

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health Care Cost Review Authority TITLE NUMBER: 65

CITE AUTHORITY W. Va. Code § 16-2D-4(g) and 8

AMENDMENT TO AN EXISTING RULE: YES NO

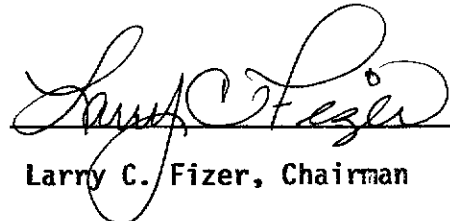
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 25

TITLE OF RULE BEING PROPOSED: Exemption For Rural Primary Care
Hospitals

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Larry C. Fizer, Chairman

4.00

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Exemption For Primary Care Hospitals

Type of Rule: X Legislative Interpretive Procedural

Agency Health Care Cost Review Authority Address 100 Dee Drive, Suite 201
Charleston, WV 25311-1692

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

2. Explanation of above estimates.

No cost to the agency is associated with this rule.

3. Objectives of these rules:

This rule creates a mechanism for a rural primary care hospital (RPCH) to reject its designation as such with 24 months and to restore its previously staffed and operated acute care beds without obtaining a certificate of need.

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.

A small rural hospital has the ability to restore its previously staffed and operated beds which were forfeited to become a RPCH if it rejects the designation in a timely manner.

C. Economic Impact on Citizens/Public at Large.

N/A

Date July 31, 1992

Signature of Agency Head or Authorized Representative



LARRY C. FIZER, CHAIRMAN

FILED

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TITLE 65
WEST VIRGINIA LEGISLATIVE RULE
HEALTH CARE COST REVIEW AUTHORITY OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
SERIES 25

Title: EXEMPTION FOR RURAL PRIMARY CARE HOSPITALS

\$65-25-1 General

1.1. Scope - This legislative rule creates a mechanism for a rural primary care hospital (RPCH) to reject designation as a RPCH within twenty-four (24) calendar months from the date of such designation, and thereby restore its previously staffed and operated acute care beds without obtaining a certificate of need.

1.2. Authority - W. Va. Code §16-2D-4(g) and 8.

1.3. Filing Date - ~~July 31, 1992~~ _____.

1.4. Effective Date - _____.

\$65-25-2 Definitions

2.1. Board - The West Virginia Health Care Cost Review Authority which is designated to administer the

Certificate of Need Program pursuant to W. Va. Code §16-29B-11.

2.2. Rural Primary Care Hospital (RPCH) - A rural primary care hospital (RPCH) is a hospital that provides inpatient services, and/or stabilization before discharge or transfer to an essential access community hospital (EACH). The RPCH has a limited number of acute care beds with an additional limitation on the number of days a patient can be considered an inpatient. RPCH's must be designated as such by the West Virginia Office of Rural Health Policy in accordance with the guidelines established in W. Va. Code §16-2D-4(g).

2.3. State Agency - Health Care Cost Review Authority.

§65-25-3 Exemption Criteria

To qualify for the exemption from certificate of need review a rural primary care hospital must meet the following criteria:

3.1. The hospital must be designated as a RPCH by the Office of Rural Health Policy.

3.2. The hospital must undergo a reduction in its licensed acute care beds as determined by the Office of Rural Health Policy.

3.3. The Office of Rural Health Policy shall notify the Health Care Cost Review Authority of the hospital's designation as a RPCH; the number of beds staffed and operated by the hospital immediately prior to designation; and the number of acute care beds certified by the Health Care Financing Administration.

3.4. The hospital must reject the designation as a RPCH within twenty-four (24) calendar months from the date of designation by the Office of Rural Health Policy by written notice to the Office of Rural Health Policy and the Health Care Cost Review Authority.

§65-25-4 Exemption Procedure

Each applicant seeking an exemption pursuant to this rule, must file with the board a letter of intent at least fifteen (15) days before the submission of the application. The letter of intent shall contain sufficient information to advise the board of the nature of the exemption sought and outline the grounds for ~~such~~ the exemption.

4.2. Upon receipt of the letter of intent, the board shall publish a notice in the Saturday Charleston newspapers and the State Register. The notice shall identify the legal entity seeking an exemption, the type of exemption requested, and a description of the proposal. The notice shall also state the rights of affected parties to a hearing.

4.3. In order to obtain the exemption, each applicant must file an application with the board no sooner than the fifteenth day or later than the thirtieth day following the filing of the letter of intent. The application shall contain the following:

4.3.1. Information that demonstrates that the applicant meets the exemption criteria required by subsections 3.1., 3.2., 3.3., and 3.4 of this rule.

4.3.2. Information regarding the number and type of beds which the applicant seeks to restore; provided that the total number of beds which the hospital proposes to license shall not exceed the number of beds which were staffed and operated by the hospital immediately prior to the hospital's designation as a RPCH.

4.3.3. ~~The application must contain a~~ A verification signed by the chairperson of the hospital's board and the hospital's chief executive officer.

4.4. Upon receipt of the application, the board shall determine within fifteen (15) days whether or not the application is complete. If the application is not complete, the board may request additional information. Upon receipt of that additional information, the board has fifteen (15) days within which to determine if the application is complete. Upon determining that the application is complete and after the date has passed in which an affected person may request a hearing, the board shall publish a notice in the Saturday Charleston newspapers and the State Register. The notice shall identify the applicants, shall describe the proposal, and shall, if a hearing on the exemption has been requested, state the time, place, and date of the hearing.

4.5. If a hearing has not been requested, then following the publication of the notice in the Saturday Charleston newspapers and the State Register, the board shall within ten (10) days issue a written decision on the application which decision is a final decision. The board shall publish notice of the decision in the Saturday Charleston newspapers and the State Register.

4.6. If a hearing has been requested by an affected party, the board shall follow the provisions of subsections 5.1, 5.2 and 5.3 of this legislative rule.

4.7. In order to be effective, the request for a hearing must be from an affected party and must be filed in writing with the board within ten (10) days of the publication of the notice in the Saturday Charleston newspapers as required by subsection 4.2 of this rule.

§65-25-5 Requests for Hearings

5.1. If an affected person requests a hearing, the board shall terminate the exemption review period. The board or its designee shall hold a hearing within thirty (30) days of the request for a hearing unless the board sets a later date upon a showing of good cause.

5.2. The board or its designee 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 board or a hearing examiner appointed by it, the parties may engage in discovery as provided by the West Virginia Rules of Civil Procedure; except that the scope of discovery is limited to relevant and admissible evidence.

5.3. At the conclusion of the hearing, the parties may submit proposed findings of fact, conclusions of law, and legal briefs. The board has ten (10) days from the receipt of those items or the closure of the record if those items are not tendered to make its determination in writing.

5.4. A written decision made pursuant to subsection 5.3 of this rule is a final decision. The board shall publish notice of the decision in the Saturday Charleston newspapers and the State Register.

§65-25-6 Notification By Office of Rural Health Policy

Within twenty-five (25) months from its designation of rural primary care hospitals, the Office of Rural Health Policy shall notify the board of the status of the designated hospitals including the number of licensed beds for each designated hospital.

§65-25-7 Severability

The provisions of this rule are severable. If any portion of this rule is held invalid, the remaining provisions remain in effect.



WEST VIRGINIA LEGISLATURE
 LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
 Room M-152, State Capitol
 Charleston, West Virginia 25305
 (304) 340-3286

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 Nov 25 2 36 PM '92

OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE
 A. Graham, Counsel
~~Michael McThomas, Associate Counsel~~
 Marie Nickerson, Admr. Assistant

Senator William R. Wooton, Co-Chair
 Delegate David Grubb, Co-Chair

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

November 9, 1992

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Larry C. Fizer, Chairman
 Health Care Cost Review Authority
 100 Dee Drive, Suite 201
 Charleston, WV 25311-1692

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Exemption for Primary Care Hospitals

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Marianne K. Stonestreet
 General Counsel, HCCRA