WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE
FOR

ENROLLED
Senate Bill No. 398

(Senators Minard, Fanning, Prezioso, Unger, Boley and Facemyer, original sponsors)

[Passed March 8, 2008; in effect from passage.]
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 398

(SENATORS MINARD, FANNING, PREZIOSO, UNGER, BOLEY AND FACEMYER, original sponsors)

[Passed March 8, 2008; in effect from passage.]

AN ACT to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Health and Human Resources and the procedures relating thereto; 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 Department
of Health and Human Resources to promulgate a legislative
rule relating to food establishments; authorizing the
Department of Health and Human Resources to promulgate
a legislative rule relating to water wells; authorizing the
Department of Health and Human Resources to promulgate
a legislative rule relating to water well design standards;
authorizing the Department of Health and Human
Resources to promulgate a legislative rule relating to hospice licensure; authorizing the Department of Health
and Human Resources to promulgate a legislative rule
relating to the regulation of opioid treatment programs;
authorizing the Department of Health and Human
Resources to promulgate a legislative rule relating to the
newborn screening system; authorizing the Department of
Health and Human Resources to promulgate a legislative
rule relating to clandestine drug laboratory remediation;
and authorizing the Department of Health and Human
Resources to promulgate a legislative rule relating to
emergency medical services.

Be it enacted by the Legislature of West Virginia:

That article 5, chapter 64 of the Code of West Virginia, 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. Department of Health and Human Resources.

(a) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand seven, authorized 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 seventh day of December, two thousand seven, relating to the Department of Health and Human Resources (food establishments, 64 CSR 17), is authorized.

(b) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand seven, authorized 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 nineteenth day of December, two thousand seven, relating to the Department of Health and Human Resources (water wells, 64 CSR 19), is authorized.

(c) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand seven, authorized 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 seventh day of December, two thousand seven, relating
(d) The legislative rule filed in the State Register on
the twenty-seventh day of July, two thousand seven,
authorized under the authority of section five, article
five-I, 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 sixth
day of December, two thousand seven, relating to the
Department of Health and Human Resources (hospice
licensure, 64 CSR 54), is authorized.

(e) The legislative rule filed in the State Register on
the twenty-seventh day of July, two thousand seven,
authorized 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 sixth
day of December, two thousand seven, relating to the
Department of Health and Human Resources (regulation
of opioid treatment programs, 64 CSR 90), is authorized.

(f) The legislative rule filed in the State Register on
the twenty-seventh day of July, two thousand seven,
authorized under the authority of section three, article
twenty-two, 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 seventh day of December, two thousand seven,
relating to the Department of Health and Human
Resources (newborn screening system, 64 CSR 91), is
authorized.

(g) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand seven, authorized under the authority of section three, article eleven, 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 seventh day of December, two thousand seven, relating to the Department of Health and Human Resources (clandestine drug laboratory remediation, 64 CSR 92), is authorized.

(h) The legislative rule filed in the State Register on the twenty-eighth day of July, two thousand six, authorized under the authority of section fourteen, article four-C, chapter sixteen of this code, authorized for promulgation by the Legislature on the tenth day of March, two thousand seven, and refiled in the State Register on the eighteenth day of April, two thousand seven, relating to the Department of Health and Human Resources (emergency medical services, 64 CSR 48), is authorized with the following amendment:

On page eighteen, by striking out all of subparagraph 9.1.a.2.B. and renumbering the remaining subparagraphs.
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 Day of , 2008.

Governor
PRESENTED TO THE GOVERNOR

MAR 21 2008

Time ___45____