WEST VIRGINIA LEGISLATURE

ENROLLED

Committee Substitute for

SENATE BILL NO. 341

(By Senator Minard, et al)

PASSED April 6, 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 twenty-seventh day of August, two thousand four, under the authority of section eight, article twenty-nine-b, chapter sixteen of this code modified by the Health Care Authority to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the fourteenth day of February, two thousand five, relating to the Health Care Authority (benchmarking and discount contracts, 65 CSR 26) is authorized.
§64-5-2. Department of Health and Human Resources.

(a) The legislative rule filed in the State Register on the twenty-seventh day of August, two thousand four, under the authority of section seven, article twenty-nine-d, chapter sixteen of this code modified by the Department of Health and Human Resources 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 four, relating to the Department of Health and Human Resources (implementation of the Omnibus Health Care Act, 69 CSR 2) is authorized, with the following amendment:

On page one, subsection 1.1, line six, by striking out the words “Division of Workers' Compensation” and inserting in lieu thereof the words “Workers’ Compensation Commissioner”;

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

And,

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

(b) The legislative rule filed in the State Register on the twenty-seventh day of August, two thousand four, under the authority of section seven, article twenty-nine-d, chapter sixteen of this code modified by the Department of Health and Human Resources 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 four, relating to the Department of Health and
Human Resources (implementation of the Omnibus Health Care Act payment provisions, 69 CSR 3) is authorized.

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

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

(e) The legislative rule filed in the State Register on the twenty-seventh day of August, two thousand four, under the authority of section five, article seven, chapter sixteen of this code modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-first day of December, two thousand four, relating to the Department of Health and Human Resources (Grade "A" pasturized milk, 64 CSR 34) is authorized.
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 21st Day of April 2005.

Governor
PRESENTED TO THE GOVERNOR

APR 15 2005

4:15

Time