

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 195**

BY SENATOR MAYNARD

[Originating in the Committee on the Judiciary; Reported

January 21, 2016.]



1 A BILL to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as  
2 amended, relating generally to the promulgation of administrative rules by the Department  
3 of Health and Human Resources; authorizing certain of the agencies to promulgate certain  
4 legislative rules in the form that the rules were filed in the State Register; authorizing  
5 certain of the agencies to promulgate certain legislative rules with various modifications  
6 presented to and recommended by the Legislative Rule-Making Review Committee;  
7 authorizing certain of the agencies to promulgate certain legislative rules with various  
8 amendments recommended by the Legislature; authorizing the Department of Health and  
9 Human Resources to promulgate a legislative rule relating to West Virginia clearance for  
10 access, registry and employment screening; authorizing the Department of Health and  
11 Human Resources to promulgate a legislative rule relating to emergency medical services;  
12 authorizing the Department of Health and Human Resources to promulgate a legislative  
13 rule relating to fees for service; authorizing the Department of Health and Human  
14 Resources to promulgate a legislative rule relating to infectious medical waste; authorizing  
15 the Department of Health and Human Resources to promulgate a legislative rule relating  
16 to AIDS-related medical testing and confidentiality; authorizing the Department of Health  
17 and Human Resources to promulgate a legislative rule relating to tuberculosis testing,  
18 control, treatment and commitment; authorizing the Department of Health and Human  
19 Resources to promulgate a legislative rule relating to farmers market vendors; authorizing  
20 the Department of Health and Human Resources to promulgate a legislative rule relating  
21 to the certification of opioid overdose prevention and treatment training programs;  
22 authorizing the Department of Health and Human Resources to promulgate a legislative  
23 rule relating to chronic pain management licensure; authorizing the Department of Health  
24 and Human Resources to promulgate a legislative rule relating to neonatal abstinence  
25 centers; authorizing the Department of Health and Human Resources to promulgate a  
26 legislative rule relating to child-care licensing requirements; authorizing the Department of

27 Health and Human Resources to promulgate a legislative rule relating to family child-care  
28 facility licensing requirements; authorizing the Department of Health and Human  
29 Resources to promulgate a legislative rule relating to family child-care home registration  
30 requirements; authorizing the Department of Health and Human Resources to promulgate  
31 a legislative rule relating to West Virginia Works Program sanctions; authorizing the  
32 Department of Health and Human Resources to promulgate a legislative rule relating to  
33 qualifications for a restricted provisional license to practice as a social worker within the  
34 department; and authorizing the Department of Health and Human Resources to  
35 promulgate a legislative rule relating to goals for foster children.

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

1 That article 5, chapter 64 of the Code of West Virginia, 1931, as amended, be amended  
2 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 July 31, 2015, authorized under the  
2 authority of section nine, article forty-nine, chapter sixteen of this code, modified by the  
3 Department of Health and Human Resources to meet the objections of the Legislative Rule-  
4 Making Review Committee and refiled in the State Register on October 23, 2015, relating to the  
5 Department of Health and Human Resources (West Virginia clearance for access; registry and  
6 employment screening, 69 CSR 10), is authorized.

7 (b) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
8 authority of section four, article one, chapter sixteen of this code, modified by the Department of  
9 Health and Human Resources to meet the objections of the Legislative Rule-Making Review  
10 Committee and refiled in the State Register on December 8, 2015, relating to the Department of

11 Health and Human Resources (emergency medical services, 64 CSR 48), is authorized with the  
12 following amendments:

13 On page thirty-one, paragraph 6.5.d.2, by striking out the phrase “one (1) year” and  
14 inserting in lieu thereof, the phrase “one hundred twenty (120) days”;

15 On page thirty-one, paragraph 6.5.d.3, by striking out the phrase “one (1) year” and  
16 inserting in lieu thereof, the phrase “one hundred twenty (120) days”;

17 And,

18 On page fifty-seven, by inserting a new section twelve to read as follows:

**§64-48-12. Community Paramedicine Demonstration Projects.**

1 12.1 Establishment of community paramedicine demonstration projects. The Director may  
2 establish up to 6 demonstration projects for the purpose of developing and evaluating a  
3 community paramedicine program. A demonstration project established pursuant to this section  
4 may not exceed 2 years in duration.

5 12.2 As used in this section, “community paramedicine” means the practice by an  
6 emergency medical services provider primarily in an out-of-hospital setting of providing episodic  
7 patient evaluation, advice, and care directed at preventing or improving a particular medical  
8 condition which may require emergency medical services providers to function outside their  
9 customary emergency response and transport roles, as specifically requested or directed by a  
10 physician, in ways that facilitate more appropriate use of emergency care resources and enhance  
11 access to primary care for medically vulnerable populations.

12 12.3 The Director shall establish the requirements and application and approval process  
13 of demonstration projects established pursuant to this section. At a minimum, an emergency  
14 medical services provider that conducts a demonstration project shall:

15 12.3.a. Demonstrate the financial sustainability of its project through reliable funding  
16 sources;

17 12.3.b. Work with an identified primary care medical director and have an emergency  
18 medical services medical director;

19 12.3.c. Submit protocols for approval by the MPCC and the Commissioner; and

20 12.3.d. Collect and submit data and written reports to the Director, in accordance with  
21 requirements established by the Director.

22 12.4. At the end of two years any demonstration project authorized by the Director will  
23 terminate and the Director shall submit a written report to the Commissioner, including specific  
24 data on utilization of the program, the improvement in quality of care and care coordination in the  
25 community, and the reduction of health care costs with respect to ambulance transportation,  
26 hospital emergency department visits, and hospital readmissions. Upon receipt of the annual  
27 report, OEMS and the Commissioner shall evaluate the demonstration project and determine how  
28 to further develop community paramedicine and whether to expand its scope.

29 (c) The legislative rule filed in the State Register on July 27, 2015, authorized under the  
30 authority of section four, article one, chapter sixteen of this code, relating to the Department of  
31 Health and Human Resources (fees for service, 64 CSR 51), is authorized.

32 (d) The legislative rule filed in the State Register on July 27, 2015, authorized under the  
33 authority of section four, article one, chapter sixteen of this code, modified by the Department of  
34 Health and Human Resources to meet the objections of the Legislative Rule-Making Review  
35 Committee and refiled in the State Register on September 23, 2015, relating to the Department  
36 of Health and Human Resources (infectious medical waste, 64 CSR 56), is authorized.

37 (e) The legislative rule filed in the State Register on July 27, 2015, authorized under the  
38 authority of section four, article one, chapter sixteen of this code, relating to the Department of  
39 Health and Human Resources (AIDS-related medical testing and confidentiality, 64 CSR 64), is  
40 authorized.

41 (f) The legislative rule filed in the State Register on July 27, 2015, authorized under the  
42 authority of section two, article three-d, chapter sixteen of this code, relating to the Department of

43 Health and Human Resources (tuberculosis testing, control, treatment and commitment, 64 CSR  
44 76), is authorized.

45 (g) The legislative rule filed in the State Register on July 27, 2015, authorized under the  
46 authority of section four, article thirty-five, chapter nineteen of this code, modified by the  
47 Department of Health and Human Resources to meet the objections of the Legislative Rule-  
48 Making Review Committee and refiled in the State Register on October 23, 2015, relating to the  
49 Department of Health and Human Resources (farmers market vendors, 64 CSR 102), is  
50 authorized.

51 (h) The legislative rule filed in the State Register on July 27, 2015, authorized under the  
52 authority of section four, article one, chapter sixteen of this code, modified by the Department of  
53 Health and Human Resources to meet the objections of the Legislative Rule-Making Review  
54 Committee and refiled in the State Register on September 23, 2015, relating to the Department  
55 of Health and Human Resources (the certification of opioid overdose prevention and treatment  
56 training programs, 64 CSR 104), is authorized.

57 (i) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
58 authority of section four, article one, chapter sixteen of this code, modified by the Department of  
59 Health and Human Resources to meet the objections of the Legislative Rule-Making Review  
60 Committee and refiled in the State Register on December 8, 2015, relating to the Department of  
61 Health and Human Resources (chronic pain management licensure, 69 CSR 8), is authorized.

62 (j) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
63 authority of section four, article one, chapter sixteen of this code, modified by the Department of  
64 Health and Human Resources to meet the objections of the Legislative Rule-Making Review  
65 Committee and refiled in the State Register on December 8, 2015, relating to the Department of  
66 Health and Human Resources (neonatal abstinence centers, 69 CSR 9), is authorized.

67 (k) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
68 authority of section one hundred twenty-one, article two, chapter forty-nine of this code, relating

69 to the Department of Health and Human Resources (child care licensing requirements, 78 CSR  
70 1), is authorized.

71 (l) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
72 authority of section one hundred twenty-one, article two, chapter forty-nine of this code, relating  
73 to the Department of Health and Human Resources (family child care facility licensing  
74 requirements, 78 CSR 18), is authorized.

75 (m) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
76 authority of section one hundred twenty-one, article two, chapter forty-nine of this code, modified  
77 by the Department of Health and Human Resources to meet the objections of the Legislative  
78 Rule-Making Review Committee and refiled in the State Register on October 28, 2015, relating to  
79 the Department of Health and Human Resources (family child care home registration  
80 requirements, 78 CSR 19), is authorized.

81 (n) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
82 authority of section eleven, article nine, chapter nine of this code, modified by the Department of  
83 Health and Human Resources to meet the objections of the Legislative Rule-Making Review  
84 Committee and refiled in the State Register on November 13, 2015, relating to the Department of  
85 Health and Human Resources (W. Va. Works Program sanctions, 78 CSR 23), is authorized.

86 (o) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
87 authority of section sixteen, article thirty, chapter thirty of this code, modified by the Department  
88 of Health and Human Resources to meet the objections of the Legislative Rule-Making Review  
89 Committee and refiled in the State Register on December 8, 2015, relating to the Department of  
90 Health and Human Resources (qualifications for a restricted provisional license to practice as a  
91 social worker within the department, 78 CSR 24), is authorized.

92 (p) The legislative rule filed in the State Register on July 31, 2015, authorized under the  
93 authority of section one hundred twenty-six, article two, chapter forty-nine of this code, modified  
94 by the Department of Health and Human Resources to meet the objections of the Legislative



Com. Sub. for S.B. 195

95 Rule-Making Review Committee and refiled in the State Register on December 22, 2015, relating  
96 to the Department of Health and Human Resources (goals for foster children, 78 CSR 25), is  
97 authorized.