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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

Committee Substitute for
SENATE BILL NO. 341

(By Senator Minard, et al)

PASSED April 8, 2005

In Effect from Passage

FILED

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 341

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER, BOLEY AND MINEAR, *original sponsors.*)

[Passed April 8, 2005; in effect from passage.]

AN ACT to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, 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 or 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 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 Health Care Authority to promulgate a legislative rule relating to benchmarking and discount contracts; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to implementation of Omnibus Health Care Act; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to implementation of Omnibus Health Care Act payment provisions; authorizing Department of Health and Human Resources and Insurance Commissioner to promulgate a legislative rule relating to uniform credentialing of health care practitioners; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to methods and standards for chemical test for intoxication; and authorizing Department of Health and Human Resources to promulgate a legislative rule relating to Grade "A" pasturized milk.

Be it enacted by the Legislature of West Virginia:

That article 5, chapter 64 of the Code of West Virginia, 1931, 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. Health Care Authority.

1 The legislative rule filed in the State Register on the
2 twenty-seventh day of August, two thousand four, under
3 the authority of section eight, article twenty-nine-b,
4 chapter sixteen of this code modified by the Health Care
5 Authority to meet the objections of the Legislative Rule-
6 Making Review Committee and refiled in the State Regis-
7 ter on the fourteenth day of February, two thousand five,
8 relating to the Health Care Authority (benchmarking and
9 discount contracts, 65 CSR 26) is authorized.

§64-5-2. Department of Health and Human Resources.

1 (a) The legislative rule filed in the State Register on the
2 twenty-seventh day of August, two thousand four, under
3 the authority of section seven, article twenty-nine-d,
4 chapter sixteen of this code modified by the Department of
5 Health and Human Resources to meet the objections of the
6 Legislative Rule-Making Review Committee and refiled in
7 the State Register on the fifteenth day of December, two
8 thousand four, relating to the Department of Health and
9 Human Resources (implementation of the Omnibus Health
10 Care Act, 69 CSR 2) is authorized, with the following
11 amendment:

12 On page one, subsection 1.1, line six, by striking out the
13 words “Division of Workers’ Compensation” and inserting
14 in lieu thereof the words “Workers’ Compensation Com-
15 missioner”;

16 On page one, subsection 1.1, line ten, after the words
17 “and the” by inserting the words “University of West
18 Virginia”, and by striking out the words “which has
19 responsibility for” and inserting in lieu thereof the word
20 “and”;

21 And,

22 On page four, section 5, by striking out “5.1.” and the
23 words “as a matter of law as set forth in the Act”, and,
24 after the word “pursuant” by striking out the words “the
25 Act” and inserting in lieu thereof the words “W. Va. Code
26 §16-29D-4”.

27 (b) The legislative rule filed in the State Register on the
28 twenty-seventh day of August, two thousand four, under
29 the authority of section seven, article twenty-nine-d,
30 chapter sixteen of this code modified by the Department of
31 Health and Human Resources to meet the objections of the
32 Legislative Rule-Making Review Committee and refiled in
33 the State Register on the fifteenth day of December, two
34 thousand four, relating to the Department of Health and

35 Human Resources (implementation of the Omnibus Health
36 Care Act payment provisions, 69 CSR 3) is authorized.

37 (c) The legislative rule filed in the State Register on the
38 twenty-seventh day of August, two thousand four, under
39 the authority of section two, article one-a, chapter sixteen
40 of this code modified by the Department of Health and
41 Human Resources and the Insurance Commissioner to meet
42 the objections of the Legislative Rule-Making Review
43 Committee and refiled in the State Register on the twenty-
44 first day of December, two thousand four, relating to the
45 Department of Health and Human Resources and the
46 Insurance Commissioner (uniform credentialing of health
47 care practitioners, 64 CSR 89) is authorized.

48 (d) The legislative rule filed in the State Register on the
49 twenty-third day of April, two thousand four, under the
50 authority of section four, article one, chapter sixteen of
51 this code modified by the Department of Health and
52 Human Resources to meet the objections of the Legislative
53 Rule-Making Review Committee and refiled in the State
54 Register on the twenty-fifth day of January, two thousand
55 five, relating to the Department of Health and Human
56 Resources (methods and standards for chemical tests for
57 intoxication, 64 CSR 10) is authorized.

58 (e) The legislative rule filed in the State Register on the
59 twenty-seventh day of August, two thousand four, under
60 the authority of section five, article seven, chapter sixteen
61 of this code modified by the Department of Health and
62 Human Resources to meet the objections of the Legislative
63 Rule-Making Review Committee and refiled in the State
64 Register on the twenty-first day of December, two thou-
65 sand four, relating to the Department of Health and
66 Human Resources (Grade "A" pasturized milk, 64 CSR 34)
67 is authorized.

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

Charly White
.....
Chairman Senate Committee

D. Lee Burr
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell Holmes
.....
Clerk of the Senate

Gregory M. Boy
.....
Clerk of the House of Delegates

Carl Ray Brinkley
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *21st*
Day of *April* 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 15 2005

Time

4:15 