

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 175**

4 (By Senator Snyder)

5 _____
6 [Originating in the Committee on the Judiciary;

7 reported January 29, 2015.]
8 _____

9
10 A BILL to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended,
11 relating generally to the promulgation of administrative rules by the Department of Health
12 and Human Resources; legislative mandate or authorization for the promulgation of certain
13 legislative rules by various executive or administrative agencies of the state; authorizing
14 certain of the agencies to promulgate certain legislative rules in the form that the rules were
15 filed in the State Register; authorizing certain of the agencies to promulgate certain
16 legislative rules with various modifications presented to and recommended by the Legislative
17 Rule-Making Review Committee; authorizing the Department of Health and Human
18 Resources to promulgate a legislative rule relating to public water systems; authorizing the
19 Department of Health and Human Resources to promulgate a legislative rule relating to
20 chronic pain management clinic licensure; authorizing the Department of Health and Human
21 Resources to promulgate a legislative rule relating to the Fatality and Mortality Review
22 Team; authorizing the Department of Health and Human Resources to promulgate a

1 legislative rule relating to medication administration and performance of health maintenance
2 tasks by approved medication assistive personnel; authorizing the Department of Health and
3 Human Resources to promulgate a legislative rule relating to the nurse aid abuse and neglect
4 registry; authorizing the Department of Health and Human Resources to promulgate a
5 legislative rule relating to nursing home licensure; and authorizing the Department of Health
6 and Human Resources to promulgate a legislative rule relating to the statewide
7 trauma/emergency care system.

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

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

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

13 **§64-5-1. Department of Health and Human Resources.**

14 (a) The legislative rule filed in the State Register on August 1, 2014, authorized under the
15 authority of section four, article one, chapter sixteen of this code, modified by the Department of
16 Health and Human Resources to meet the objections of the Legislative Rule-Making Review
17 Committee and refiled in the State Register on October 23, 2014, relating to the Department of
18 Health and Human Resources (public water systems, 64 CSR 3), is authorized.

19 (b) The legislative rule filed in the State Register on July 31, 2014, authorized under the
20 authority of section nine, article five-h, chapter sixteen of this code, relating to the Department of
21 Health and Human Resources (chronic pain management clinic licensure, 69 CSR 8), is authorized.

22 (c) The legislative rule filed in the State Register on July 31, 2014, authorized under the

1 authority of section four, article one, chapter sixteen of this code, modified by the Department of
2 Health and Human Resources to meet the objections of the Legislative Rule-Making Review
3 Committee and refiled in the State Register on October 14, 2014, relating to the Department of
4 Health and Human Resources (Fatality and Mortality Review Team, 64 CSR 29), is authorized.

5 (d) The legislative rule filed in the State Register on July 31, 2014, authorized under the
6 authority of section eleven, article five-o, chapter sixteen of this code, modified by the Department
7 of Health and Human Resources to meet the objections of the Legislative Rule-Making Review
8 Committee and refiled in the State Register on November 5, 2014, relating to the Department of
9 Health and Human Resources (medication administration and performance of health maintenance
10 tasks by approved medication assistive personnel, 64 CSR 60), is authorized.

11 (e) The legislative rule filed in the State Register on August 1, 2014, authorized under the
12 authority of section two, article six, chapter nine of this code, modified by the Department of Health
13 and Human Resources to meet the objections of the Legislative Rule-Making Review Committee
14 and refiled in the State Register on November 6, 2014, relating to the Department of Health and
15 Human Resources (nurse aid abuse and neglect registry, 69 CSR 6), is authorized.

16 (f) The legislative rule filed in the State Register on August 1, 2014, authorized under the
17 authority of section four, article one, chapter sixteen of this code, modified by the Department of
18 Health and Human Resources to meet the objections of the Legislative Rule-Making Review
19 Committee and refiled in the State Register on November 6, 2014, relating to the Department of
20 Health and Human Resources (nursing home licensure, 64 CSR 13), is authorized.

21 (g) The legislative rule filed in the State Register on July 31, 2014, authorized under the
22 authority of section four, article one, chapter sixteen of this code, modified by the Department of

- 1 Health and Human Resources to meet the objections of the Legislative Rule-Making Review
- 2 Committee and refiled in the State Register on October 14, 2014, relating to the Department of
- 3 Health and Human Resources (state-wide trauma/emergency care system, 64 CSR 27), is authorized.