

FILED

2008 MAR 27 AM 11:05

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2008**

WEST VIRGINIA  
SECRETARY OF STATE

---

COMMITTEE SUBSTITUTE  
FOR

**ENROLLED**  
**Senate Bill No. 398**

(SENATORS MINARD, FANNING, PREZIOSO,  
UNGER, BOLEY AND FACEMYER, *original sponsors*)

---

[Passed March 8, 2008; in effect from passage.]

FILED  
2008 MAR 27 AM 11:05  
CLARENCE M. BELL, JR.  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 398**

(SENATORS MINARD, FANNING, PREZIOSO,  
UNGER, BOLEY AND FACEMYER, *original sponsors*)

[Passed March 8, 2008; in effect from passage.]

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 and the procedures relating thereto; 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 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 Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to water wells; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to water well design standards; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospice licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment programs; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the newborn screening system; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clandestine drug laboratory remediation; and authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services.

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

That article 5, chapter 64 of the Code of West Virginia, 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 the twenty-seventh day of July, two thousand seven,  
3 authorized under the authority of section four, article  
4 one, chapter sixteen of this code, modified by the  
5 Department of Health and Human Resources to meet  
6 the objections of the Legislative Rule-Making Review  
7 Committee and refiled in the State Register on the  
8 seventh day of December, two thousand seven, relating  
9 to the Department of Health and Human Resources  
10 (food establishments, 64 CSR 17), is authorized.

11 (b) The legislative rule filed in the State Register on  
12 the twenty-seventh day of July, two thousand seven,  
13 authorized under the authority of section four, article  
14 one, chapter sixteen of this code, modified by the  
15 Department of Health and Human Resources to meet  
16 the objections of the Legislative Rule-Making Review  
17 Committee and refiled in the State Register on the  
18 nineteenth day of December, two thousand seven,  
19 relating to the Department of Health and Human  
20 Resources (water wells, 64 CSR 19), is authorized.

21 (c) The legislative rule filed in the State Register on  
22 the twenty-seventh day of July, two thousand seven,  
23 authorized under the authority of section four, article  
24 one, chapter sixteen of this code, modified by the  
25 Department of Health and Human Resources to meet  
26 the objections of the Legislative Rule-Making Review  
27 Committee and refiled in the State Register on the  
28 seventh day of December, two thousand seven, relating

29 to the Department of Health and Human Resources  
30 (water well design standards, 64 CSR 46), is authorized.

31 (d) The legislative rule filed in the State Register on  
32 the twenty-seventh day of July, two thousand seven,  
33 authorized under the authority of section five, article  
34 five-I, chapter sixteen of this code, modified by the  
35 Department of Health and Human Resources to meet  
36 the objections of the Legislative Rule-Making Review  
37 Committee and refiled in the State Register on the sixth  
38 day of December, two thousand seven, relating to the  
39 Department of Health and Human Resources (hospice  
40 licensure, 64 CSR 54), is authorized.

41 (e) The legislative rule filed in the State Register on  
42 the twenty-seventh day of July, two thousand seven,  
43 authorized under the authority of section four, article  
44 one, chapter sixteen of this code, modified by the  
45 Department of Health and Human Resources to meet  
46 the objections of the Legislative Rule-Making Review  
47 Committee and refiled in the State Register on the sixth  
48 day of December, two thousand seven, relating to the  
49 Department of Health and Human Resources (regulation  
50 of opioid treatment programs, 64 CSR 90), is authorized.

51 (f) The legislative rule filed in the State Register on  
52 the twenty-seventh day of July, two thousand seven,  
53 authorized under the authority of section three, article  
54 twenty-two, chapter sixteen of this code, modified by  
55 the Department of Health and Human Resources to  
56 meet the objections of the Legislative Rule-Making  
57 Review Committee and refiled in the State Register on  
58 the seventh day of December, two thousand seven,  
59 relating to the Department of Health and Human  
60 Resources (newborn screening system, 64 CSR 91), is

61 authorized.

62 (g) The legislative rule filed in the State Register on  
63 the twenty-seventh day of July, two thousand seven,  
64 authorized under the authority of section three, article  
65 eleven, chapter sixteen of this code, modified by the  
66 Department of Health and Human Resources to meet  
67 the objections of the Legislative Rule-Making Review  
68 Committee and refiled in the State Register on the  
69 seventh day of December, two thousand seven, relating  
70 to the Department of Health and Human Resources  
71 (clandestine drug laboratory remediation, 64 CSR 92),  
72 is authorized.

73 (h) The legislative rule filed in the State Register on  
74 the twenty-eighth day of July, two thousand six,  
75 authorized under the authority of section fourteen,  
76 article four-C, chapter sixteen of this code, authorized  
77 for promulgation by the Legislature on the tenth day of  
78 March, two thousand seven, and refiled in the State  
79 Register on the eighteenth day of April, two thousand  
80 seven, relating to the Department of Health and Human  
81 Resources (emergency medical services, 64 CSR 48), is  
82 authorized with the following amendment:

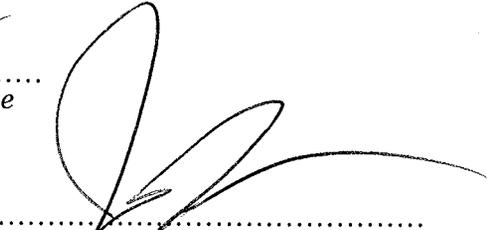
83 On page eighteen, by striking out all of subparagraph  
84 9.1.a.2.B. and renumbering the remaining  
85 subparagraphs.



Enr. Com. Sub for S. B. No. 398] 6

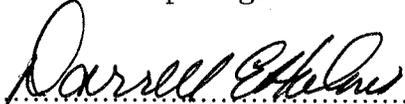
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

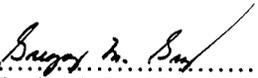
  
.....  
Chairman Senate Committee

  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *27<sup>th</sup>* Day of *March* ....., 2008.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 21 2008

Time 9:45 AM