

2 **H. B. 2616**

3  
4 (By Delegates Brown, D. Poling, Fleischauer and Talbott)

5 [Introduced January 19, 2011; referred to the  
6 Committee on Health and Human Resources then the Judiciary.]  
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10 A BILL to amend and reenact article 5, chapter 64 of the Code of  
11 West Virginia, 1931, as amended, relating to authorizing the  
12 Health Care Authority to promulgate a legislative rule  
13 relating to certificates of need.

14 *Be it enacted by the Legislature of West Virginia:*

15 That article 5, chapter 64 of the Code of West Virginia, 1931,  
16 as amended, be amended and reenacted to read as follows:

17 **ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN**  
18 **RESOURCES TO PROMULGATE LEGISLATIVE RULES.**

19 **§64-5-1. Health Care Authority.**

20 The legislative rule filed in the state register on the  
21 twenty-eighth day of July, two thousand ten, authorized under the  
22 authority of section eight-c, article two-d, chapter sixteen, of  
23 this code, modified by the Health Care Authority to meet the  
24 objections of the Legislative Rule-Making Review Committee and  
25 refiled in the state register on the eighth day of December, two

1 thousand ten, relating to the Health Care Authority to promulgate  
2 a legislative rule relating to (certificates of need, 65 CSR 7), is  
3 authorized.

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5 NOTE: The purpose of this bill is to authorize the Health Care  
6 Authority to promulgate a legislative rule relating to Certificates  
7 of Need.

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9 This section is new; therefore, strike-throughs and  
10 underscoring have been omitted.