WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1997

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ENROLLED

HOUSE BILL No. 2345

(Douglass, Hunt, Compton, Faircloth, Linch and Riggs)

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Passed __________________________ April 12, 1997

In Effect __________________________ From Passage
AN ACT to repeal sections four, five, six, seven and eight, article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one, two and three of said article, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing the division of health to promulgate a legislative rule relating to nursing home licensure; authorizing the division of health to promulgate a legislative rule relating to child care centers; authorizing the division of health to promulgate a legislative rule relating to emergency medical services; authorizing the department of health and
human resources to promulgate a legislative rule relating to clinical laboratory technician and technologist licensure and certification; authorizing the division of health to promulgate a legislative rule relating to residential board and care homes; authorizing the commissioner of human services to promulgate a legislative rule relating to certification requirements for family day care facilities; authorizing the support enforcement commission to promulgate a legislative rule relating to obtaining support from federal and state income tax refunds; and authorizing the support enforcement commission to promulgate a legislative rule relating to interstate income withholding.

Be it enacted by the Legislature of West Virginia:

That sections four, five, six, seven and eight, article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, two and three of said article be amended and reenacted, all to read as follows:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. State board of health; division of health.

(a) The legislative rule filed in the state register on the eighth day of November, one thousand nine hundred ninety-six, authorized under the authority of section five, article five-c, chapter sixteen, of this code, modified by the division of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of February, one thousand nine hundred ninety-seven, relating to the division of health (nursing home licensure, 64 CSR 13), is authorized.

(b) The legislative rule filed in the state register on the thirtieth day of August, one thousand nine hundred ninety-six, authorized under the authority of section seven, article one, chapter sixteen, of this code, modified by the division of health to meet the objections of the legislative rule-making review committee and refiled in the state
The legislative rule filed in the state register on the twentieth day of June, one thousand nine hundred eighty-eight, modified by the division of health to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-sixth day of February, one thousand nine hundred ninety-seven, relating to the division of health (clinical laboratory technician and technologist licensure and certification, 64 CSR 57), is authorized until July 1, 1998: Provided, That the director of the department of health review, revise and propose, within the statutory deadline and in accordance with the provisions of article three, chapter twenty-nine-a of this code, a rule for legislative consideration during the legislative session of one thousand nine hundred ninety-eight with the following amendments:
“On page one, subsection 2.2.2, following the semi-
colon, by striking the word ‘or’;

On page one, by inserting a new 2.2.3, to read as
follows: ‘2.2.3. Any respiratory care provider licensed
within the state providing diagnostic testing within the
scope of his or her professional license who performs
moderate complexity testing as defined by CLIA, pursuant
to 42 CFR 493.17; or’;

‘On pages one and two, by renumbering the
subsequent subdivision.’ ”

And,

“On page 6, subsection 7.2, after the word
‘Personnel’, by striking the period and inserting in lieu
thereof the following: ‘or by the International Society for
Clinical Laboratory Technology.’ ”

§64-5-2. Commissioner of human services.

The legislative rule filed in the state register on the
thirtieth day of August, one thousand nine hundred
ninety-six, under the authority of section four, article two-
b, chapter forty-nine, of this code, modified by the
commissioner of human services to meet the objections of
the legislative rule-making review committee and refiled in
the state register on the twenty-seventh day of February,
one thousand nine hundred ninety-seven, relating to the
commissioner of human services (certification
requirements for family day care facilities, 78 CSR 18), is
authorized.

§64-5-3. Child support enforcement commission.

(a) The legislative rule filed in the state register on the
thirtieth day of August, one thousand nine hundred
ninety-six, under the authority of section ten, article two,
chapter forty-eight-a of this code, modified by the child
support enforcement commission to meet the objections
of the legislative rule-making review committee and
refiled in the state register on the twenty-eighth day of
February, one thousand nine hundred ninety-seven, relating to the child support enforcement commission
(obtaining support from federal and state income tax refunds, 97 CSR 3), is authorized.

(b) The legislative rule filed in the state register on the thirtieth day of August, one thousand nine hundred ninety-six, under the authority of section twenty-three, article two, chapter forty-eight-a of this code, modified by the child support enforcement commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-eighth day of February, one thousand nine hundred ninety-seven, relating to the child support enforcement commission (interstate income withholding, 97 CSR 4), is authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee  

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 1st day of March, 1997.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/25/97
Time 1:55 pm