

SB 195

FILED

2009 MAY -8 PM 3:40

OFFICE WEST VIRGINIA
OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 195

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

[Passed April 9, 2009; in effect from passage.]

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(SENATORS MINARD, FANNING, PREZIOSO,
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[Passed April 9, 2009; 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 various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate certain legislative rule with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; 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 public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to licensure of medical adult day care centers; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to tuberculosis testing, control treatment and commitment; authorizing the Commission for the Deaf and Hard of Hearing to promulgate a legislative rule relating to the establishment of required qualifications and ethical standards for interpreters and transliterators; and authorizing the Division of Human Services to promulgate a legislative rule relating to child care center licensing.

Be it enacted by the Legislature of West Virginia:

That article 5, chapter 64 of the Code of West Virginia, 1931, 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 August 28, 2008, authorized under the authority of section
3 four, article one, chapter sixteen of this code, modified by
4 the Department of Health and Human Resources to meet
5 the objections of the Legislative Rule-Making Review
6 Committee and refiled in the State Register on October 27,
7 2008, relating to the Department of Health and Human
8 Resources (public water systems, 64 CSR 3), is authorized.

9 (b) The legislative rule filed in the State Register on
10 August 27, 2008, authorized under the authority of section
11 eight, article five-b, chapter sixteen of this code, modified
12 by the Department of Health and Human Resources to
13 meet the objections of the Legislative Rule-Making Review
14 Committee and refiled in the State Register on December

15 17, 2008, relating to the Department of Health and Human
16 Resources (licensure of medical adult day care centers, 64
17 CSR 2), is authorized with the following amendments:

18 On page five, section three, by inserting a new subsec-
19 tion, designated 3.39, to read as follows:

20 3.39. Substantial compliance. The Medical Adult Day
21 Care Center has no violation of which, as the secretary
22 determines, would present an imminent danger to the
23 health, safety or welfare of any resident or a probability
24 that death or serious physical harm could result, and has
25 no ongoing violation of a regulation where there is a direct
26 or immediate relationship to the health, safety or welfare
27 of the resident(s).;

28 And renumbering the remaining subsections;

29 On page twenty-three, section eight, by striking out all
30 of 8.4.a and inserting in lieu thereof a new 8.4.a, to read as
31 follows:

32 8.4.a. The licensee shall ensure that all participant care
33 and treatment is provided by appropriate individuals as
34 required by state and federal law.;

35 And,

36 On page thirty, section fourteen, by striking out all of
37 subsection 14.1 and inserting in lieu thereof a new subsec-
38 tion 14.1, to read as follows:

39 14.1. The Secretary may suspend or revoke a medical
40 adult day care center license according to the provision of
41 Chapter 16, Article 5B, Section 6 of the West Virginia
42 Code.

43 (c) The legislative rule filed in the State Register on
44 August 28, 2008, authorized under the authority of section
45 nine, article three-d, chapter sixteen of this code, modified
46 by the Department of Health and Human Resources to

47 meet the objections of the Legislative Rule-Making Review
48 Committee and refiled in the State Register on October 27,
49 2008, relating to the Department of Health and Human
50 Resources (tuberculosis testing, control treatment and
51 commitment, 64 CSR 76), is authorized.

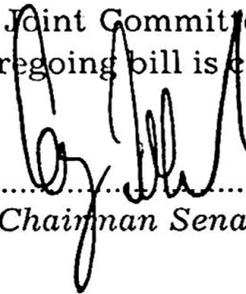
§64-5-2. Commission for the Deaf and Hard of Hearing.

1 The legislative rule filed in the State Register on August
2 27, 2008, authorized under the authority of section five,
3 article fourteen, chapter five of this code, modified by the
4 Commission for the Deaf and Hard of Hearing to meet the
5 objections of the Legislative Rule-Making Review Com-
6 mittee and refiled in the State Register on October 21,
7 2008, relating to the Commission for the Deaf and Hard of
8 Hearing (establishment of required qualifications and
9 ethical standards for interpreters and transliterators, 192
10 CSR 3), is authorized.

§64-5-3. Division of Human Services.

1 The legislative rule filed in the State Register on August
2 26, 2008, authorized under the authority of section four,
3 article two-b, chapter forty-nine of this code, modified by
4 the Division of Human Services to meet the objections of
5 the Legislative Rule-Making Review Committee and
6 refiled in the State Register on November 21, 2008,
7 relating to the Division of Human Services (child care
8 center licensing, 78 CSR 1), is authorized.

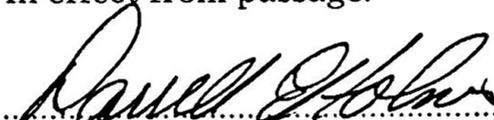
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

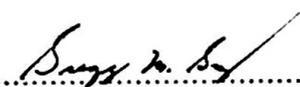

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Chairman Senate Committee

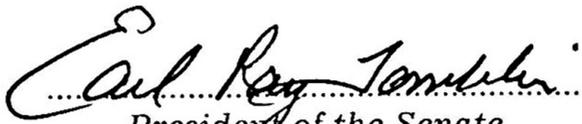

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Chairman House Committee

Originated in the Senate.

In effect from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is appended this the 1st
Day of May, 2009.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 5 2009

Time 11:05 AM