

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

### Originating

## Senate Bill 585

BY SENATORS TRUMP, MAYNARD, FERNS, CARMICHAEL,  
CLINE, KARNES, GAUNCH, LEONHARDT, ASHLEY, SNYDER,  
PALUMBO, BEACH, MILLER, KIRKENDOLL, ROMANO,  
WOELFEL AND WILLIAMS

[Originating in the Committee on the Judiciary;

Reported on February 11, 2016.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §64-12-1 and §64-12-2, all relating generally to repealing certain legislative,  
3 procedural, or interpretive rules promulgated by certain agencies and boards which are  
4 no longer authorized or are obsolete; repealing certain legislative, procedural and  
5 interpretive rules promulgated by certain agencies under the Department of Health and  
6 Human Resources; repealing the Department of Health and Human Resources legislative  
7 rule relating to preliminary requirement for approval by the West Virginia Department of  
8 Health of a laboratory for a specified technique; repealing the Department of Health and  
9 Human Resources legislative rule relating to ice cream and frozen milk; repealing the  
10 Department of Health and Human Resources legislative rule relating to the establishment  
11 of a Controlled Substances Therapeutic Research Program and the certification of  
12 patients, practitioners and hospital pharmacies; repealing the Department of Health and  
13 Human Resources legislative rule relating to instillation of medication in the eyes of the  
14 newborn and the dissemination of advice and information concerning the dangers of  
15 inflammation of the eyes of the newborn; repealing the Department of Health and Human  
16 Resources legislative rule relating to hazardous materials treatment information  
17 repository; repealing the Department of Health and Human Resources legislative rule  
18 relating to immunization criteria for transfer students; repealing the Department of Health  
19 and Human Resources legislative rule relating to specialized health procedures in public  
20 schools; repealing the Department of Health and Human Resources legislative rule  
21 relating to incorporation of the handicapped children services manual; repealing the  
22 Department of Health and Human Resources legislative rule relating to termination of  
23 income withholding; repealing the Department of Health and Human Resources legislative  
24 rule relating to obtaining support from federal and state income tax refunds; repealing the  
25 Department of Health and Human Resources legislative rule relating to interstate income  
26 withholding; repealing the Department of Health and Human Resources legislative rule

27 relating to providing information to credit reporting agencies; repealing the Department of  
 28 Health and Human Resources interpretive rule relating to the health facilities plan for the  
 29 fiscal years 1985-89; repealing the Department of Health and Human Resources  
 30 interpretive rule relating to the design, information and procedural manual for mobile home  
 31 parks; repealing the Department of Health and Human Resources interpretive rule relating  
 32 to pertussis guidelines; repealing the Department of Health and Human Resources  
 33 procedural rule relating to procedural rules for the advisory Committee for the Omnibus  
 34 Health Care Act; repealing the Health Care Authority legislative rule relating to a freeze  
 35 on hospital rates and granting of temporary rate increases; repealing the Health Care  
 36 Authority legislative rule relating to Utilization Review and Quality Assurance Program –  
 37 Phase 1; repealing the Health Care Authority legislative rule relating to limitation on  
 38 hospital gross patient revenue; and repealing the Health Care Authority legislative rule  
 39 relating to exemption for rural primary care hospitals.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 article, designated §64-12-1 and §64-12-2, all to read as follows:

**ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE LEGISLATIVE RULES  
 BY THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES.**

**§64-12-1. Department of Health and Human Resources.**

1 (a) The legislative rule effective on December 29, 1967, authorized under the authority of  
 2 section seven, article one, chapter sixteen of this code, relating to the Department of Health and  
 3 Human Resources (preliminary requirement for approval by the West Virginia Department of  
 4 Health of a laboratory for a specified technique, 64 CSR 26), is repealed.

5 (b) The legislative rule effective on December 29, 1967, authorized under the authority of  
 6 section seven, article one, chapter sixteen of this code, relating to the Department of Health and

7 Human Resources (ice cream and frozen milk, 64 CSR 28), is repealed.

8 (c) The legislative rule effective on May 16, 1983, authorized under the authority of section  
9 seven, article five-a, chapter sixteen of this code, relating to the Department of Health and Human  
10 Resources (establishment of a Controlled Substances Therapeutic Research Program and the  
11 certification of patients, practitioners and hospital pharmacies, 64 CSR 33), is repealed.

12 (d) The legislative rule effective on May 30, 1983, authorized under the authority of section  
13 twelve, article three, chapter sixteen of this code, relating to the Department of Health and Human  
14 Resources (instillation of medication in the eyes of the newborn and the dissemination of advice  
15 and information concerning the dangers of inflammation of the eyes of the newborn, 64 CSR 35),  
16 is repealed.

17 (e) The legislative rule effective on June 1, 1987, authorized under the authority of section  
18 two, article three-a, chapter sixteen of this code, relating to the Department of Health and Human  
19 Resources (hazardous materials treatment information repository, 64 CSR 53), is repealed.

20 (f) The legislative rule effective on April 18, 1988, authorized under the authority of section  
21 four, article three, chapter sixteen of this code, relating to the Department of Health and Human  
22 Resources (immunization criteria for transfer students, 64 CSR 58), is repealed.

23 (g) The legislative rule effective on April 22, 1992, authorized under the authority of section  
24 twenty-two, article five, chapter eighteen of this code, relating to the Department of Health and  
25 Human Resources (specialized health procedures in public schools, 64 CSR 66), is repealed.

26 (h) The legislative rule effective on November 1, 1985, authorized under the authority of  
27 article four, chapter forty-nine of this code, relating to the Department of Health and Human  
28 Resources (incorporation of the handicapped children services manual, 78 CSR 9), is repealed.

29 (i) The legislative rule effective on June 15, 1989, authorized under the authority of section  
30 three, article five, chapter forty-eight-a of this code, relating to the Department of Health and  
31 Human Resources (termination of income withholding, 78 CSR 11), is repealed.

32 (j) The legislative rule effective on June 15, 1989, authorized under the authority of section

33 fifteen, article two, chapter forty-eight-a of this code, relating to the Department of Health and  
34 Human Resources (obtaining support from federal and state income tax refunds, 78 CSR 12), is  
35 repealed.

36 (k) The legislative rule effective on June 15, 1989, authorized under the authority of section  
37 eleven, article two, chapter forty-eight-a of this code, relating to the Department of Health and  
38 Human Resources (interstate income withholding, 78 CSR 13), is repealed.

39 (l) The legislative rule effective on June 15, 1989, authorized under the authority of section  
40 nineteen, article two, chapter forty-eight-a of this code, relating to the Department of Health and  
41 Human Resources (providing information to credit reporting agencies, 78 CSR 14), is repealed.

42 (m) The interpretive rule effective on April 6, 1984, authorized under the authority of  
43 section fifteen-a, article one, chapter sixteen of this code, relating to the Department of Health  
44 and Human Resources (health facilities plan for the fiscal years 1985-89, 64 CSR 37), is repealed.

45 (n) The interpretive rule effective on October 1, 1971, authorized under the authority of  
46 section seven, article one, chapter sixteen of this code, relating to the Department of Health and  
47 Human Resources (design, information and procedural manual for mobile home parks, 64 CSR  
48 41), is repealed.

49 (o) The interpretive rule effective on August 1, 1987, authorized under the authority of  
50 article three-b, chapter sixteen of this code, relating to the Department of Health and Human  
51 Resources (pertussis guidelines, 64 CSR 52), is repealed.

52 (p) The procedural rule effective on December 28, 1989, authorized under the authority of  
53 section three, article nine-a, chapter six of this code, relating to the Department of Health and  
54 Human Resources (procedural rules for the advisory Committee for the Omnibus Health Care  
55 Act, 69 CSR 4), is repealed.

**§64-12-2. Health Care Authority.**

1 (a) The legislative rule effective on May 5, 1984, authorized under the authority of section  
2 one, article twenty-nine-b, chapter sixteen of this code, relating to the Health Care Authority

3 (freeze on hospital rates and granting of temporary rate increases, 65 CSR 2), is repealed.

4 (b) The legislative rule effective on May 20, 1985, authorized under the authority of section  
5 eight, article twenty-nine-b, chapter sixteen of this code, relating to the Health Care Authority  
6 (Utilization Review and Quality Assurance Program – Phase 1, 65 CSR 4), is repealed.

7 (c) The legislative rule effective on April 10, 1984, authorized under the authority of section  
8 one, article twenty-nine-b, chapter sixteen of this code, relating to the Health Care Authority  
9 (limitation on hospital gross patient revenue, 65 CSR 8), is repealed.

10 (d) The legislative rule effective on June 24, 1993, authorized under the authority of  
11 section four, article two-d, chapter sixteen of this code, relating to the Health Care Authority  
12 (exemption for rural primary care hospitals, 65 CSR 25), is repealed.