WEST VIRGINIA LEGISLATURE
Regular Session, 2001

ENROLLED
Committee Substitute for
SENATE BILL NO. 295

(By Senator Ross, et al)

PASSED April 13, 2001
In Effect from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 295

(SENATORS ROSS, ANDERSON, MINARD, SNYDER, UNGER AND MINEAR, original sponsors)

[Passed April 13, 2001; in effect from passage.]

AN ACT to amend and reenact article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules; 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 certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain of the agencies to promulgate certain
legislative rules as amended by the Legislature; authorizing certain of the 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 division of health to promulgate a legislative rule relating to public water systems operators; 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 radiological health; authorizing the division of health to promulgate a legislative rule relating to newborn hearing screening; authorizing the division of health to promulgate a legislative rule relating to specialized multi-patient medical transport; authorizing the division of health to promulgate a legislative rule relating to the body piercing studio business; authorizing the division of health to promulgate a legislative rule relating to needlestick injury prevention; authorizing the division of human services to promulgate a legislative rule relating to child placing agencies licensure; authorizing the support enforcement commission to promulgate a legislative rule relating to obtaining support from federal and state income tax refunds; authorizing the support enforcement commission to promulgate a legislative rule relating to interstate income withholding; and authorizing the support enforcement commission to promulgate a legislative rule relating to the termination of income withholding.

Be it enacted by the Legislature of West Virginia:

That article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted 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
twenty-ninth day of August, two thousand, authorized
under the authority of section four, 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 register on the twenty-
second day of January, two thousand one, relating to the
division of health (public water systems operators, 64 CSR
4), is authorized with the following amendments:

"On page 3, after subdivision 4.1.b. by adding a new
subdivision 4.1.c. to read as follows:

4.1.c. Community and nontransient noncommunity
public water systems classified as 1D systems on or before
the effective date of this rule will remain classified as 1D
systems until July 1, 2004, unless treatment modifications
do not require a higher classification;

On page 5, in subdivision 5.3.d. after the words “em-
ployed by a” by adding the words “community or
nontransient noncommunity”;

On page 6, after subsection 7.2 by adding a new section
7.3 to read as follows:

7.3. Any operator holding Class 1D certification em-
ployed on or before the effective date of this rule by a
community or nontransient noncommunity public water
system who meets the minimum education requirements or
substitutes applicable experience on a year-for-year basis
to meet the minimum educational requirements may
upgrade to a Class 1 certification by passing the certifica-
tion examination on or before July 1, 2004;

On page 8, subdivision 10.2.b. after the words “shall
complete” by striking out the words “twenty-four (24)”
and inserting in lieu thereof the word “required”;
On page 8, subdivision 10.2.b. after the words “certification period” by adding a new sentence to read as follows:

“Class 1 operators are required to complete twelve (12) continuing education hours and Class 11 and higher classifications must complete twenty-four (24) continuing education hours.”;

And,

On page 14, in the note at the end of the chart after the word “for” by striking out the words “Class I” and inserting in lieu thereof the words “Class II”.

(b) The legislative rule filed in the state register on the thirtieth day of August, two thousand, 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 nineteenth day of January, two thousand one, relating to the division of health (nursing home licensure, 64 CSR 13), is authorized with the following amendments:

“On page 14 of the rule, subdivision 3.10.a., following the word ‘The’ by striking the words ‘nursing home’ and inserting in lieu thereof the word “director.”

And,

On page 82 of the rule, subdivision 15.3.c., by following the words “been sited, the” by striking the words “nursing home” and inserting in lieu thereof the word “director.”.

(c) The legislative rule filed in the state register on the thirtieth day of August, two thousand, authorized under the authority of section four, article one, chapter sixteen of this code, relating to the division of health (radiological health, 64 CSR 23), is authorized.

(d) The legislative rule filed in the state register on the seventh day of June, two thousand, authorized under the
authority of section two, article twenty-two-a, 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-ninth day of August, two thousand, relating to the division of health (newborn hearing screening, 64 CSR 24), is authorized.

(e) The legislative rule filed in the state register on the twenty-ninth day of August, two thousand, authorized under the authority of section twenty-three, article four-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 twelfth day of December, two thousand, relating to the division of health (specialized multi-patient medical transport, 64 CSR 29), is authorized.

(f) The legislative rule filed in the state register on the thirtieth day of August, two thousand, authorized under the authority of section four, article thirty-seven, 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 fifteenth day of December, two thousand, relating to the division of health (body piercing studio business, 64 CSR 80), is authorized.

(g) The legislative rule filed in the state register on the twenty-ninth day of August, two thousand, authorized under the authority of section two, article thirty-six, 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 twelfth day of December, two thousand, relating to the division of health (needlestick injury prevention, 64 CSR 82), is authorized with the following amendments:

"On page 3, subdivision 4.1.d. after the colon by adding the words 'Provided, That the requirements of the Occupa-
§64-5-2. Division of human services.

The legislative rule filed in the state register on the thirtieth day of August, two thousand, under the authority of section two, article two-b, chapter forty-nine of this code, modified by the division of human services to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of February, two thousand one, relating to the division of human resources (child placing agencies licensure, 78 CSR 2), is authorized with the following amendments:
On page 2, subsection 3.20. after the words "or the" by striking out the words Department of Military Affairs and Public Safety" and inserting in lieu thereof the words "Division of Juvenile Services";

On page 10, paragraph 6.6.a.1. after the word "race" by striking out the word "religion" and inserting in lieu thereof the words "biological family's religious preference, if any";

On page 22, section heading 9.5. by striking out the word "Religion" and inserting in lieu thereof the words "Religious preferences";

On page 23, subsection 9.5.a. after "orientation" by adding the words "if any,";

On page 23, subsection 9.5.b. after the word "religious" by striking out the word "practices" and inserting in lieu thereof the words "preferences, if any,";

On page 23, subsection 9.5.c. after the word "child" by adding a comma and the words "if any" and a comma;

On page 23, subsection 9.5.c. after the word "choice" by adding the words "if he or she expresses one"; and,

On page 27, by striking paragraph 10.5.f.4. and renumbering the remaining paragraphs; and,

On page 27, paragraph 10.5.f.5., re-numbered as paragraph 10.5.f.4., after the words "special interests", by inserting the words "religious preferences if any"; and,

On page 33, subdivision 12.2.n. after the word "Code" by striking out the numbers and words "49-4-1 et seq." and inserting in lieu thereof the numbers and words "48-4-1 et seq.";

On page 33, section heading 13.1. by striking out the words "Character and Personal Requirements." and inserting in lieu thereof the words "Personal Characteristics.";

(a) The legislative rule 97 CSR 3 heretofore authorized under section nine, article two, chapter forty-eight-a of this code relating to obtaining support from federal and state income tax refunds by the support enforcement commission, is hereby repealed.

(b) The legislative rule 97 CSR 4 heretofore authorized under section nine, article two, chapter forty-eight-a of this code relating to obtaining support from federal and
state income tax refunds by the support enforcement commission, is hereby repealed.

(c) The legislative rule filed 97 CSR 11 heretofore authorized under section nine, article two, chapter forty-eight-a of this code relating to obtaining support from federal and state income tax refunds by the support enforcement commission, is hereby repealed.
The 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 23rd Day of April, 2001.

Governor
PRESENTED TO THE
GOVERNOR

Date 4/20/01
Time 3:55 pm