

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

Senate Bill 585

BY SENATORS TRUMP, MAYNARD, FERNS, CARMICHAEL,
CLINE, KARNES, GAUNCH, LEONHARDT, ASHLEY, SNYDER,
PALUMBO, BEACH, MILLER, KIRKENDOLL, ROMANO,
WOELFEL AND WILLIAMS

[Originating in the Committee on the Judiciary;

Reported on February 11, 2016.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §64-12-1 and §64-12-2, all relating generally to repealing certain legislative,
3 procedural, or interpretive rules promulgated by certain agencies and boards which are
4 no longer authorized or are obsolete; repealing certain legislative, procedural and
5 interpretive rules promulgated by certain agencies under the Department of Health and
6 Human Resources; repealing the Department of Health and Human Resources legislative
7 rule relating to preliminary requirement for approval by the West Virginia Department of
8 Health of a laboratory for a specified technique; repealing the Department of Health and
9 Human Resources legislative rule relating to ice cream and frozen milk; repealing the
10 Department of Health and Human Resources legislative rule relating to the establishment
11 of a Controlled Substances Therapeutic Research Program and the certification of
12 patients, practitioners and hospital pharmacies; repealing the Department of Health and
13 Human Resources legislative rule relating to instillation of medication in the eyes of the
14 newborn and the dissemination of advice and information concerning the dangers of
15 inflammation of the eyes of the newborn; repealing the Department of Health and Human
16 Resources legislative rule relating to hazardous materials treatment information
17 repository; repealing the Department of Health and Human Resources legislative rule
18 relating to immunization criteria for transfer students; repealing the Department of Health
19 and Human Resources legislative rule relating to specialized health procedures in public
20 schools; repealing the Department of Health and Human Resources legislative rule
21 relating to incorporation of the handicapped children services manual; repealing the
22 Department of Health and Human Resources legislative rule relating to termination of
23 income withholding; repealing the Department of Health and Human Resources legislative
24 rule relating to obtaining support from federal and state income tax refunds; repealing the
25 Department of Health and Human Resources legislative rule relating to interstate income
26 withholding; repealing the Department of Health and Human Resources legislative rule

27 relating to providing information to credit reporting agencies; repealing the Department of
28 Health and Human Resources interpretive rule relating to the health facilities plan for the
29 fiscal years 1985-89; repealing the Department of Health and Human Resources
30 interpretive rule relating to the design, information and procedural manual for mobile home
31 parks; repealing the Department of Health and Human Resources interpretive rule relating
32 to pertussis guidelines; repealing the Department of Health and Human Resources
33 procedural rule relating to procedural rules for the advisory Committee for the Omnibus
34 Health Care Act; repealing the Health Care Authority legislative rule relating to a freeze
35 on hospital rates and granting of temporary rate increases; repealing the Health Care
36 Authority legislative rule relating to Utilization Review and Quality Assurance Program –
37 Phase 1; repealing the Health Care Authority legislative rule relating to limitation on
38 hospital gross patient revenue; repealing the Health Care Authority legislative rule relating
39 to exemption for rural primary care hospitals.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §64-12-1 and §64-12-2, all to read as follows:

**ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE LEGISLATIVE RULES
BY THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES.**

§64-12-1. Department of Health and Human Resources.

1 (a) The legislative rule effective on December 29, 1967, authorized under the authority of
2 section seven, article one, chapter sixteen of this code, relating to the Department of Health and
3 Human Resources (preliminary requirement for approval by the West Virginia Department of
4 Health of a laboratory for a specified technique, 64 CSR 26), is repealed.

5 (b) The legislative rule effective on December 29, 1967, authorized under the authority of
6 section seven, article one, chapter sixteen of this code, relating to the Department of Health and
7 Human Resources (ice cream and frozen milk, 64 CSR 28), is repealed.

8 (c) The legislative rule effective on May 16, 1983, authorized under the authority of section
9 seven, article five-a, chapter sixteen of this code, relating to the Department of Health and Human
10 Resources (establishment of a Controlled Substances Therapeutic Research Program and the
11 certification of patients, practitioners and hospital pharmacies, 64 CSR 33), is repealed.

12 (d) The legislative rule effective on May 30, 1983, authorized under the authority of section
13 twelve, article three, chapter sixteen of this code, relating to the Department of Health and Human
14 Resources (instillation of medication in the eyes of the newborn and the dissemination of advice
15 and information concerning the dangers of inflammation of the eyes of the newborn, 64 CSR 35),
16 is repealed.

17 (e) The legislative rule effective on June 1, 1987, authorized under the authority of section
18 two, article three-a, chapter sixteen of this code, relating to the Department of Health and Human
19 Resources (hazardous materials treatment information repository, 64 CSR 53), is repealed.

20 (f) The legislative rule effective on April 18, 1988, authorized under the authority of section
21 four, article three, chapter sixteen of this code, relating to the Department of Health and Human
22 Resources (immunization criteria for transfer students, 64 CSR 58), is repealed.

23 (g) The legislative rule effective on April 22, 1992, authorized under the authority of section
24 twenty-two, article five, chapter eighteen of this code, relating to the Department of Health and
25 Human Resources (specialized health procedures in public schools, 64 CSR 66), is repealed.

26 (h) The legislative rule effective on November 1, 1985, authorized under the authority of
27 article four, chapter forty-nine of this code, relating to the Department of Health and Human
28 Resources (incorporation of the handicapped children services manual, 78 CSR 9), is repealed.

29 (i) The legislative rule effective on June 15, 1989, authorized under the authority of section
30 three, article five, chapter forty-eight-a of this code, relating to the Department of Health and
31 Human Resources (termination of income withholding, 78 CSR 11), is repealed.

32 (j) The legislative rule effective on June 15, 1989, authorized under the authority of section
33 fifteen, article two, chapter forty-eight-a of this code, relating to the Department of Health and

34 Human Resources (obtaining support from federal and state income tax refunds, 78 CSR 12), is
35 repealed.

36 (k) The legislative rule effective on June 15, 1989, authorized under the authority of section
37 eleven, article two, chapter forty-eight-a of this code, relating to the Department of Health and
38 Human Resources (interstate income withholding, 78 CSR 13), is repealed.

39 (l) The legislative rule effective on June 15, 1989, authorized under the authority of section
40 nineteen, article two, chapter forty-eight-a of this code, relating to the Department of Health and
41 Human Resources (providing information to credit reporting agencies, 78 CSR 14), is repealed.

42 (m) The interpretive rule effective on April 6, 1984, authorized under the authority of
43 section fifteen-a, article one, chapter sixteen of this code, relating to the Department of Health
44 and Human Resources (health facilities plan for the fiscal years 1985-89, 64 CSR 37), is repealed.

45 (n) The interpretive rule effective on October 1, 1971, authorized under the authority of
46 section seven, article one, chapter sixteen of this code, relating to the Department of Health and
47 Human Resources (design, information and procedural manual for mobile home parks, 64 CSR
48 41), is repealed.

49 (o) The interpretive rule effective on August 1, 1987, authorized under the authority of
50 article three-b, chapter sixteen of this code, relating to the Department of Health and Human
51 Resources (pertussis guidelines, 64 CSR 52), is repealed.

52 (p) The procedural rule effective on December 28, 1989, authorized under the authority of
53 section three, article nine-a, chapter six of this code, relating to the Department of Health and
54 Human Resources (procedural rules for the advisory Committee for the Omnibus Health Care
55 Act, 69 CSR 4), is repealed.

§64-12-2. Health Care Authority.

1 (a) The legislative rule effective on May 5, 1984, authorized under the authority of section
2 one, article twenty-nine-b, chapter sixteen of this code, relating to the Health Care Authority
3 (freeze on hospital rates and granting of temporary rate increases, 65 CSR 2), is repealed.

4 (b) The legislative rule effective on May 20, 1985, authorized under the authority of section
5 eight, article twenty-nine-b, chapter sixteen of this code, relating to the Health Care Authority
6 (Utilization Review and Quality Assurance Program – Phase 1, 65 CSR 4), is repealed.

7 (c) The legislative rule effective on April 10, 1984, authorized under the authority of section
8 one, article twenty-nine-b, chapter sixteen of this code, relating to the Health Care Authority
9 (limitation on hospital gross patient revenue, 65 CSR 8), is repealed.

10 (d) The legislative rule effective on June 24, 1993, authorized under the authority of
11 section four, article two-d, chapter sixteen of this code, relating to the Health Care Authority
12 (exemption for rural primary care hospitals, 65 CSR 25), is repealed.