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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

Committee Substitute for

SENATE BILL NO. 295

(By Senator Ross, et al **)**

PASSED April 13, 2001

In Effect from **Passage**

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 295

(SENATORS ROSS, ANDERSON, MINARD, SNYDER, UNGER
AND MINEAR, *original sponsors*)

[Passed April 13, 2001; in effect from passage.]

AN ACT to amend and reenact article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules; 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 certain of the agencies to promulgate certain

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legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee and as amended by the Legislature; authorizing the division of health to promulgate a legislative rule relating to public water systems operators; authorizing the division of health to promulgate a legislative rule relating to nursing home licensure; authorizing the division of health to promulgate a legislative rule relating to radiological health; authorizing the division of health to promulgate a legislative rule relating to newborn hearing screening; authorizing the division of health to promulgate a legislative rule relating to specialized multi-patient medical transport; authorizing the division of health to promulgate a legislative rule relating to the body piercing studio business; authorizing the division of health to promulgate a legislative rule relating to needlestick injury prevention; authorizing the division of human services to promulgate a legislative rule relating to child placing agencies licensure; authorizing the support enforcement commission to promulgate a legislative rule relating to obtaining support from federal and state income tax refunds; authorizing the support enforcement commission to promulgate a legislative rule relating to interstate income withholding; and authorizing the support enforcement commission to promulgate a legislative rule relating to the termination of income withholding.

Be it enacted by the Legislature of West Virginia:

That article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, 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. State board of health; division of health.

1 (a) The legislative rule filed in the state register on the
2 twenty-ninth day of August, two thousand, authorized
3 under the authority of section four, article one, chapter
4 sixteen of this code, modified by the division of health to
5 meet the objections of the legislative rule-making review
6 committee and refiled in the state register on the twenty-
7 second day of January, two thousand one, relating to the
8 division of health (public water systems operators, 64 CSR
9 4), is authorized with the following amendments:

10 "On page 3, after subdivision 4.1.b. by adding a new
11 subdivision 4.1.c. to read as follows:

12 4.1.c. Community and nontransient noncommunity
13 public water systems classified as 1D systems on or before
14 the effective date of this rule will remain classified as 1D
15 systems until July 1, 2004, unless treatment modifications
16 do not require a higher classification;

17 On page 5, in subdivision 5.3.d. after the words "em-
18 ployed by a" by adding the words "community or
19 nontransient noncommunity";

20 On page 6, after subsection 7.2 by adding a new section
21 7.3 to read as follows:

22 7.3. Any operator holding Class 1D certification em-
23 ployed on or before the effective date of this rule by a
24 community or nontransient noncommunity public water
25 system who meets the minimum education requirements or
26 substitutes applicable experience on a year-for-year basis
27 to meet the minimum educational requirements may
28 upgrade to a Class 1 certification by passing the certifica-
29 tion examination on or before July 1, 2004;

30 On page 8, subdivision 10.2.b. after the words "shall
31 complete" by striking out the words "twenty-four (24)"
32 and inserting in lieu thereof the word "required";

33 On page 8, subdivision 10.2.b. after the words “certifi-
34 cation period” by adding a new sentence to read as follows:

35 “Class 1 operators are required to complete twelve (12)
36 continuing education hours and Class 11 and higher
37 classifications must complete twenty-four (24) continuing
38 education hours.”;

39 And,

40 On page 14, in the note at the end of the chart after the
41 word “for” by striking out the words “Class I” and insert-
42 ing in lieu thereof the words “Class II”.

43 (b) The legislative rule filed in the state register on the
44 thirtieth day of August, two thousand, authorized under
45 the authority of section five, article five-c, chapter sixteen
46 of this code, modified by the division of health to meet the
47 objections of the legislative rule-making review committee
48 and refiled in the state register on the nineteenth day of
49 January, two thousand one, relating to the division of
50 health (nursing home licensure, 64 CSR 13), is authorized
51 with the following amendments:

52 “On page 14 of the rule, subdivision 3.10.a., following
53 the word ‘The’ by striking the words ‘nursing home’ and
54 inserting in lieu thereof the word “director.”

55 And,

56 On page 82 of the rule, subdivision 15.3.c., by following
57 the words “been sited, the” by striking the words “nursing
58 home” and inserting in lieu thereof the word “director.”.

59 (c) The legislative rule filed in the state register on the
60 thirtieth day of August, two thousand, authorized under
61 the authority of section four, article one, chapter sixteen
62 of this code, relating to the division of health (radiological
63 health, 64 CSR 23), is authorized.

64 (d) The legislative rule filed in the state register on the
65 seventh day of June, two thousand, authorized under the

66 authority of section two, article twenty-two-a, chapter
67 sixteen of this code, modified by the division of health to
68 meet the objections of the legislative rule-making review
69 committee and refiled in the state register on the twenty-
70 ninth day of August, two thousand, relating to the division
71 of health (newborn hearing screening, 64 CSR 24), is
72 authorized.

73 (e) The legislative rule filed in the state register on the
74 twenty-ninth day of August, two thousand, authorized
75 under the authority of section twenty-three, article four-c,
76 chapter sixteen of this code, modified by the division of
77 health to meet the objections of the legislative rule-making
78 review committee and refiled in the state register on the
79 twelfth day of December, two thousand, relating to the
80 division of health (specialized multi-patient medical
81 transport, 64 CSR 29), is authorized.

82 (f) The legislative rule filed in the state register on the
83 thirtieth day of August, two thousand, authorized under
84 the authority of section four, article thirty-seven, chapter
85 sixteen of this code, modified by the division of health to
86 meet the objections of the legislative rule-making review
87 committee and refiled in the state register on the fifteenth
88 day of December, two thousand, relating to the division of
89 health (body piercing studio business, 64 CSR 80), is
90 authorized.

91 (g) The legislative rule filed in the state register on the
92 twenty-ninth day of August, two thousand, authorized
93 under the authority of section two, article thirty-six,
94 chapter sixteen of this code, modified by the division of
95 health to meet the objections of the legislative rule-making
96 review committee and refiled in the state register on the
97 twelfth day of December, two thousand, relating to the
98 division of health (needlestick injury prevention, 64 CSR
99 82), is authorized with the following amendments:

100 "On page 3, subdivision 4.1.d. after the colon by adding
101 the words '*Provided*, That the requirements of the Occupa-

102 tional Exposure to Bloodborne Pathogens; Needlesticks
103 and Other Sharps Injuries; Final Rule, 29 CFR Part 1910,
104 www.osha-slc.gov/needlesticks/index.html, attached here-
105 to as Appendix 1 are met.’;

106 On page 6, subsection 6.2 after the word ‘Health’ by
107 striking out the word ‘and’;

108 On page 6, subsection 6.2 after the word ‘Affairs’ by
109 adding the words ‘and product usage experience of hospi-
110 tals.’;

111 On page 8, section 10, before the word ‘Sharps’ by
112 adding the numbers ‘10.1.’;

113 And,

114 On page 8, section 10, at the end of the newly numbered
115 subsection 10.1 by adding a new subsection 10.2 to read as
116 follows:

117 10.2. The division of health, shall as part of its review
118 of sharps injury logs determine whether injuries have
119 occurred due to a lack of sharps containers. The division
120 will report any noncompliance with the sharps containers
121 requirement to the Office of Health Facilities Certification
122 and Licensure.”

§64-5-2. Division of human services.

1 The legislative rule filed in the state register on the
2 thirtieth day of August, two thousand, under the authority
3 of section two, article two-b, chapter forty-nine of this
4 code, modified by the division of human services to meet
5 the objections of the legislative rule-making review
6 committee and refiled in the state register on the twenty-
7 second day of February, two thousand one, relating to the
8 division of human resources (child placing agencies
9 licensure, 78 CSR 2), is authorized with the following
10 amendments:

11 'On page 2, subsection 3.20. after the words "or the" by
12 striking out the words Department of Military Affairs and
13 Public Safety" and inserting in lieu thereof the words
14 "Division of Juvenile Services";

15 On page 10, paragraph 6.6.a.1. after the word "race" by
16 striking out the word "religion" and inserting in lieu
17 thereof the words "biological family's religious prefer-
18 ence, if any";

19 On page 22, section heading 9.5. by striking out the
20 word "Religion" and inserting in lieu thereof the words
21 "Religious preferences";

22 On page 23, subsection 9.5.a. after "orientation" by
23 adding the words "if any,";

24 On page 23, subsection 9.5.b. after the word "religious"
25 by striking out the word "practices" and inserting in lieu
26 thereof the words "preferences, if any,";

27 On page 23, subsection 9.5.c. after the word "child" by
28 adding a comma and the words "if any" and a comma';

29 On page 23, subsection 9.5.c. after the word "choice" by
30 adding the words "if he or she expresses one"; and,

31 On page 27, by striking paragraph 10.5.f.4. and renum-
32 bering the remaining paragraphs; and,

33 On page 27, paragraph 10.5.f.5., re-numbered as para-
34 graph 10.5.f.4., after the words "special interests", by
35 inserting the words "religious preferences if any"; and,

36 On page 33, subdivision 12.2.n. after the word "Code"
37 by striking out the numbers and words "49-4-1 et seq."
38 and inserting in lieu thereof the numbers and words "48-4-
39 1 et seq.";

40 On page 33, section heading 13.1. by striking out the
41 words "Character and Personal Requirements." and
42 inserting in lieu thereof the words "Personal Characteris-
43 tics.";

44 On page 33, subsection 13.1.a. by striking out the period
45 and adding the words “and shall provide verification of
46 marital status, if applicable, upon request.”;

47 On page 33, subsection 13.1.d. by striking out the words
48 “that includes his or her” and inserting in lieu thereof the
49 words “in his or her own words which may include”;

50 On page 33, paragraph 13.1.d.4. after the word “beliefs”
51 by adding a comma and the words “if any” and a comma;

52 On page 33, paragraph 13.1.d.5. by striking out the
53 paragraph in its entirety and renumbering the remaining
54 paragraphs;

55 On page 34, subsection 13.3. by striking out the subsec-
56 tion in its entirety and renumbering the remaining subsec-
57 tions;

58 On page 35, subdivision 13.7.c., re-numbered as subdivi-
59 sion 13.6.c., after the words “household member has any”,
60 by striking out the words “arrests or”; and,

61 And,

62 On page 42, subdivision 22.1.a. after the word “Code”
63 by striking out the numbers and words “§49-4-1 et seq.
64 and §49-4A-1 et seq.” and inserting in lieu thereof the
65 numbers and words “§48-4-1 et seq. and §48-4A-1 et seq.”

§64-5-3. Support enforcement commission.

1 (a) The legislative rule 97 CSR 3 heretofore authorized
2 under section nine, article two, chapter forty-eight-a of
3 this code relating to obtaining support from federal and
4 state income tax refunds by the support enforcement
5 commission, is hereby repealed.

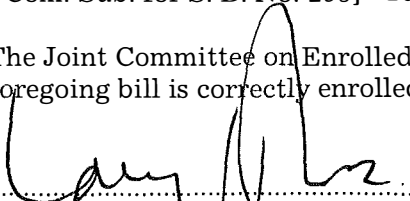
6 (b) The legislative rule 97 CSR 4 heretofore authorized
7 under section nine, article two, chapter forty-eight-a of
8 this code relating to obtaining support from federal and

9 state income tax refunds by the support enforcement
10 commission, is hereby repealed.

11 (c) The legislative rule filed 97 CSR 11 heretofore
12 authorized under section nine, article two, chapter forty-
13 eight-a of this code relating to obtaining support from
14 federal and state income tax refunds by the support
15 enforcement commission, is hereby repealed.

Enr. Com. Sub. for S. B. No. 295] 10

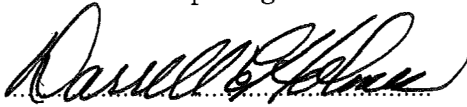
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

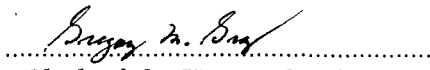

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Chairman Senate Committee


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Chairman House Committee

Originated in the Senate.

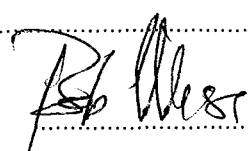
In effect from passage.


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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


.....
Speaker House of Delegates

The within is approved this the 23rd
Day of April, 2001.

.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/20/01

Time 3.55 pm