

SB 1006

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1994



ENROLLED

SENATE BILL NO. 1006

(By Senator Burdette, Mr. President, and
Baly, By Request of the Executive)



PASSED March 15, 1994

In Effect from Passage

E N R O L L E D

Senate Bill No. 1006

(BY SENATORS BURDETTE, MR. PRESIDENT, AND BOLEY,
BY REQUEST OF THE EXECUTIVE)

[Passed March 15, 1994; in effect from passage.]

AN ACT to amend and reenact sections one, two and eight, article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section nine, all relating generally to the promulgation of administrative rules and regulations by the governmental agencies within the department of health and human resources; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain 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 legislative rules relating to public water systems, as modified; authorizing the department of health

and human resources to promulgate legislative rules relating to distribution of state aid funds to local boards of health, as modified; authorizing the department of health and human resources to promulgate legislative rules relating to hospital licensure, as modified and amended; authorizing the division of health to promulgate legislative rules relating to cancer registry, as modified; authorizing the human rights commission to promulgate legislative rules relating to the discrimination against individuals with disabilities, as modified and amended; and authorizing the commission on aging to promulgate legislative rules relating to West Virginia long-term care ombudsman program, as modified.

Be it enacted by the Legislature of West Virginia:

That sections one, two and eight, article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section nine, all 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 rules filed in the state register on the
2 twenty-second day of January, one thousand nine
3 hundred ninety, modified by the secretary of the
4 department of health and human resources to meet the
5 objections of the legislative rule-making review
6 committee and refiled in the state register on the twenty-
7 fifth day of January, one thousand nine hundred ninety,
8 relating to the secretary of the department of health and
9 human resources (implementation of omnibus health
10 care act), are authorized.

11 (b) The legislative rules filed in the state register on the
12 twenty-second day of January, one thousand nine
13 hundred ninety, modified by the secretary of the
14 department of health and human resources to meet the
15 objections of the legislative rule-making review

16 committee and refiled in the state register on the twenty-
17 fifth day of January, one thousand nine hundred ninety,
18 relating to the secretary of the department of health and
19 human resources (implementation of omnibus health
20 care act payment provisions), are authorized.

21 (c) The legislative rules filed in the state register on the
22 twentieth day of March, one thousand nine hundred
23 ninety-two, modified by the department of health and
24 human resources to meet the objections of the legislative
25 rule-making review committee and refiled in the state
26 register on the seventeenth day of November, one
27 thousand nine hundred ninety-two, relating to the
28 department of health and human resources (infectious
29 medical waste), are authorized with the amendments set
30 forth below:

31 “On page seventeen, subsection 8.2, by after the words
32 ‘(45) days.’ by inserting the following language: ‘Facili-
33 ties that treat infectious medical waste on-site shall not
34 store the infectious medical waste more than thirty (30)
35 days.’;

36 On page twenty-one, subdivision 10.1.2., by after the
37 words ‘disposed of’ striking out the words ‘as solid
38 waste’ and inserting in lieu thereof the words ‘in the
39 same manner as ash from solid waste incineration and as
40 provided in subdivision 10.2.5. of this rule.’;

41 On page twenty-six, subsection 11.7., by after the
42 words ‘permit to’ inserting the words ‘own, operate and’;

43 On page twenty-six, subsection 11.7., by striking out
44 the word ‘publish’ and inserting in lieu thereof the words
45 ‘announce the public hearing required by subsection
46 11.9. of this rule by publishing’;

47 On page twenty-six, by further amending subsection
48 11.7. by adding thereto a new subdivision, designated
49 subdivision 11.7.1.4. to read as follows: ‘The announce-
50 ment of the date, time and place where the hearing is to
51 be conducted, shall be made at least fourteen (14) but not
52 more than forty-five (45) days prior to the hearing;

53 And,

54 On page twenty-six, subsection 11.9, by after the words
55 'proposing to' inserting the words 'own, construct and'.

56 (d) The legislative rules filed in the state register on the
57 third day of September, one thousand nine hundred
58 ninety-two, modified by the department of health and
59 human resources to meet the objections of the legislative
60 rule-making review committee and refiled in the state
61 register on the twenty-seventh day of January, one
62 thousand nine hundred ninety-three, relating to the
63 department of health and human resources (residential
64 board and care homes), are authorized.

65 (e) The legislative rules filed in the state register on the
66 third day of May, one thousand nine hundred ninety-
67 three, modified by the department of health and human
68 resources to meet the objections of the legislative rule-
69 making review committee and refiled in the state register
70 on the eighth day of July, one thousand nine hundred
71 ninety-three, relating to the department of health and
72 human resources (public water systems), are authorized.

73 (f) The legislative rules filed in the state register on the
74 ninth day of September, one thousand nine hundred
75 ninety-three, modified by the department of health and
76 human resources to meet the objections of the legislative
77 rule-making review committee and refiled in the state
78 register on the twenty-fourth day of January, one
79 thousand nine hundred ninety-four, relating to the
80 department of health and human resources (distribution
81 of state aid funds to local boards of health), are
82 authorized.

83 (g) The legislative rules filed in the state register on the
84 seventh day of January, one thousand nine hundred
85 ninety-four, modified by the department of health and
86 human resources to meet the objections of the legislative
87 rule-making review committee and refiled in the state
88 register on the twenty-fourth day of January, one
89 thousand nine hundred ninety-four, relating to the

90 department of health and human resources (hospital
91 licensure), are authorized with the amendments set forth
92 below:

93 “On page 4, section 3.20, by striking out all of section
94 3.20 and inserting in lieu thereof the following: “Section
95 6a Hospital — A nonprofit hospital, as identified in W.
96 Va. Code §16-5-B-6a, whether governed by an in-state or
97 out-of-state board of directors, or a hospital owned by a
98 county, city or other political subdivision of the State of
99 West Virginia, except for existing nonprofit hospitals
100 which are owned or operated by a corporation which was
101 incorporated in another state prior to March 9, 1983:
102 *Provided, however*, this definition does not include the
103 corporation defined in W. Va. Code §18-11C-1(d) and”;

104 On page 16, section 8.3.2. by striking the comma after
105 the word “safety” and inserting in lieu thereof the word
106 “or”;

107 On page 16, section 8.3.2. after the word “et seq.,” by
108 striking out the words “or involves a cost in excess of
109 two hundred thousand dollars (\$200,000)”;

110 On page 17, section 8.4.2. by striking the comma after
111 the word “safety” and inserting in lieu thereof the word
112 “or”;

113 On page 17, section 8.4.2. after the word “et seq.,” by
114 striking out the words “or involves a cost in excess of
115 two hundred thousand dollars (\$200,000)”;

116 On page 45, section 12, by striking all of subdivision
117 12.2.1 and inserting in lieu thereof a new subdivision
118 12.2.1 to read as follows:

119 12.2.1. All general acute care hospitals shall provide
120 emergency services: *Provided*, That the Director may
121 grant exceptions to this requirement based upon (a) the
122 need to avoid an unnecessary duplication of services, (b)
123 a recognition of practical economies of scale within the
124 community, or (c) other such appropriate factors relating
125 to the optimum delivery of emergency services within

126 available resources and deemed by the director to be
127 substantial. The requirement of this subdivision for the
128 provision of emergency services shall be waived by the
129 director in the case of a rural primary care hospital if
130 such hospital has entered into an appropriate patient
131 transfer agreement with another referral hospital to
132 provide for emergency services. If the hospital provides
133 emergency services, it shall have an emergency room
134 which is located so as to permit easy access from
135 automobiles and ambulances. The emergency service
136 shall be of a size comparable to the need imposed upon
137 it and shall be adequately equipped to provide whatever
138 life-saving measures may be needed for patients
139 admitted to this service.”

§64-5-2. State board of health; division of health.

1 (a) The legislative rules filed in the state register on the
2 second day of June, one thousand nine hundred eighty-
3 two, relating to the state board of health (waste water
4 treatment works operations), are authorized.

5 (b) The legislative rules filed in the state register on the
6 second day of June, one thousand nine hundred eighty-
7 two, relating to the state board of health (laboratory
8 reporting of syphilis and gonorrhoea), are authorized.

9 (c) The legislative rules filed in the state register on the
10 second day of June, one thousand nine hundred eighty-
11 two, relating to the state board of health (public water
12 supply operators) with the modification of §11.02 as
13 presented to the legislative rule-making review commit-
14 tee on the ninth day of November, one thousand nine
15 hundred eighty-two, are authorized.

16 (d) The legislative rules filed in the state register on the
17 twenty-second day of October, one thousand nine
18 hundred eighty-two, relating to the state board of health
19 (sewage systems) with the modification presented to the
20 legislative rule-making review committee on the sixth
21 day of December, one thousand nine hundred eighty-
22 two, are authorized except lines ten through seventeen,

23 page eight of the rules shall be stricken in their entirety
24 and the remaining paragraphs renumbered.

25 (e) The legislative rules filed in the state register on the
26 second day of June, one thousand nine hundred eighty-
27 two, relating to the state board of health (approval of
28 laboratories), are authorized.

29 (f) The legislative rules filed in the state register on the
30 twenty-fourth day of November, one thousand nine
31 hundred eighty-two, relating to the state board of health
32 (permit fees), are authorized.

33 (g) The legislative rules filed in the state register on the
34 third day of June, one thousand nine hundred eighty-
35 two, relating to the state board of health (certificate of
36 need), are authorized.

37 (h) The legislative rules filed in the state register on the
38 sixteenth day of August, one thousand nine hundred
39 eighty-two, relating to the state board of health (eyes of
40 newborn children), are authorized.

41 (i) The legislative rules filed in the state register on the
42 thirteenth day of August, one thousand nine hundred
43 eighty-two, and filed with amendments on the eleventh
44 day of January, one thousand nine hundred eighty-three,
45 relating to the state board of health (nursing home
46 licensure), are authorized with the amendment of
47 §5.15.02 of those rules as set forth below:

48 By striking the word "and" at the end of subdivision
49 (f), by changing the period at the end of subdivision (g)
50 to a semicolon, and by adding the following after
51 subdivision (g): "(h) One (1) member who represents
52 social work services."

53 (j) The legislative rules filed in the state register on the
54 twenty-fourth day of November, one thousand nine
55 hundred eighty-two, relating to the state board of health
56 (guardianship service), are authorized with the exception
57 of section 9.3 of those rules which may not be promul-
58 gated.

59 (k) The legislative rules filed in the state register on the
60 third day of June, one thousand nine hundred eighty-
61 two, relating to the state board of health (controlled
62 substances research program and certification), are
63 authorized.

64 (l) The legislative rules filed in the state register on the
65 fifth day of November, one thousand nine hundred
66 eighty-two, relating to the state board of health
67 (chemical test for intoxication), are authorized.

68 (m) The legislative rules filed in the state register on
69 the nineteenth day of December, one thousand nine
70 hundred eighty-three, relating to the state board of
71 health (birthing center licensure), are authorized.

72 (n) The legislative rules filed in the state register on the
73 fourteenth day of November, one thousand nine hundred
74 eighty-three, relating to the state board of health
75 (licensure of behavioral health centers), are authorized
76 with the amendment set forth below:

77 Page 45, §12.8.2. In the first sentence delete the words
78 “without delay” and insert in lieu thereof the words
79 “within twenty-four hours after receiving a report of a
80 complaint.”

81 (o) The legislative rules filed in the state register on the
82 nineteenth day of December, one thousand nine hundred
83 eighty-three, relating to the state board of health
84 (procedures for recovery of corneal tissue for transplant),
85 are authorized.

86 (p) The legislative rules filed in the state register on the
87 seventh day of September, one thousand nine hundred
88 eighty-three, relating to the state board of health (well
89 water regulations), are authorized with the amendments
90 set forth below:

91 §4.1. In the first sentence delete the word “obtaining”
92 and insert in lieu thereof the words “applying for”. In
93 the second sentence after “4.3” add “and 4.5.”

94 §4.2. At the end of the second sentence, strike the

95 period and add the words “unless emergency conditions
96 prevail as noted under §4.3.”

97 With the balance of §4.2 and create a new §4.3 with the
98 following changes: In the first sentence delete the word
99 “deadline” and insert in lieu thereof the word “require-
100 ments.” Add after the first sentence the sentence,
101 “Emergency conditions and unavoidable circumstances
102 are those conditions involving acts of God, water outages
103 or disruption of water service, unsatisfactory water
104 quality or quantity or public health threats.” In the
105 third sentence delete the word “exceed” and insert in
106 lieu thereof the words “be made in excess of.”

107 Renumber §4.3 as §4.4 and add the following two
108 sentences at the end of the section: “Such standards
109 shall constitute the minimum standards for the installa-
110 tion, the alteration or the deepening of water wells. Any
111 plans approved by the director pursuant to these
112 regulations shall be in substantial compliance with the
113 heretofore mentioned standards.”

114 Renumber §4.4 as §4.5, §4.5 as §4.6, §4.6 as §4.7, §4.7 as
115 §4.8 and §4.8 as §4.9.

116 And,

117 §5.2. Delete the words “four (4)” and insert in lieu
118 thereof the words “two (2)” and delete the words “active,
119 continuous.”

120 (q) The legislative rules filed in the state register on the
121 third day of October, one thousand nine hundred eighty-
122 four, relating to the state board of health (trauma center
123 or facility designation), are authorized.

124 (r) The legislative rules filed in the state register on the
125 twenty-first day of December, one thousand nine
126 hundred eighty-four, relating to the state board of health
127 (reportable diseases), are authorized.

128 (s) The legislative rules filed in the state register on the
129 twenty-first day of December, one thousand nine
130 hundred eighty-four, relating to the state board of health

131 (licensure of medical adult day care centers), are
132 authorized.

133 (t) The legislative rules filed in the state register on the
134 third day of October, one thousand nine hundred eighty-
135 four, relating to the state board of health (retail food
136 store sanitation), are authorized.

137 (u) The legislative rules filed in the state register on the
138 seventeenth day of December, one thousand nine
139 hundred eighty-five, modified by the director of health
140 to meet the objections of the legislative rule-making
141 review committee and refiled in the state register on the
142 fifteenth day of January, one thousand nine hundred
143 eighty-six, relating to the director of health (adult group
144 home licensure), are authorized.

145 (v) The legislative rules filed in the state register on the
146 twenty-ninth day of October, one thousand nine hundred
147 eighty-five, modified by the state board of health to meet
148 the objections of the legislative rule-making review
149 committee and refiled in the state register on the twenty-
150 seventh day of December, one thousand nine hundred
151 eighty-five, relating to the state board of health
152 (licensure of hospice care programs), are authorized.

153 (w) The legislative rules filed in the state register on
154 the thirty-first day of October, one thousand nine
155 hundred eighty-five, modified by the director of health
156 to meet the objections of the legislative rule-making
157 review committee and refiled in the state register on the
158 twenty-seventh day of December, one thousand nine
159 hundred eighty-five, relating to the director of health
160 (rules governing emergency medical services), are
161 authorized with the amendments set forth below:

162 On page 3, §3.9 shall read as follows:

163 "3.9 Quorum --- When applied to the EMSAC, a
164 majority of the members thereof, except in the instance
165 when at any meeting of the EMSAC, where a quorum is
166 not present and the director causes to be deposited in the
167 United States mail, postage prepaid, return receipt

168 requested, to each member of the EMSAC within three
169 days, a notice calling a meeting of the EMSAC at some
170 convenient place in the state of West Virginia two weeks
171 after the meeting at which no quorum was present.
172 Quorum means any number of members of the EMSAC
173 who attend such subsequent meeting. Any member
174 missing two consecutive meetings shall be removed from
175 the EMSAC.”

176 On page 6, §4.7.1 shall be deleted in its entirety;

177 And,

178 On page 7, §4.10.1 shall read as follows:

179 “4.10.1 every applicant for certification as an EMSP
180 prior to such certification, shall demonstrate his or her
181 knowledge and ability by undergoing a written examina-
182 tion and a demonstration of skills, and by attaining a
183 passing score on the same. Passing score shall be the
184 same for all testing programs.”

185 (x) The legislative rules filed in the state register on the
186 fifth day of September, one thousand nine hundred
187 eighty-five, relating to the state department of health
188 (revising the list of hazardous substances), are autho-
189 rized.

190 (y) The legislative rules filed in the state register on the
191 thirteenth day of August, one thousand nine hundred
192 eighty-six, modified by the director of the department of
193 health to meet the objections of the legislative rule-
194 making review committee and refiled in the state register
195 on the sixteenth day of October, one thousand nine
196 hundred eighty-six, relating to the director of the
197 department of health (hazardous material treatment
198 information repository), are authorized.

199 (z) The legislative rules filed in the state register on the
200 seventeenth day of July, one thousand nine hundred
201 eighty-six, modified by the state board of health to meet
202 the objections of the legislative rule-making review
203 committee and refiled in the state register on the

204 sixteenth day of October, one thousand nine hundred
205 eighty-six, relating to the state board of health (methods
206 and standards for chemical tests for intoxication), are
207 authorized.

208 (aa) The legislative rules filed in the state register on
209 the twenty-first day of November, one thousand nine
210 hundred eighty-six, modified by the state board of health
211 to meet the objections of the legislative rule-making
212 review committee and refiled in the state register on the
213 twenty-third day of December, one thousand nine
214 hundred eighty-six, relating to the state board of health
215 (licensure of behavioral health centers), are authorized.

216 (bb) The legislative rules filed in the state register on
217 the eighteenth day of April, one thousand nine hundred
218 eighty-six, modified by the state board of health to meet
219 the objections of the legislative rule-making review
220 committee and refiled in the state register on the
221 seventeenth day of October, one thousand nine hundred
222 eighty-six, relating to the state board of health (hospital
223 licensure), are authorized.

224 (cc) The legislative rules filed in the state register on
225 the ninth day of December, one thousand nine hundred
226 eighty-six, modified by the state board of health to meet
227 the objections of the legislative rule-making review
228 committee and refiled in the state register on the twenty-
229 third day of December, one thousand nine hundred
230 eighty-six, relating to the state board of health (hospital
231 licensure and allowing hospitals to have licensed
232 hospital professionals, other than licensed physicians, on
233 their medical staff), are authorized.

234 (dd) The legislative rules filed in the state register on
235 the ninth day of December, one thousand nine hundred
236 eighty-six, modified by the state board of health to meet
237 the objections of the legislative rule-making review
238 committee and refiled in the state register on the twenty-
239 third day of December, one thousand nine hundred
240 eighty-six, relating to the state board of health (vital
241 statistics), are authorized.

242 (ee) The legislative rules filed in the state register on
243 the eleventh day of September, one thousand nine
244 hundred eighty-seven, relating to the director of the
245 department of health (immunization criteria for transfer
246 students), are authorized.

247 (ff) The legislative rules filed in the state register on
248 the sixteenth day of November, one thousand nine
249 hundred eighty-seven, relating to the director of the
250 department of health (hazardous substances), are
251 authorized with the amendment set forth below:

252 Page 33, section 8, line 8 (unnumbered), by adding at
253 the end of section 8 the following proviso: "*Provided,*
254 That the owner's or operator's submissions are based on
255 the threshold reporting requirements contained in
256 section 5, article 31, chapter 16."

257 (gg) The legislative rules filed in the state register on
258 the eighteenth day of November, one thousand nine
259 hundred eighty-seven, relating to the director of the
260 department of health (trauma center or facility designa-
261 tion), are authorized.

262 (hh) The legislative rules filed in the state register on
263 the twenty-second day of June, one thousand nine
264 hundred eighty-eight, modified by the state board of
265 health to meet the objections of the legislative rule-
266 making review committee and refiled in the state register
267 on the fifteenth day of September, one thousand nine
268 hundred eighty-eight, relating to the state board of
269 health (licensure of hospice care programs), are
270 authorized.

271 (ii) The legislative rules filed in the state register on the
272 fifteenth day of September, one thousand nine hundred
273 eighty-eight, modified by the state board of health to
274 meet the objections of the legislative rule-making review
275 committee and refiled in the state register on the third
276 day of November, one thousand nine hundred eighty-
277 eight, relating to the state board of health (water wells),
278 are authorized with the amendment set forth below:

279 On page 2, §3.8, shall read as follows:

280 “3.8 Water Well — Any excavation or penetration in
281 the ground, whether drilled, bored, cored, driven or
282 jetted that enters or passes through an aquifer for
283 purposes that may include, but are not limited to: A
284 water supply, exploration for water, dewatering or heat
285 pump wells, except that this definition shall not include
286 ground water monitoring activities and all activities for
287 the exploration, development, production, storage and
288 recovery of coal, oil and gas and other mineral resources
289 which are regulated under chapter 22, 22a or 22b of the
290 code.”

291 (jj) The legislative rules filed in the state register on the
292 twenty-second day of June, one thousand nine hundred
293 eighty-eight, modified by the state board of health to
294 meet the objections of the legislative rule-making review
295 committee and refiled in the state register on the
296 fifteenth day of September, one thousand nine hundred
297 eighty-eight, relating to the state board of health
298 (plumbing requirements), are authorized.

299 (kk) The legislative rules filed in the state register on
300 the twenty-second day of June, one thousand nine
301 hundred eighty-eight, modified by the state board of
302 health to meet the objections of the legislative rule-
303 making review committee and refiled in the state register
304 on the fifteenth day of September, one thousand nine
305 hundred eighty-eight, relating to the state board of
306 health (public water supply operators), are authorized.

307 (ll) The legislative rules filed in the state register on the
308 nineteenth day of October, one thousand nine hundred
309 eighty-eight, modified by the state board of health to
310 meet the objections of the legislative rule-making review
311 committee and refiled in the state register on the
312 twentieth day of December, one thousand nine hundred
313 eighty-eight, relating to the state board of health
314 (volatile synthetic organic chemicals), are authorized.

315 (mm) The legislative rules filed in the state register on

316 the second day of January, one thousand nine hundred
317 ninety, modified by the division of health to meet the
318 objections of the legislative rule-making review
319 committee and refiled in the state register on the
320 seventeenth day of January, one thousand nine hundred
321 ninety, relating to the division of health (asbestos
322 abatement licensing), are authorized.

323 (nn) The legislative rules filed in the state register on
324 the thirtieth day of August, one thousand nine hundred
325 eighty-nine, modified by the division of health to meet
326 the objections of the legislative rule-making review
327 committee and refiled in the state register on the
328 seventeenth day of November, one thousand nine
329 hundred eighty-nine, relating to the division of public
330 health (AIDS-related medical testing and confidential-
331 ity), are authorized.

332 (oo) The legislative rules filed in the state register on
333 the nineteenth day of December, one thousand nine
334 hundred eighty-nine, modified by the state board of
335 health to meet the objections of the legislative rule-
336 making review committee and refiled in the state register
337 on the twenty-fourth day of January, one thousand nine
338 hundred ninety, relating to the state board of health
339 (nursing home licensure), are authorized.

340 (pp) The legislative rules filed in the state register on
341 the nineteenth day of December, one thousand nine
342 hundred eighty-nine, relating to the state board of health
343 (licensure of behavioral health centers), are authorized.

344 (qq) The legislative rules filed in the state register on
345 the twenty-eighth day of December, one thousand nine
346 hundred eighty-nine, relating to the state board of health
347 (methods and standards for chemical test for intoxica-
348 tion), are authorized.

349 (rr) The legislative rules filed in the state register on
350 the twenty-third day of July, one thousand nine hundred
351 ninety, modified by the board of health to meet the
352 objections of the legislative rule-making review

353 committee and refiled in the state register on the fifth
 354 day of September, one thousand nine hundred ninety,
 355 relating to the board of health (fees for permits), are
 356 authorized with the amendments set forth below:

357 On page two, subsection 3.6, by striking out all of the
 358 subsection and renumbering the subsequent subsections.

359 On page four, subsection 5.4, by striking out all of the
 360 subsection and renumbering the subsequent subsections.

361 And,

362 On page six, Table 64-30c, by striking out Table 64-30c
 363 and inserting in lieu thereof a new table, to read as
 364 follows:

365

TABLE 64-30C.

366 Individual On-Site and Innovative Alternative Type

367

Sewage System Permit Fees

368

Type of System

Fees for Permit

369

Class I (New or Modified)

\$100

370

Class II (New or Modified)

\$100

371

Home Aeration Unit

\$100

372 (ss) The legislative rules filed in the state register on
 373 the seventh day of December, one thousand nine
 374 hundred ninety, modified by the board of health to meet
 375 the objections of the legislative rule-making review
 376 committee and refiled in the state register on the twenty-
 377 second day of January, one thousand nine hundred
 378 ninety-one, relating to the board of health (public water
 379 systems, bottled water and laboratory certification), are
 380 authorized.

381 (tt) The legislative rules filed in the state register on
 382 the thirteenth day of December, one thousand nine
 383 hundred ninety, modified by the board of health to meet
 384 the objections of the legislative rule-making review
 385 committee and refiled in the state register on the twenty-
 386 second day of January, one thousand nine hundred

387 ninety-one, relating to the board of health (vital
388 statistics), are authorized.

389 (uu) The legislative rules filed in the state register on
390 the seventh day of January, one thousand nine hundred
391 ninety-one, modified by the division of health to meet
392 the objections of the legislative rule-making review
393 committee and refiled in the state register on the twenty-
394 second day of January, one thousand nine hundred
395 ninety-one, relating to the division of health (fees for
396 services), are authorized.

397 (vv) The legislative rules filed in the state register on
398 the twenty-eighth day of December, one thousand nine
399 hundred ninety, modified by the division of health to
400 meet the objections of the legislative rule-making review
401 committee and refiled in the state register on the twenty-
402 sixth day of July, one thousand nine hundred ninety-one,
403 relating to the division of health (specialized health
404 procedures), are authorized.

405 (ww) The legislative rules filed in the state register on
406 the second day of January, one thousand nine hundred
407 ninety-one, modified by the division of health to meet
408 the objections of the legislative rule-making review
409 committee and refiled in the state register on the
410 sixteenth day of May, one thousand nine hundred ninety-
411 one, relating to the division of health (emergency
412 medical services), are authorized.

413 (xx) The legislative rules filed in the state register on
414 the tenth day of September, one thousand nine hundred
415 ninety-one, modified by the secretary of the department
416 of health and human resources to meet the objections of
417 the legislative rule-making review committee and refiled
418 in the state register on the third day of January, one
419 thousand nine hundred ninety-two, relating to the
420 secretary of the department of health and human
421 resources (retail food store sanitation), are authorized.

422 (yy) The Legislature hereby authorizes and directs the
423 division of health to promulgate the legislative rule

424 relating to swimming pools and bathing beaches, 64 CSR
425 16, effective the fifth day of May, one thousand nine
426 hundred eighty, with the amendment set forth below:

427 On page five, section 11.3 by striking out the period
428 following the word "beach" and adding the following:
429 "*Provided*, That at hotels, motels, apartment complexes,
430 or condominiums which have swimming pools of five feet
431 or less in depth at the deepest point, employment of
432 lifeguards is recommended but not mandatory, whether
433 or not the establishment charges an admission fee (gate
434 receipt, annual pass or membership dues). If no life-
435 guards are employed, the management shall post a sign
436 in a prominent location near the swimming pool stating
437 "SWIM AT YOUR OWN RISK - ALL PERSONS UNDER
438 THE AGE OF 14 MUST BE ACCOMPANIED BY AN
439 ADULT."

440 (zz) The legislative rules filed in the state register on
441 the sixteenth day of September, one thousand nine
442 hundred ninety-two, modified by the division of health
443 to meet the objections of the legislative rule-making
444 review committee and refiled in the state register on the
445 seventeenth day of November, one thousand nine
446 hundred ninety-two, relating to the division of health
447 (trauma center or facility designation), are authorized.

448 (aaa) The legislative rules filed in the state register on
449 the second day of November, one thousand nine hundred
450 ninety-two, modified by the division of health to meet
451 the objections of the legislative rule-making review
452 committee and refiled in the state register on the
453 nineteenth day of February, one thousand nine hundred
454 ninety-three, relating to the division of health (primary
455 care center seed money grants), are authorized.

456 (bbb) The legislative rules filed in the state register on
457 the second day of November, one thousand nine hundred
458 ninety-two, modified by the division of health to meet
459 the objections of the legislative rule-making review
460 committee and refiled in the state register on the
461 nineteenth day of February, one thousand nine hundred

462 ninety-three, relating to the division of health (primary
463 care center uncompensated care grants), are authorized.

464 (ccc) The legislative rules filed in the state register on
465 the sixteenth day of August, one thousand nine hundred
466 ninety-three, modified by the division of health to meet
467 the objections of the legislative rule-making review
468 committee and refiled in the state register on the
469 fifteenth day of October, one thousand nine hundred
470 ninety-three, relating to the division of health (cancer
471 registry), are authorized.

§64-5-8. Human rights commission.

1 (a) The legislative rules filed in the state register on the
2 tenth day of August, one thousand nine hundred ninety,
3 modified by the human rights commission to meet the
4 objections of the legislative rule-making review
5 committee and refiled in the state register on the twelfth
6 day of December, one thousand nine hundred ninety,
7 relating to the human rights commission (discrimination
8 against the handicapped), are authorized.

9 (b) The legislative rules filed in the state register on the
10 twenty-second day of March, one thousand nine hundred
11 ninety-one, modified by the human rights commission to
12 meet the objections of the legislative rule-making review
13 committee and refiled in the state register on the
14 fourteenth day of August, one thousand nine hundred
15 ninety-one, relating to the human rights commission
16 (sexual harassment), are authorized.

17 (c) The legislative rules filed in the state register on the
18 twenty-second day of March, one thousand nine hundred
19 ninety-one, modified by the human rights commission to
20 meet the objections of the legislative rule-making review
21 committee and refiled in the state register on the
22 eighteenth day of November, one thousand nine hundred
23 ninety-one, relating to the human rights commission
24 (exemption of private clubs), are authorized.

25 (d) The legislative rules filed in the state register on the
26 twenty-second day of March, one thousand nine hundred

27 ninety-one, modified by the human rights commission to
28 meet the objections of the legislative rule-making review
29 committee and refiled in the state register on the
30 eighteenth day of November, one thousand nine hundred
31 ninety-one, relating to the human rights commission
32 (religious discrimination), are authorized.

33 (e) The legislative rules filed in the state register as an
34 emergency rule on the twenty-second day of March, one
35 thousand nine hundred ninety-one, relating to the
36 human rights commission (waiver of rights under the
37 human rights act), are authorized.

38 (f) The legislative rules filed in the state register on the
39 sixteenth day of August, one thousand nine hundred
40 ninety-three, modified by the human rights commission
41 to meet the objections of the legislative rule-making
42 review committee and refiled in the state register on the
43 twenty-third day of December, one thousand nine
44 hundred ninety-three, relating to the human rights
45 commission (discrimination against individuals with
46 disabilities), are authorized with the amendments set
47 forth below:

48 "On page 7, section 4, subsection 4.7, after the words
49 "hazard to" by striking the words "the safety of others"
50 and inserting in lieu thereof the words "his or her health
51 and safety or the health and safety of others";

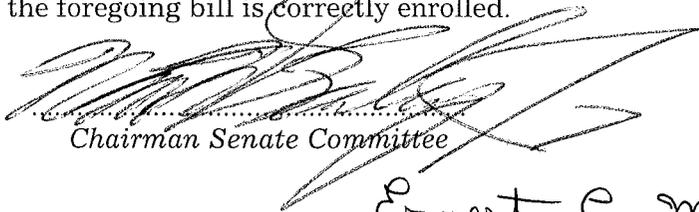
52 And,

53 On page 7, section 4, subsection 4.8, by striking the
54 first sentence of subsection 4.8, and inserting in lieu
55 thereof the following: "In deciding whether an individual
56 poses a direct threat to health and safety, the employer
57 has the burden of demonstrating that a reasonable
58 probability of a materially enhanced risk of substantial
59 harm to the health or safety of the individual or others
60 cannot be eliminated or reduced by reasonable accom-
61 modation."

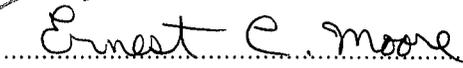
§64-5-9. Commission on aging.

1 The legislative rules filed in the state register on the
2 seventeenth day of August, one thousand nine hundred
3 ninety-three, modified by the commission on aging to
4 meet the objections of the legislative rule-making review
5 committee and refiled in the state register on the
6 fourteenth day of January, one thousand nine hundred
7 ninety-four, relating to the commission on aging (West
8 Virginia long-term care ombudsman program), are
9 authorized.

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



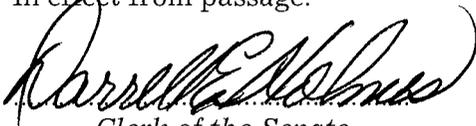
Chairman Senate Committee



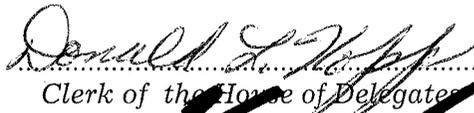
Chairman House Committee

Originated in the Senate.

In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within *is approved* this the *ten*
day of *April* 1994.



Governor

GOVERNOR

Date 4/3/94

Time 1:37 PM