

# WEST VIRGINIA CODE: §64-5-1

## §64-5-1. Department of Health.

(a) The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (public water systems operators, 64 CSR 04), is authorized.

(b) The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (wastewater systems and operators, 64 CSR 05), is authorized.

(c) The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §27-9-1 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (behavioral health centers licensure, 64 CSR 11), is authorized.

(d) The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §16-5B-8 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (hospital licensure, 64 CSR 12), is authorized.

(e) The legislative rule filed in the State Register on February 16, 2023, authorized under the authority of §16-5D-5 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21, 2023, relating to the Department of Health (assisted living residences, 64 CSR 14), is authorized.

(f) The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §16-1-9a of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (cross-connection control and backflow prevention, 64 CSR 15), is authorized with the following amendment:

“On page 3, by striking section 5 in its entirety and inserting in lieu thereof a new section 5 to read as follows:

§64-15-5. When Protection Is Required.

5.1. The commissioner or his or her designee may determine, upon conducting a risk assessment, that any water supply system must be equipped with a backflow prevention assembly to protect the health and sanitation of water, whether publicly or privately owned: Provided, That water supply systems shall not require a backflow prevention assembly unless any of the following are met:

5.1.1. it cross-connects with a sprinkler or fire suppression system;

5.1.2. it cross-connects with an active auxiliary water source or water well;

5.1.3. it cross-connects with any fluid storage tank, tub, pool or cistern 85 gallons or larger with a public water inlet that can be below the water level;

5.1.4. it cross-connects with a boiler system;

5.1.5. it cross-connects with any land irrigation system; or

5.1.6. The property serviced by the public water supply is a funeral home or mortuary, restaurant, dry cleaner, medical facility, beauty and nail salon, car wash, multi-tenant retail space, commercial building three stories or taller, or commercial space with a dedicated fire service line/sprinkler system, industrial facility, salvage and/or wastewater facility, food processing facility, recycling facility where cross-connected to the public water supply, correctional facility, or any other customer using chemicals harmful to human health that are cross-connected to the public water supply.”.

(g) The legislative rule filed in the State Register on July 21, 2023, authorized under the authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (fees for permits, 64 CSR 30), is authorized.

(h) The legislative rule filed in the State Register on July 21, 2023, authorized under the authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (fees for services, 64 CSR 51), is authorized.

(i) The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §61-12-16 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (medical examiner requirements for postmortem inquiries, 64 CSR 84), is authorized.

(j) The legislative rule filed in the State Register on February 16, 2023, authorized under the authority of §16-22-3 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State

Register on August 22, 2023, relating to the Department of Health (newborn screening system, 64 CSR 91), is authorized.

(k) The legislative rule filed in the State Register on July 18, 2023, authorized under the authority of §16-4C-25 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (distribution of funds from Emergency Medical Services Salary Enhancement Fund, 64 CSR 116), is authorized.

(l) The legislative rule filed in the State Register on July 19, 2023, authorized under the authority of §16-49-9 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Health (West Virginia Clearance for Access: registry and employment screening, 64 CSR 123), is authorized.

(m) The legislative rule filed in the State Register on October 5, 2022, authorized under the authority of §16-29B-28 of this code, relating to the Department of Health (cooperative agreement approval and compliance, 65 CSR 06), is authorized.

(n) The legislative rule filed in the State Register on July 21, 2023, authorized under the authority of §16-2D-4 of this code, relating to the Department of Health (certificate of need, 65 CSR 32), is authorized.

(o) The legislative rule filed in the State Register on February 16, 2023, authorized under the authority of §16-5H-9 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21, 2023, relating to the Department of Health (chronic pain management clinic licensure, 69 CSR 08), is authorized.

(p) The legislative rule filed in the State Register on February 16, 2023, authorized under the authority of §16-5Y-13 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21, 2023, relating to the Department of Health (medication-assisted treatment and office based, medication-assisted treatment, 69 CSR 12), is authorized.