amount of charges for a group of patients.

3.8. "Verified notice" means a notice which contains all of the facts and information required by this rule and which has attached to it a statement made under oath before a notary public or other official entitled to administer oaths in West Virginia by the chief executive officer of the border hospital that the facts and circumstances set forth in the notice are true, accurate and complete to the best knowledge of the chief executive officer.

§65-22-4 Temporary Approval

4.1. A border hospital may obtain temporary approval of a proposed discount contract subject to retroactive review by the Authority, if each of the following conditions is met.

4.1.1. The border hospital is located within ten (10) miles of an out-of-state hospital which has a similar number of beds and a similar array of services as the border hospital; and

4.1.2. The border hospital files a verified notice with the Authority, which notice meets the requirements described in section 5 of this rule.

5.1. In order for a border hospital to obtain temporary approval of a discount contract in the manner set forth in section four of this rule, the border hospital shall file a verified notice with the Authority, which shall be filed at least five (5) days in advance of the date upon which the proposed discount contract is to be considered temporarily approved and shall:

5.1.1. Identify the border hospital.

5.1.2. State affirmatively that the border hospital is located within ten (10) miles of the border of the State of West Virginia.

5.1.3. State affirmatively that the border hospital is located within ten (10) miles of an out-of-state hospital which has a similar number of beds and array of services as the border hospital.

5.1.4. State affirmatively that the border hospital would be at risk to lose a significant portion of patients to out-of-state hospitals if the discount contract is not temporarily approved and if the discount contract is not confidentially

maintained by the Authority upon its filing and continuing thereafter until the retroactive review of the temporary approval.

5.1.5. Identify the out-of-state hospital or hospitals.

5.1.6. State the number of licensed beds of the border hospital.

5.1.7. State the number of licensed or registered beds of the out-of-state hospital or hospitals as identified by the appropriate state department of health.

5.1.8. List the array of services offered by the border hospital.

5.1.9. List the array of services offered by the out-of-state hospital or hospitals according to the American Hospital Association's most recent hospital guide.

5.1.10. Identify the entity with which the border hospital has contracted.

5.1.11. State the total gross and net patient revenue of the border hospital each year for the past three years.

5.1.12. Project the gross and net patient revenue which the border hospital shall generate each year during the term of the discount contract.

5.1.13. State affirmatively that the discount shall not decrease the charges for the services below the actual cost to the hospital.

5.1.14. State affirmatively that the cost of the discount shall not be shifted to any other purchaser or third-party payor.

5.1.15. State affirmatively that the discount shall not result in a decrease in the border hospital's proportion of medicare, medicaid, or uncompensated care patients.

5.1.16. State affirmatively that the discount is based on criteria which constitute a quantifiable economic benefit of the border hospital.

5.1.17. Include a copy of the discount contract, which shall be confidential for the purpose only of obtaining temporary approval of the contract in accordance with subsection 6.3 of this rule.

5.1.18. Present such other and further information or documents as may be requested by the Authority.

§65-22-6 Effective Date of Temporary Approval; Retroactive Review

6.1. Upon obtaining temporary approval of any proposed discount contract, the contract is further subject to retroactive review by the Authority in accordance with the criteria set forth in W. Va. Code §16-29B-20 and the rate review procedures set forth in W. Va. Code §16-29B-21.

6.2. The effective date of any temporary approval is the date which is five (5) days from the date of filing of a verified notice meeting the requirements of section five of this rule or the date the Authority determines the verified notice is complete, whichever first occurs.

6.3. Upon receipt of a verified notice meeting the requirements of section five of this rule, the Authority shall maintain the information contained in and related to the proposed discount contract in a confidential manner to be used only by the Authority, its staff and its agents and independent contractors for regulatory purposes. The confidentiality shall be maintained only until the commencement of the retroactive review of the discount contract in accordance with subsection 6.5 of this rule. The

review for all pertinent purposes shall commence upon the filing by the border hospital of its next succeeding rate application except upon the issuance by the Authority of a protective order in accordance with section seven of this rule.

6.4. Following receipt of a verified notice complying with the requirements of section five of this rule, the Authority shall for the purpose of retroactive review under this rule determine within fifteen (15) days thereafter whether or not the verified notice is complete. If the verified notice is not determined complete, the Authority may request additional information from the border hospital. Upon receipt of the additional information from the border hospital, the Authority again has fifteen (15) days within which to determine whether or not the verified notice is complete.

6.5. Upon determining that the verified notice is complete in accordance with the requirements of section five of this rule, the Authority shall publish a notice of the determination of completeness and/or temporary approval of the discount contract, as may be appropriate, in the Saturday Charleston newspapers and the State Register and shall retroactively review the proposed discount contract with the hospital's next succeeding rate application in order to determine whether the discount contract meets all of the requirements for final approval set forth in W. Va. Code 16-29B-20.

6.6. In the event that the Authority determines that the discount contract does not meet all of the requirements for temporary approval set forth in section four of this rule subsequent to a temporary approval of the contract, the Authority may issue an order denying and revoking the temporary approval of the discount contract at any time after such temporary approval. The order is effective as of a date established by the Authority in the order. The effective date shall not be less than ten (10) days from the date of the order and which effective date may exceed ten (10) days from the date of said order in the discretion of the Authority upon good cause shown for the extension.

6.7. In the event that the Authority determines during retroactive review in accordance with this section that the discount contract meets the standards for final approval of discount contracts set forth in W. Va. Code §16-29B-20, the Authority shall issue a final order approving the discount contract in accordance with the procedures for rate review set forth in W. Va. Code §16-29B-21. The final order is effective as of the date of publication of the notice of determination of completeness.

6.8. In the event that the Authority determines that the discount contract does not meet the standards for final approval of discount contracts set forth in W. Va. Code §16-29B-20, the Authority shall issue a final order denying approval of the discount contract and rescinding the previous temporary approval in

accordance with the procedures for rate review set forth in W. Va. Code §16-29B-21. The final order is effective as of the date established by the Authority in the order. The effective date of a final order denying approval of a discount contract which was previously temporarily approved shall not be less than ten (10) days from the date of the order, but may be extended by the Authority for a period not in excess of thirty (30) days from the date of the order upon good cause shown by the border hospital for the extension.

§65-22-7 Protective Orders

7.1. Upon the filing of a rate application by a hospital which includes information regarding discount contracts which have been previously temporarily approved by the Authority under the provisions of this rule, the information related to the discount contracts are subject to public disclosure as a public record unless and until such time as the hospital obtains a protective order for good cause shown in accordance with this section.

7.2. In order to obtain a protective order under this section, a hospital must file a written request verified under oath establishing that the hospital cannot remain competitive with nearby out-of-state hospitals without maintaining the confidentiality of the discount contracts, that the hospital is at risk of losing a significant volume of patients if the discount

contract is disclosed, and that good cause exists for the entry of a protective order in accordance with this section. The Authority may issue a protective order if it determines that the foregoing requirements have been met by the hospital.

7.3. Upon the entry of a protective order, discount contracts will be made available by the Authority only to affected parties in any administrative proceeding arising out of this rule or out of the regular rate review procedure as set forth in W.Va. Code §16-29B-20 and 21, upon a showing of good cause by the affected parties. In determining if good cause exists, the Authority shall take into consideration the competitive disadvantage to border hospitals this rule is intended to avoid. Upon a showing of good cause, the discount contracts shall be provided to affected parties only after ten (10) days advance written notice to all parties signatory to the discount contract. Upon the entry of a protective order, no information from the discount contracts shall be used or disclosed by any affected party who is provided the information for any purpose other than the purpose of preparing for the administrative proceeding pursuant to this rule or the regular rate review procedures set forth in W.Va. Code §16-29B-20 and 21.

7.4. Each affected party who seeks to obtain a copy of the discount contract subject to a protective order shall first

execute in writing the following certification and file it with the Authority:

"I certify my understanding that the discount contract made available and/or provided to me is subject to the terms and provisions relating to discount contracts in the protective order issued by the Authority, and that I am bound by those terms. I recognize that I may not disclose the contents of the discount contracts except under the conditions set forth in the protective order and I certify that any disclosure will be so limited. I recognize that duplication of any portion of the discount contract or other disclosure not permitted under the protective order constitutes a violation of the protective order. I shall take precautions reasonably calculated to keep the protected materials secure and confidential."

The original of each certificate shall be maintained by the Authority and a copy of each written certificate shall be provided to the border hospital and any other signatory to the discount contract. Any person who has executed the certification shall continue to be bound by the provisions of the protective order, even if the person ceases to be engaged in the proceeding.

7.5. Affected parties who may be entitled to access to the discount contracts under the protective order shall not make photocopies, shall not disclose the information regarding contracts

for any other purpose other than the purpose of preparing for the administrative proceeding pursuant to this rule or the regular rate review procedures set forth in W.Va. Code §16-29B-20 and 21, and shall take precautions reasonably calculated to keep the protected materials secure and confidential in accordance with the purposes and intent of this rule.

§65-22-8 Final Order; Requests for Hearings

8.1. An order by the Authority temporarily approving or temporarily denying a proposed discount contract in accordance with this rule is not a final decision under W. Va. Code §16-29B-13, and only an order denying or approving the proposed discount contract in the regular rate review procedure as set forth in W. Va. Code §16-29B-20 and 21 is a final decision under W. Va. Code §16-29B-13.

8.2. Any affected person may request the Authority to conduct an administrative hearing in connection with the final approval or final denial of a proposed discount contract as set forth in subsection 7.1 of this rule by filing a written request for an administrative hearing with the Authority within ten (10) days after the date of the final order.

8.3. The Authority shall conduct the administrative hearing within thirty (30) days of the filing of the request for an administrative hearing unless upon a showing of good cause or by

mutual agreement of all parties to the proceeding the Authority establishes a later date.

8.4. At the conclusion of the administrative hearing, the parties shall submit proposed findings of fact and conclusions of law or legal briefs if required by the Authority.

8.5. The Authority may conduct a prehearing conference in accordance with Rule 16 of the West Virginia Rules of Civil Procedure. If an order is first obtained from the Authority, the parties may engage in discovery as provided by the West Virginia Rules of Civil Procedure.

§65-22-9 Appeal

Only final orders issued by the Authority as defined in subsection 7.1 of this rule approving or denying the proposed discount contract under the criteria set forth in W. Va. Code §16-29B-20, pursuant to the retroactive review described in section six of this rule are a final decision of the Authority for the purpose of appeals under W. Va. Code §16-29B-13; otherwise, a temporary order approving or denying the proposed discount contract under this rule is not a final decision for the purpose of appeals under W. Va. Code §16-29B-13.

SENATE BILL NO. 197

(By Senator Manchin)

[Introduced March 1, 1993; referred to the
Committee on Health and Human Resources; and
then to the Committee on the Judiciary.]

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10 A BILL to amend and reenact section three, article five, chapter
11 sixty-four of the code of West Virginia, one thousand nine
12 hundred thirty-one, as amended, relating to authorizing the
13 health care cost review authority to promulgate legislative
14 rules relating to the temporary approval of discount
15 contracts for border hospitals.

16 Be it enacted by the Legislature of West Virginia:

17 That section three, article five, chapter sixty-four of the
18 code of West Virginia, one thousand nine hundred thirty-one, as
19 amended, be amended and reenacted, to read as follows:

20 ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN
21 RESOURCES TO PROMULGATE LEGISLATIVE RULES.

22 §64-5-3. Health care cost review authority.

23 (a) The legislative rules filed in the state register on the
24 twenty-first day of October, one thousand nine hundred

1 eighty-three, relating to the health care cost review authority
2 (limitation on hospital gross patient revenue), are authorized.

3 (b) The legislative rules filed in the state register on the
4 nineteenth day of December, one thousand nine hundred
5 eighty-three, relating to the health care cost review authority
6 (freeze on hospital rates and granting temporary rate increases),
7 are authorized.

8 (c) The legislative rules filed in the state register on the
9 twenty-first day of December, one thousand nine hundred
10 eighty-four, relating to the health care cost review authority
11 (implementation of the utilization review and quality assurance
12 program), are authorized.

13 (d) The legislative rules filed in the state register on the
14 fifteenth day of August, one thousand nine hundred eighty-four,
15 relating to the health care cost review authority (hospital cost
16 containment methodology), are authorized.

17 (e) The legislative rules filed in the state register on the
18 twenty-fifth day of November, one thousand nine hundred
19 eighty-five, modified by the West Virginia health care cost
20 review authority to meet the objections of the legislative
21 rule-making review committee and refiled in the state register on
22 the twenty-eighth day of January, one thousand nine hundred
23 eighty-six, relating to the West Virginia health care cost review
24 authority (interim standards for lithotripsy services), are
25 authorized.

1 (f) The legislative rules filed in the state register on the
2 third day of September, one thousand nine hundred eighty-seven,
3 modified by the West Virginia health care cost review authority
4 to meet the objections of the legislative rule-making review
5 committee and refiled in the state register on the twenty-seventh
6 day of January, one thousand nine hundred eighty-eight, relating
7 to the West Virginia health care cost review authority
8 (exemptions from certificate of need review), are authorized.

9 (g) The legislative rules filed in the state register on the
10 nineteenth day of September, one thousand nine hundred
11 eighty-eight, modified by the health care cost review authority
12 to meet the objections of the legislative rule-making review
13 committee and refiled in the state register on the twenty-first
14 day of February, one thousand nine hundred eighty-nine, relating
15 to the health care cost review authority (financial disclosure),
16 are authorized.

17 (h) The legislative rules filed in the state register on the
18 fourteenth day of August, one thousand nine hundred eighty-nine,
19 modified by the West Virginia health care cost review authority
20 to meet the objections of the legislative rule-making review
21 committee and refiled in the state register on the fifth day of
22 December, one thousand nine hundred eighty-nine, relating to the
23 West Virginia health care cost review authority (expedited review
24 for rate changes), are authorized with the amendments set forth
25 below:

1 On page 5, Section 4.1, after the words: "affected by the
2 increase." by inserting the following language: "The hospital
3 shall also reconcile any excesses in gross revenue, gross patient
4 revenue, gross inpatient revenue or charges per discharge.
5 Within fifteen days of submission the Authority shall inform the
6 hospital if it accepts the justification for excesses provided by
7 the hospital."

8 And,

9 On page 6, section 4.2, after the words "the excess in gross
10 outpatient revenue" by striking the period and inserting the
11 following:

12 "or if any excesses in the above categories (1 through 4)
13 have been sufficiently justified to the Authority as required in
14 Section 4.1 of this rule."

15 (i) The legislative rules filed in the state register on the
16 eleventh day of September, one thousand nine hundred eighty-nine,
17 modified by the West Virginia health care cost review authority
18 to meet the objections of the legislative rule-making review
19 committee and refiled in the state register on the fifth day of
20 December, one thousand nine hundred eighty-nine, relating to the
21 West Virginia health care cost review authority (exemption for
22 conversion of acute care beds to skilled nursing care beds), are
23 authorized.

24 (j) The legislative rules filed in the state register on the
25 thirtieth day of July, one thousand nine hundred ninety, modified

1 by the health care cost review authority to meet the objections
2 of the legislative rule-making review committee and refiled in
3 the state register on the twenty-fifth day of September, one
4 thousand nine hundred ninety, relating to the health care cost
5 review authority (exemption for shared services), are authorized.

6 (k) The legislative rules filed in the state register on the
7 thirty-first day of July, one thousand nine hundred ninety,
8 modified by the health care cost review authority to meet the
9 objections of the legislative rule-making review committee and
10 refiled in the state register on the twenty-fifth day of
11 September, one thousand nine hundred ninety, relating to the
12 health care cost review authority (health services offered by
13 health professionals), are authorized.

14 (l) The legislative rules filed in the state register on the
15 eleventh day of September, one thousand nine hundred ninety,
16 modified by the West Virginia health care cost review authority
17 to meet the objections of the legislative rule-making review
18 committee and refiled in the state register on the twenty-fourth
19 day of January, one thousand nine hundred ninety-one, relating to
20 the West Virginia health care cost review authority (conversion
21 of acute care beds to one hundred skilled nursing care beds), are
22 authorized.

23 (m) The legislative rules filed in the state register on the
24 twelfth day of August, one thousand nine hundred ninety-one,
25 modified by the health care cost review authority to meet the

1 objections of the legislative rule-making review committee and
2 refiled in the state register on the eighth day of November, one
3 thousand nine hundred ninety-one, relating to the health care
4 cost review authority (health services offered by health
5 professionals), are authorized.

6 (n) The legislative rules filed in the state register on the
7 first day of May, one thousand nine hundred ninety-one, modified
8 by the health care cost review authority to meet the objections
9 of the legislative rule-making review committee and refiled in
10 the state register on the twenty-second day of July, one thousand
11 nine hundred ninety-one, relating to the health care cost review
12 authority (review for automatic rate changes), are authorized.

13 (o) The legislative rules filed in the state register on the
14 ninth day of August, one thousand nine hundred ninety-one,
15 modified by the health care cost review authority to meet the
16 objections of the legislative rule-making review committee and
17 refiled in the state register on the sixteenth day of October,
18 one thousand nine hundred ninety-one, relating to the health care
19 cost review authority (certificate of need), are authorized.

20 (p) The legislative rules filed in the state register on the
21 twelfth day of August, one thousand nine hundred ninety-one,
22 modified by the health care cost review authority to meet the
23 objections of the legislative rule-making review committee and
24 refiled in the state register on the sixteenth day of October,
25 one thousand nine hundred ninety-one, relating to the health care

1 cost review authority (exemption for shared services), are
2 authorized with the amendments set forth below:

3 On page six, subsection 4.4, after the words "Charleston
4 newspapers", by striking out the word "and" and inserting in lieu
5 thereof a comma;

6 On page six, subsection 4.4, after the words "State Register"
7 by adding the words "and a newspaper of general circulation
8 within the area of the facility.";

9 On page seven, subsection 4.5, after the words "notice in the
10 Saturday Charleston newspapers", by striking out the word "and"
11 and inserting in lieu thereof a comma;

12 On page seven, subsection 4,5, before the words "the state
13 agency shall within ten", by striking out the comma and inserting
14 the words "and a newspaper of general circulation within the area
15 of the facility";

16 -And,

17 On page seven, subsection 4.5, after the words "decision in
18 the Saturday Charleston newspapers", by striking out the
19 remainder of the sentence and inserting in lieu thereof the
20 following: ", the state register and a newspaper of general
21 circulation within the area of the facility.".

22 (q) The legislative rules filed in the state register on the
23 twenty-seventh day of June, one thousand nine hundred ninety-one,
24 modified by the health care cost review authority to meet the
25 objections of the legislative rule-making review committee and

1 refiled in the state register on the twenty-third day of
2 September, one thousand nine hundred ninety-one, relating to the
3 health care cost review authority (development of life care
4 retirement centers), are authorized.

5 (r) The legislative rules filed in the state register on the
6 twenty-seventh day of June, one thousand nine hundred ninety-one,
7 modified by the health care cost review authority to meet the
8 objections of the legislative rule-making review committee and
9 refiled in the state register on the twenty-third day of
10 September, one thousand nine hundred ninety-one, relating to the
11 health care cost review authority (conversion of acute care beds
12 to skilled nursing care beds), are authorized.

13 (s) The legislative rules filed in the state register on the
14 ninth day of August, one thousand nine hundred ninety-one,
15 modified by the health care cost review authority to meet the
16 objections of the legislative rule-making review committee and
17 refiled in the state register on the tenth day of January, one
18 thousand nine hundred ninety-two, relating to the health care
19 cost review authority (financial disclosure), are authorized with
20 the amendment set forth below:

21 On page eighteen, after subsection 5.3, by adding thereto a
22 new subsection, designated subsection 5.4, to read as follows:

23 "5.4 A covered facility which is a nonprofit,
24 community-based primary care center providing primary care
25 services without regard to ability to pay which provides the

1 board with a year-end audited financial statement prepared in
2 accordance with generally accepted auditing standards and with
3 governmental auditing standards issued by the comptroller general
4 of the United States shall be considered to have complied with
5 the disclosure requirements of sections 3 and 4 of this rule."

6 (t) The legislative rules filed in the state register on the
7 ninth day of September, one thousand nine hundred ninety-two,
8 modified by the health care cost review authority to meet the
9 objections of the legislative rule-making review committee and
10 refiled in the state register on the first day of February, one
11 thousand nine hundred ninety-three, relating to the health care
12 cost review authority (temporary approval of discount contracts
13 for border hospitals), are authorized.

14

15 .. NOTE: The purpose of this bill is to authorize the Health
16 Care Cost Review Authority to promulgate legislative rules
17 relating to the temporary approval of discount contracts for
18 border hospitals.

19

20 - Strike-throughs indicate language that would be stricken from
21 the present law, and underscoring indicates new language that
22 would be added.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

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help we can get)

FAX: (304) 558-0900

May 28, 1993

Marianne Stonestreet
Health Care Cost Review Authority
101 Dee Drive
Suite 201
Charleston, WV 25301

HB 100 authorizing, **Title 65, Series 22, Temporary Approval of Discount Contracts for Border Hospitals**, passed the Legislature on **May 26, 1993**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs HB 100, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office. Authorization for your legislative rule is cited in **HB 100** section **64-5-3(w)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, PLEASE SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division