

HB 4103

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



# ENROLLED

HOUSE BILL No. 4103

(By Delegates Douglas, Compton and  
Gallagher)



Passed February 26, 1996

In Effect ninety days from Passage

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA  
STATE HOUSE, MARTINSBURG, WV 26151

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 4103**

(BY DELEGATES DOUGLAS, COMPTON AND GALLAGHER)

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[Passed February 26, 1996; in effect ninety days from passage.]

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AN ACT to amend and reenact section five, article five-i, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to legislative rules for hospice services; transferring the authority to promulgate rules for hospice services from the state board of health to the secretary of the department of health and human resources; and eliminating specific rule requirements regarding substituted consent for hospice services.

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

That section five, article five-i, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 5I. HOSPICE LICENSURE ACT.**

**§16-5I-5. Secretary of health and human resources to establish rules.**

1       The secretary of the department of health and human  
2 resources shall promulgate rules in accordance with the  
3 provisions of chapter twenty-nine-a of this code for the  
4 licensure of hospice programs to ensure adequate care,  
5 treatment, health, safety, welfare and comfort of hospice  
6 patients. Such rules shall include, but not be limited to:

7       (a) The qualifications and supervision of licensed and

8 nonlicensed personnel;

9 (b) The provision and coordination of inpatient care  
10 and in-home treatment services, including the develop-  
11 ment of a written plan of care;

12 (c) The management, operation, staffing and equip-  
13 ping of the hospice program;

14 (d) The clinical and business records kept by the  
15 hospice;

16 (e) The procedures for the review of utilization and  
17 quality of patient care; and

18 (f) Such other requirements as the secretary deter-  
19 mines to be appropriate.

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

*Randy Schoonover*  
Chairman Senate Committee

*Rudy Iwan*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Robert E. Thomas*  
Clerk of the Senate

*Bregory W. Brown*  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
President of the Senate

*Robert C. Byrd*  
Speaker of the House of Delegates

The within is approved this the 5th  
day of March, 1996.

*Gaston Caperton*  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/4/96

Time

3:50 pm