

# WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

**Enrolled**  
**Committee Substitute**  
**for**  
**Senate Bill 175**

SENATOR MAYNARD, *original sponsor*

[Passed March 6, 2019; in effect from passage]

FILED

2019 MAR 26 P 5:51

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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**Senate Bill 175**

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SECRETARY OF STATE

2019 MAR 26 P 5:57

FILED

1 AN ACT to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as  
2 amended, all relating generally to authorizing certain agencies of the Department of Health  
3 and Human Resources to promulgate legislative rules; authorizing the rules as filed, as  
4 modified by the Legislative Rule-Making Review Committee and as amended by the  
5 Legislature; authorizing the Department of Health and Human Resources to promulgate a  
6 legislative rule relating to collection and exchange of data related to overdoses;  
7 authorizing the Department of Health and Human Resources to promulgate a legislative  
8 rule relating to behavioral health centers licensure; authorizing the Department of Health  
9 and Human Resources to promulgate a legislative rule relating to assisted living  
10 residences; authorizing the Department of Health and Human Resources to promulgate a  
11 legislative rule relating to food establishments; authorizing the Department of Health and  
12 Human Resources to promulgate a legislative rule relating to food manufacturing facilities;  
13 authorizing the Department of Health and Human Resources to promulgate a legislative  
14 rule relating to newborn screening system; authorizing the Department of Health and  
15 Human Resources to promulgate a legislative rule relating to medication-assisted  
16 treatment—office-based, medication-assisted treatment; authorizing the Department of  
17 Health and Human Resources to promulgate a legislative rule relating to chronic pain  
18 management clinic licensure; and authorizing the Health Care Authority to promulgate a  
19 legislative rule relating to cooperative agreement approval and compliance.

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

**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 27, 2018, authorized under the  
2 authority of §16-5T-5 of this code, relating to the Department of Health and Human Resources

3 (collection and exchange of data related to overdoses, 69 CSR 14), is authorized with the  
4 following amendment:

5 On page 4, by striking out all of subsection 2.16 and inserting a new subsection to read  
6 as follows:

7 “2.16. “Overdose” means an acute condition, including, but not limited to, extreme physical  
8 illness, decreased level of consciousness, respiratory depression, coma, or death believed to be  
9 caused by abuse and misuse of prescription or illicit drugs or by substances that a layperson  
10 would reasonably believe to be a drug”.

11 (b) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
12 authority of §27-9-1 of this code, modified by the Department of Health and Human Resources to  
13 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
14 Register on December 6, 2018, relating to the Department of Health and Human Resources  
15 (behavioral health centers licensure, 64 CSR 11), is authorized with the following amendment:

16 On page 22, by adding a new subsection 4.11 to read as follows:

17 ‘4.11 For the purposes of substance use disorder services, if a provider is enrolled to  
18 accept West Virginia Medicaid and is authorized to provide behavioral health services in its state,  
19 the Office of Health Facility Licensure and Certification may through reciprocity authorize it as a  
20 West Virginia Behavioral Health Center under this rule.’

21 On page 48, subdivision 9.1.2., by deleting the words “assessment and”.

22 (c) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
23 authority of §16-5D-5 of this code, modified by the Department of Health and Human Resources  
24 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
25 Register on November 15, 2018, relating to the Department of Health and Human Resources  
26 (assisted living residences, 64 CSR 14), is authorized with the following amendment:

27 On page 42, subdivision 11.8.1., by striking out the words “federal or state law or this rule”  
28 and inserting in lieu thereof the words “subdivision 11.8.2., of this rule”.

29 (d) The legislative rule filed in the State Register on July 26, 2018, authorized under the  
30 authority of §16-1-4 of this code, modified by the Department of Health and Human Resources to  
31 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
32 Register on November 30, 2018, relating to the Department of Health and Human Resources  
33 (food establishments, 64 CSR 17), is authorized.

34 (e) The legislative rule filed in the State Register on July 26, 2018, authorized under the  
35 authority of §16-1-4 of this code, modified by the Department of Health and Human Resources to  
36 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
37 Register on November 30, 2018, relating to the Department of Health and Human Resources  
38 (food manufacturing facilities, 64 CSR 43), is authorized.

39 (f) The legislative rule filed in the State Register on July 26, 2018, authorized under the  
40 authority of §16-1-4 of this code, relating to the Department of Health and Human Resources  
41 (newborn screening system, 64 CSR 91), is authorized with the following amendment:

42 On page 5, after subsection 5.29 by adding the following:

43 5.30. Lysosomal Storage Disorders;

44 5.31. X-Linked Adrenoleukodystrophy, X-ALD; and

45 5.32. Spinal Muscular Atrophy, SMA.

46 (g) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
47 authority of §16-5Y-1 of this code, modified by the Department of Health and Human Resources  
48 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
49 Register on November 15, 2018, relating to the Department of Health and Human Resources  
50 (medication-assisted treatment—office-based medication-assisted treatment, 69 CSR 12), is  
51 authorized with the following amendments:

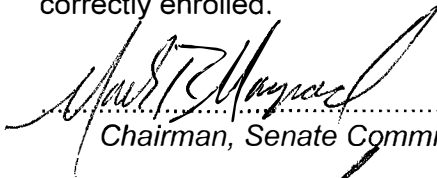
52 On page 39, by inserting a subsection, 22.9 to read as follows, “Each OBMAT program  
53 shall provide or make referrals for each patient to obtain contraceptive drugs, devices or  
54 procedures.

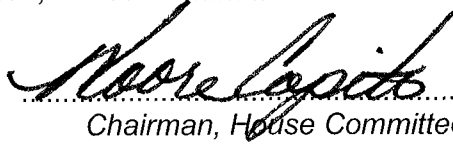
55 (h) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
56 authority of §16-5H-9 of this code, relating to the Department of Health and Human Resources  
57 (chronic pain management clinic licensure, 69 CSR 8), is authorized.

58 **§64-5-2. Health Care Authority.**

1 The legislative rule filed in the State Register on July 26, 2018, authorized under the  
2 authority of §16-29B-28 of this code, relating to the Health Care Authority (cooperative agreement  
3 approval and compliance, 65 CSR 6), is authorized.

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


  
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Chairman, Senate Committee

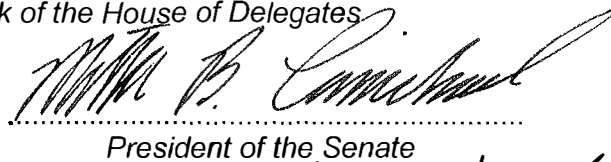
  
.....  
Chairman, House Committee

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 of the House of Delegates

OFFICE OF THE  
SECRETARY OF STATE

2019 MAR 26 P 5:57

FILED

The within is approved this the 26th  
Day of March, 2019.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2019

Time 3:52 pm