

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 175**

5 (SENATOR SNYDER, *original sponsor*)

6 _____
7 [Passed February 28, 2015; in effect from passage.]
8 _____

9
10 AN ACT to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended,
11 relating generally to the promulgation of administrative rules by the Department of Health and
12 Human Resources; legislative mandate or authorization for the promulgation of certain legislative
13 rules by various executive or administrative agencies of the state; authorizing certain of the agencies
14 to promulgate certain legislative rules in the form that the rules were filed in the State Register;
15 authorizing certain of the agencies to promulgate certain legislative rules with various modifications
16 presented to and recommended by the Legislative Rule-Making Review Committee; authorizing the
17 Department of Health and Human Resources to promulgate a legislative rule relating to public water
18 systems; authorizing the Department of Health and Human Resources to promulgate a legislative
19 rule relating to chronic pain management clinic licensure; authorizing the Department of Health and
20 Human Resources to promulgate a legislative rule relating to the Fatality and Mortality Review
21 Team; authorizing the Department of Health and Human Resources to promulgate a legislative rule
22 relating to medication administration and performance of health maintenance tasks by approved

1 medication assistive personnel; authorizing the Department of Health and Human Resources to
2 promulgate a legislative rule relating to the nurse aid abuse and neglect registry; authorizing the
3 Department of Health and Human Resources to promulgate a legislative rule relating to nursing
4 home licensure; and authorizing the Department of Health and Human Resources to promulgate a
5 legislative rule relating to the statewide trauma/emergency care system.

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

7 That article 5, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and
8 reenacted to read as follows:

9 **ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN**
10 **RESOURCES TO PROMULGATE LEGISLATIVE RULES.**

11 **§64-5-1. Department of Health and Human Resources.**

12 (a) The legislative rule filed in the State Register on August 1, 2014, authorized under the
13 authority of section four, article one, chapter sixteen of this code, modified by the Department of
14 Health and Human Resources to meet the objections of the Legislative Rule-Making Review
15 Committee and refiled in the State Register on October 23, 2014, relating to the Department of
16 Health and Human Resources (public water systems, 64 CSR 3), is authorized.

17 (b) The legislative rule filed in the State Register on July 31, 2014, authorized under the
18 authority of section nine, article five-h, chapter sixteen of this code, relating to the Department of
19 Health and Human Resources (chronic pain management clinic licensure, 69 CSR 8), is authorized.

20 (c) The legislative rule filed in the State Register on July 31, 2014, authorized under the
21 authority of section four, article one, chapter sixteen of this code, modified by the Department of
22 Health and Human Resources to meet the objections of the Legislative Rule-Making Review

1 Committee and refiled in the State Register on October 14, 2014, relating to the Department of
2 Health and Human Resources (Fatality and Mortality Review Team, 64 CSR 29), is authorized.

3 (d) The legislative rule filed in the State Register on July 31, 2014, authorized under the
4 authority of section eleven, article five-o, chapter sixteen of this code, modified by the Department
5 of Health and Human Resources to meet the objections of the Legislative Rule-Making Review
6 Committee and refiled in the State Register on November 5, 2014, relating to the Department of
7 Health and Human Resources (medication administration and performance of health maintenance
8 tasks by approved medication assistive personnel, 64 CSR 60), is authorized.

9 (e) The legislative rule filed in the State Register on August 1, 2014, authorized under the
10 authority of section two, article six, chapter nine of this code, modified by the Department of Health
11 and Human Resources to meet the objections of the Legislative Rule-Making Review Committee
12 and refiled in the State Register on November 6, 2014, relating to the Department of Health and
13 Human Resources (nurse aid abuse and neglect registry, 69 CSR 6), is authorized.

14 (f) The legislative rule filed in the State Register on August 1, 2014, authorized under the
15 authority of section four, article one, chapter sixteen of this code, modified by the Department of
16 Health and Human Resources to meet the objections of the Legislative Rule-Making Review
17 Committee and refiled in the State Register on November 6, 2014, relating to the Department of
18 Health and Human Resources (nursing home licensure, 64 CSR 13), is authorized with the following
19 amendments:

20 On page 57, subdivision 9.1.b., by striking the entirety of that subdivision and inserting in
21 lieu thereof the following: “9.1.b. The standards for construction, renovations, and alterations are
22 the relevant sections of the 1996-1997 edition of “The Guidelines for Design and Construction of

1 Hospitals and Health Care Facilities”, as recognized by the American Institute of Architects,
2 Academy of Architecture for Health with assistance from the U.S. Department of Health and Human
3 Services. Beginning on June 1, 2019, the relevant standards for construction, renovations, and
4 alterations will be the latest edition of “The Guidelines for Design and Construction of Hospitals and
5 Health Care Facilities”, according to Facilities Guidelines Institute (FGI) and published by American
6 Society for Healthcare Engineering (ASHE) with assistance from the U.S. Department of Health and
7 Human Services which can be located at www.hhs.gov.”

8 And,

9 On page 58, subdivision 9.1.c., immediately following the word “Facilities” by inserting
10 “as adopted by the Centers for Medicare and Medicaid Services (CMS)”

11 And,

12 On page 58, subdivision 9.1.d., immediately following the word “Code” by inserting
13 “as adopted by the State Fire Marshal”

14 And,

15 On page 62, subdivision 9.7.f. by inserting a period after the word, ‘program’ and striking
16 the words, ‘insecticidal strips are prohibitive’

17 And,

18 On page 62, by striking subdivision 9.7.g. and inserting a new subdivision 9.7.g. to read as
19 follows, ‘Pesticides shall be applied only by an applicator certified by the West Virginia Department
20 of Agriculture or a registered technician operating under the supervision of a certified applicator.’

21 (g) The legislative rule filed in the State Register on July 31, 2014, authorized under the
22 authority of section four, article one, chapter sixteen of this code, modified by the Department of

1 Health and Human Resources to meet the objections of the Legislative Rule-Making Review
2 Committee and refiled in the State Register on October 14, 2014, relating to the Department of
3 Health and Human Resources (statewide trauma/emergency care system, 64 CSR 27), is authorized
4 with the following amendment:

5 "On page 1, subsection 3.1 by removing the inserted language, 'in the current edition of'
6 reinserting the stricken language, 'edition' ; and inserting a colon after the word 'patient' and the
7 following, '2013.'"

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