

HB 2345

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



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LEGISLATIVE SERVICES DIVISION  
STATE HOUSE

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HOUSE BILL No. 2345

(By Delegate Douglas, Hunt, Compton,  
Faircloth, Linch and Riggs )



Passed April 12, 1997

In Effect From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2345**

(BY DELEGATES DOUGLAS, HUNT, COMPTON,  
FAIRCLOTH, LINCH AND RIGGS)

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[Passed April 12, 1997; in effect from passage.]

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AN ACT to repeal sections four, five, six, seven and eight, article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one, two and three of said article, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; 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 legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; 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 child care centers; authorizing the division of health to promulgate a legislative rule relating to emergency medical services; authorizing the department of health and

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human resources to promulgate a legislative rule relating to clinical laboratory technician and technologist licensure and certification; authorizing the division of health to promulgate a legislative rule relating to residential board and care homes; authorizing the commissioner of human services to promulgate a legislative rule relating to certification requirements for family day care facilities; authorizing the support enforcement commission to promulgate a legislative rule relating to obtaining support from federal and state income tax refunds; and authorizing the support enforcement commission to promulgate a legislative rule relating to interstate income withholding.

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

That sections four, five, six, seven and eight, article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, two and three of said article be amended and reenacted, all 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 eighth day of November, one thousand nine hundred  
3 ninety-six, authorized under the authority of section five,  
4 article five-c, chapter sixteen, of this code, modified by the  
5 division of health to meet the objections of the legislative  
6 rule-making review committee and refiled in the state  
7 register on the twenty-seventh day of February, one  
8 thousand nine hundred ninety-seven, relating to the  
9 division of health (nursing home licensure, 64 CSR 13), is  
10 authorized.

11 (b) The legislative rule filed in the state register on the  
12 thirtieth day of August, one thousand nine hundred  
13 ninety-six, authorized under the authority of section seven,  
14 article one, chapter sixteen, of this code, modified by the  
15 division of health to meet the objections of the legislative  
16 rule-making review committee and refiled in the state

17 register on the twenty-sixth day of February, one thousand  
18 nine hundred ninety-seven, relating to the division of  
19 health (child care centers, 64 CSR 21), is authorized.

20 (c) The legislative rule filed in the state register on the  
21 thirtieth day of August, one thousand nine hundred  
22 ninety-six, authorized under the authority of section  
23 twenty-three, article four-c, chapter sixteen, of this code,  
24 modified by the division of health to meet the objections  
25 of the legislative rule-making review committee and  
26 refiled in the state register on the twenty-eighth day of  
27 February, one thousand nine hundred ninety-seven,  
28 relating to the division of health (emergency medical  
29 services, 64 CSR 48), is authorized.

30 (d) The legislative rule filed in the state register on the  
31 twenty-seventh day of November, one thousand nine  
32 hundred ninety-five, authorized under the authority of  
33 section five, article five-c, chapter sixteen, of this code,  
34 modified by the division of health to meet the objections  
35 of the legislative rule-making review committee and  
36 refiled in the state register on the twenty-sixth day of  
37 February, one thousand nine hundred ninety-seven,  
38 relating to the division of health (residential board and  
39 care homes, 64 CSR 65), is authorized.

40 (e) The legislative rule filed in the state register on the  
41 fifth day of October, one thousand nine hundred  
42 ninety-five, under the authority of section ten, article five-  
43 j, chapter sixteen, of this code, modified by the director of  
44 the department of health to meet the objections of the  
45 legislative rule-making review committee and refiled in the  
46 state register on the thirty-first day of October, one  
47 thousand nine hundred ninety-six, relating to the  
48 department of health (clinical laboratory technician and  
49 technologist licensure and certification, 64 CSR 57), is  
50 authorized until July 1, 1998: *Provided*, That the director  
51 of the department of health review, revise and propose,  
52 within the statutory deadline and in accordance with the  
53 provisions of article three, chapter twenty-nine-a of this  
54 code, a rule for legislative consideration during the  
55 legislative session of one thousand nine hundred ninety-  
56 eight with the following amendments:

57 "On page one, subsection 2.2.2, following the semi-  
58 colon, by striking the word 'or';

59 On page one, by inserting a new 2.2.3, to read as  
60 follows: '2.2.3. Any respiratory care provider licensed  
61 within the state providing diagnostic testing within the  
62 scope of his or her professional license who performs  
63 moderate complexity testing as defined by CLIA, pursuant  
64 to 42 CFR 493.17; or';

65 'On pages one and two, by renumbering the  
66 subsequent subdivision,.' "

67 And,

68 "On page 6, subsection 7.2, after the word  
69 'Personnel', by striking the period and inserting in lieu  
70 thereof the following: 'or by the International Society for  
71 Clinical Laboratory Technology.' "

**§64-5-2. Commissioner of human services.**

1 The legislative rule filed in the state register on the  
2 thirtieth day of August, one thousand nine hundred  
3 ninety-six, under the authority of section four, article two-  
4 b, chapter forty-nine, of this code, modified by the  
5 commissioner of human services to meet the objections of  
6 the legislative rule-making review committee and refiled in  
7 the state register on the twenty-seventh day of February,  
8 one thousand nine hundred ninety-seven, relating to the  
9 commissioner of human services (certification  
10 requirements for family day care facilities, 78 CSR 18), is  
11 authorized.

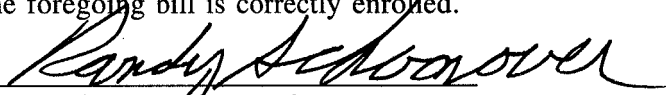
**§64-5-3. Child support enforcement commission.**

1 (a) The legislative rule filed in the state register on the  
2 thirtieth day of August, one thousand nine hundred  
3 ninety-six, under the authority of section ten, article two,  
4 chapter forty-eight-a of this code, modified by the child  
5 support enforcement commission to meet the objections  
6 of the legislative rule-making review committee and  
7 refiled in the state register on the twenty-eighth day of  
8 February, one thousand nine hundred ninety-seven,  
9 relating to the child support enforcement commission

10 (obtaining support from federal and state income tax  
11 refunds, 97 CSR 3), is authorized.

12 (b) The legislative rule filed in the state register on the  
13 thirtieth day of August, one thousand nine hundred  
14 ninety-six, under the authority of section twenty-three,  
15 article two, chapter forty-eight-a of this code, modified by  
16 the child support enforcement commission to meet the  
17 objections of the legislative rule-making review committee  
18 and refiled in the state register on the twenty-eighth day of  
19 February, one thousand nine hundred ninety-seven,  
20 relating to the child support enforcement commission  
21 (interstate income withholding, 97 CSR 4), is authorized.

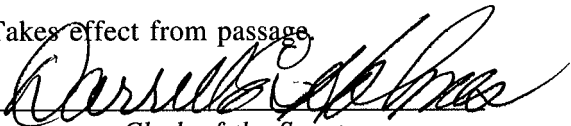
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

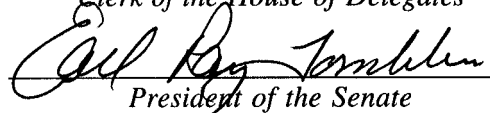
  
Chairman House Committee


Originating in the House.

Takes effect from passage.

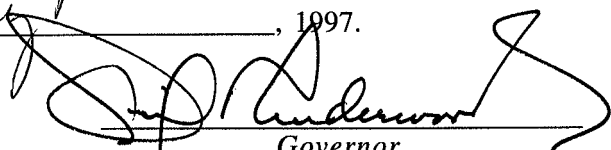
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 1st  
day of May, 1997.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/25/97

Time 1:55 pm