

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 175

SENATOR MAYNARD, *original sponsor*

[Originating in the Committee on the Judiciary;

Reported on February 1, 2019]

1 A BILL to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as
2 amended, all relating generally to authorizing certain agencies of the Department of Health
3 and Human Resources to promulgate legislative rules; authorizing the rules as filed, as
4 modified by the Legislative Rule-Making Review Committee and as amended by the
5 Legislature; authorizing the Department of Health and Human Resources to promulgate a
6 legislative rule relating to collection and exchange of data related to overdoses;
7 authorizing the Department of Health and Human Resources to promulgate a legislative
8 rule relating to behavioral health centers licensure; authorizing the Department of Health
9 and Human Resources to promulgate a legislative rule relating to assisted living
10 residences; authorizing the Department of Health and Human Resources to promulgate a
11 legislative rule relating to food establishments; authorizing the Department of Health and
12 Human Resources to promulgate a legislative rule relating to food manufacturing facilities;
13 authorizing the Department of Health and Human Resources to promulgate a legislative
14 rule relating to newborn screening system; authorizing the Department of Health and
15 Human Resources to promulgate a legislative rule relating to medication-assisted
16 treatment—office-based, medication-assisted treatment; authorizing the Department of
17 Health and Human Resources to promulgate a legislative rule relating to chronic pain
18 management clinic licensure; and authorizing the Health Care Authority to promulgate a
19 legislative rule relating to cooperative agreement approval and compliance.

Be it enacted by the Legislature of West Virginia:

**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 July 27, 2018, authorized under the
2 authority of §16-5T-5 of this code, relating to the Department of Health and Human Resources

3 (collection and exchange of data related to overdoses, 69 CSR 14), is authorized with the
4 following amendment:

5 On page 4, by striking out all of subsection 2.16 and inserting a new subsection to read
6 as follows:

7 “2.16. “Overdose” means an acute condition, including, but not limited to, extreme physical
8 illness, decreased level of consciousness, respiratory depression, coma, or death believed to be
9 caused by abuse and misuse of prescription or illicit drugs or by substances that a layperson
10 would reasonably believe to be a drug”.

11 (b) The legislative rule filed in the State Register on July 27, 2018, authorized under the
12 authority of §27-9-1 of this code, modified by the Department of Health and Human Resources to
13 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
14 Register on December 6, 2018, relating to the Department of Health and Human Resources
15 (behavioral health centers licensure, 64 CSR 11), is authorized with the following amendment:

16 On page 48, subdivision 9.1.2., by deleting the words “assessment and”.

17 (c) The legislative rule filed in the State Register on July 27, 2018, authorized under the
18 authority of §16-5D-5 of this code, modified by the Department of Health and Human Resources
19 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
20 Register on November 15, 2018, relating to the Department of Health and Human Resources
21 (assisted living residences, 64 CSR 14), is authorized with the following amendment:

22 On page 42, subdivision 11.8.1., by striking out the words “federal or state law or this rule”
23 and inserting in lieu thereof the words “subdivision 11.8.2., of this rule”.

24 (d) The legislative rule filed in the State Register on July 26, 2018, authorized under the
25 authority of §16-1-4 of this code, modified by the Department of Health and Human Resources to
26 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
27 Register on November 30, 2018, relating to the Department of Health and Human Resources
28 (food establishments, 64 CSR 17), is authorized.

29 (e) The legislative rule filed in the State Register on July 26, 2018, authorized under the
30 authority of §16-1-4 of this code, modified by the Department of Health and Human Resources to
31 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
32 Register on November 30, 2018, relating to the Department of Health and Human Resources
33 (food manufacturing facilities, 64 CSR 43), is authorized.

34 (f) The legislative rule filed in the State Register on July 26, 2018, authorized under the
35 authority of §16-1-4 of this code, relating to the Department of Health and Human Resources
36 (newborn screening system, 64 CSR 91), is authorized with the following amendment:

37 On page 5, after subsection 5.29 by adding the following:

38 5.30. Lysosomal Storage Disorders;

39 5.31. X-Linked Adrenoleukodystrophy, X-ALD; and

40 5.32. Spinal Muscular Atrophy, SMA.

41 (g) The legislative rule filed in the State Register on July 27, 2018, authorized under the
42 authority of §16-5Y-1 of this code, modified by the Department of Health and Human Resources
43 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
44 Register on November 15, 2018, relating to the Department of Health and Human Resources
45 (medication-assisted treatment—office-based medication-assisted treatment, 69 CSR 12), is
46 authorized.

47 (h) The legislative rule filed in the State Register on July 27, 2018, authorized under the
48 authority of §16-5H-9 of this code, relating to the Department of Health and Human Resources
49 (chronic pain management clinic licensure, 69 CSR 8), is authorized.

§64-5-2. Health Care Authority.

1 The legislative rule filed in the State Register on July 26, 2018, authorized under the
2 authority of §16-29B-28 of this code, relating to the Health Care Authority (cooperative agreement
3 approval and compliance, 65 CSR 6), is authorized.