

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 17

By Senator Woodrum

[Originating in the Committee on the Judiciary;

reported January 17, 2024]

1 A BILL to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, all
2 relating generally to authorizing certain agencies of the Department of Health to
3 promulgate legislative rules; authorizing the rules as filed and as modified by the
4 Legislative Rule-Making Review Committee; authorizing the Department of Health to
5 promulgate a legislative rule relating to public water systems operators; authorizing the
6 Department of Health to promulgate a legislative rule relating to wastewater systems and
7 operators; authorizing the Department of Health to promulgate a legislative rule relating to
8 behavioral health centers licensure; authorizing the Department of Health to promulgate a
9 legislative rule relating to hospital licensure; authorizing the Department of Health to
10 promulgate a legislative rule relating to assisted living residences; authorizing the
11 Department of Health to promulgate a legislative rule relating to cross-connection control
12 and backflow prevention; authorizing the Department of Health to promulgate a legislative
13 rule relating to fees for permits; authorizing the Department of Health to promulgate a
14 legislative rule relating to fees for services; authorizing the Department of Health to
15 promulgate a legislative rule relating to medical examiner requirements for postmortem
16 inquiries; authorizing the Department of Health to promulgate a legislative rule relating to
17 newborn screening system; authorizing the Department of Health to promulgate a
18 legislative rule relating to distribution of funds from Emergency Medical Services Salary
19 Enhancement Fund; authorizing the Department of Health to promulgate a legislative rule
20 relating to West Virginia Clearance for Access, registry and employment screening;
21 authorizing the Department of Health to promulgate a legislative rule relating to
22 cooperative agreement approval and compliance; authorizing the Department of Health to
23 promulgate a legislative rule relating to certificate of need; authorizing the Department of
24 Health to promulgate a legislative rule relating to chronic pain management clinic
25 licensure; and authorizing the Department of Health to promulgate a legislative rule

25 relating to medication-assisted treatment and office-based, medication-assisted
26 treatment.

Be it enacted by the Legislature of West Virginia:

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

§64-5-1. Department of Health.

1 (a) The legislative rule filed in the State Register on July 13, 2023, authorized under the
2 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
3 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
4 2023, relating to the Department of Health (public water systems operators, 64 CSR 04), is
5 authorized.

6 (b) The legislative rule filed in the State Register on July 13, 2023, authorized under the
7 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
8 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
9 2023, relating to the Department of Health (wastewater systems and operators, 64 CSR 05), is
10 authorized.

11 (c)The legislative rule filed in the State Register on July 13, 2023, authorized under the
12 authority of §27-9-1 of this code, modified by the Department of Health to meet the objections of
13 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
14 2023, relating to the Department of Health (behavioral health centers licensure, 64 CSR 11), is
15 authorized.

16 (d) The legislative rule filed in the State Register on July 13, 2023, authorized under the
17 authority of §16-5B-8 of this code, modified by the Department of Health to meet the objections of
18 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
19 2023, relating to the Department of Health (hospital licensure, 64 CSR 12), is authorized.

20 (e)The legislative rule filed in the State Register on February 16, 2023, authorized under the
21 authority of §16-5D-5 of this code, modified by the Department of Health to meet the objections of
22 the Legislative Rule-Making Review Committee and refiled in the State Register on August 21,
23 2023, relating to the Department of Health (assisted living residences, 64 CSR 14), is authorized.

24 (f) The legislative rule filed in the State Register on July 13, 2023, authorized under the
25 authority of §16-1-9a of this code, modified by the Department of Health to meet the objections of
26 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
27 2023, relating to the Department of Health (cross-connection control and backflow prevention, 64
28 CSR 15), is authorized.

29 (g) The legislative rule filed in the State Register on July 21, 2023, authorized under the
30 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
31 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
32 2023, relating to the Department of Health (fees for permits, 64 CSR 30), is authorized.

33 (h) The legislative rule filed in the State Register on July 21, 2023, authorized under the
34 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
35 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
36 2023, relating to the Department of Health (fees for services, 64 CSR 51), is authorized.

37 (i) The legislative rule filed in the State Register on July 13, 2023, authorized under the
38 authority of §61-12-16 of this code, modified by the Department of Health to meet the objections of
39 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
40 2023, relating to the Department of Health (medical examiner requirements for postmortem
41 inquiries, 64 CSR 84), is authorized.

42 (j) The legislative rule filed in the State Register on February 16, 2023, authorized under the
43 authority of §16-22-3 of this code, modified by the Department of Health to meet the objections of
44 the Legislative Rule-Making Review Committee and refiled in the State Register on August 22,
45 2023, relating to the Department of Health (newborn screening system, 64 CSR 91), is authorized.

46 (k) The legislative rule filed in the State Register on July 18, 2023, authorized under the
47 authority of §16-4C-25 of this code, modified by the Department of Health to meet the objections of
48 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
49 2023, relating to the Department of Health (distribution of funds from Emergency Medical Services
50 Salary Enhancement Fund, 64 CSR 116), is authorized.

51 (l) The legislative rule filed in the State Register on July 19, 2023, authorized under the
52 authority of §16-49-9 of this code, modified by the Department of Health to meet the objections of
53 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
54 2023, relating to the Department of Health (West Virginia Clearance for Access: registry and
55 employment screening, 64 CSR 123), is authorized.

56 (m) The legislative rule filed in the State Register on October 5, 2022, authorized under the
57 authority of §16-29B-28 of this code, relating to the Department of Health (cooperative agreement
58 approval and compliance, 65 CSR 06), is authorized.

59 (n) The legislative rule filed in the State Register on July 21, 2023, authorized under the
60 authority of §16-2D-4 of this code, relating to the Department of Health (certificate of need, 65
61 CSR 32), is authorized.

62 (o) The legislative rule filed in the State Register on February 16, 2023, authorized under the
63 authority of §16-5H-9 of this code, modified by the Department of Health to meet the objections of
64 the Legislative Rule-Making Review Committee and refiled in the State Register on August 21,
65 2023, relating to the Department of Health (chronic pain management clinic licensure, 69 CSR 08),
66 is authorized.

67 (p) The legislative rule filed in the State Register on February 16, 2023, authorized under the
68 authority of §16-5Y-13 of this code, modified by the Department of Health to meet the objections of
69 the Legislative Rule-Making Review Committee and refiled in the State Register on August 21,
70 2023, relating to the Department of Health (medication-assisted treatment and office based,
71 medication-assisted treatment, 69 CSR 12), is authorized.