

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-SECOND LEGISLATURE**  
**REGULAR SESSION, 2015**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 175**

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

[PASSED FEBRUARY 28, 2015; IN EFFECT FROM PASSAGE.]

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 175**

(SENATOR SNYDER, *original sponsor*)

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[Passed February 28, 2015; in effect from passage.]

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AN ACT to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Health and Human Resources; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Fatality and Mortality Review Team; authorizing the Department of Health and Human

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

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

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

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

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

1 (a) The legislative rule filed in the State Register on  
2 August 1, 2014, authorized under the authority of section  
3 four, article one, chapter sixteen of this code, modified by the  
4 Department of Health and Human Resources to meet the  
5 objections of the Legislative Rule-Making Review  
6 Committee and refiled in the State Register on October 23,  
7 2014, relating to the Department of Health and Human  
8 Resources (public water systems, 64 CSR 3), is authorized.

9 (b) The legislative rule filed in the State Register on July  
10 31, 2014, authorized under the authority of section nine,  
11 article five-h, chapter sixteen of this code, relating to the  
12 Department of Health and Human Resources (chronic pain  
13 management clinic licensure, 69 CSR 8), is authorized.

14 (c) The legislative rule filed in the State Register on July  
15 31, 2014, authorized under the authority of section four,

16 article one, chapter sixteen of this code, modified by the  
17 Department of Health and Human Resources to meet the  
18 objections of the Legislative Rule-Making Review  
19 Committee and refiled in the State Register on October 14,  
20 2014, relating to the Department of Health and Human  
21 Resources (Fatality and Mortality Review Team, 64 CSR 29),  
22 is authorized.

23 (d) The legislative rule filed in the State Register on July  
24 31, 2014, authorized under the authority of section eleven,  
25 article five-o, chapter sixteen of this code, modified by the  
26 Department of Health and Human Resources to meet the  
27 objections of the Legislative Rule-Making Review  
28 Committee and refiled in the State Register on November 5,  
29 2014, relating to the Department of Health and Human  
30 Resources (medication administration and performance of  
31 health maintenance tasks by approved medication assistive  
32 personnel, 64 CSR 60), is authorized.

33 (e) The legislative rule filed in the State Register on  
34 August 1, 2014, authorized under the authority of section  
35 two, article six, chapter nine of this code, modified by the  
36 Department of Health and Human Resources to meet the  
37 objections of the Legislative Rule-Making Review  
38 Committee and refiled in the State Register on November 6,  
39 2014, relating to the Department of Health and Human  
40 Resources (nurse aid abuse and neglect registry, 69 CSR 6),  
41 is authorized.

42 (f) The legislative rule filed in the State Register on  
43 August 1, 2014, authorized under the authority of section  
44 four, article one, chapter sixteen of this code, modified by the  
45 Department of Health and Human Resources to meet the  
46 objections of the Legislative Rule-Making Review  
47 Committee and refiled in the State Register on November 6,  
48 2014, relating to the Department of Health and Human  
49 Resources (nursing home licensure, 64 CSR 13), is  
50 authorized with the following amendments:

51 On page 57, subdivision 9.1.b., by striking the entirety of  
52 that subdivision and inserting in lieu thereof the following:

53 “9.1.b. The standards for construction, renovations, and  
54 alterations are the relevant sections of the 1996-1997 edition  
55 of “The Guidelines for Design and Construction of Hospitals  
56 and Health Care Facilities”, as recognized by the American  
57 Institute of Architects, Academy of Architecture for Health  
58 with assistance from the U.S. Department of Health and  
59 Human Services. Beginning on June 1, 2019, the relevant  
60 standards for construction, renovations, and alterations will  
61 be the latest edition of “The Guidelines for Design and  
62 Construction of Hospitals and Health Care Facilities”,  
63 according to Facilities Guidelines Institute (FGI) and  
64 published by American Society for Healthcare Engineering  
65 (ASHE) with assistance from the U.S. Department of Health  
66 and Human Services which can be located at [www.hhs.gov](http://www.hhs.gov).”

67 And,

68 On page 58, subdivision 9.1.c., immediately following the  
69 word “Facilities” by inserting

70 “as adopted by the Centers for Medicare and Medicaid  
71 Services (CMS)”

72 On page 58, subdivision 9.1.d., immediately following  
73 the word “Code” by inserting

74 “as adopted by the State Fire Marshal”

75 And,

76 On page 62, subdivision 9.7.f. by inserting a period after  
77 the word, ‘program’ and striking the words, ‘insecticidal  
78 strips are prohibitive’

79 And,

80 On page 62, by striking subdivision 9.7.g. and inserting  
81 a new subdivision 9.7.g. to read as follows, ‘Pesticides shall  
82 be applied only by an applicator certified by the West  
83 Virginia Department of Agriculture or a registered technician  
84 operating under the supervision of a certified applicator.’

85 (g) The legislative rule filed in the State Register on July  
86 31, 2014, authorized under the authority of section four,  
87 article one, chapter sixteen of this code, modified by the  
88 Department of Health and Human Resources to meet the  
89 objections of the Legislative Rule-Making Review  
90 Committee and refiled in the State Register on October 14,  
91 2014, relating to the Department of Health and Human  
92 Resources (statewide trauma/emergency care system, 64 CSR  
93 27), is authorized with the following amendment:

94 "On page 1, subsection 3.1 by removing the inserted  
95 language, 'in the current edition of' reinserting the stricken  
96 language, 'edition' ; and inserting a colon after the word  
97 'patient' and the following, '2013.'"



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....

Day of ....., 2015.

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*Governor*