WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 195

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

[Passed April 9, 2009; in effect from passage.]
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UNGER, BOLEY AND FACEMYER, original sponsors)

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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 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 rule with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; 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 public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to licensure of medical adult day care centers; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to tuberculosis testing, control treatment and commitment; authorizing the Commission for the Deaf and Hard of Hearing to promulgate a legislative rule relating to the establishment of required qualifications and ethical standards for interpreters and transliterators; and authorizing the Division of Human Services to promulgate a legislative rule relating to child care center licensing.

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. Department of Health and Human Resources.

1 (a) The legislative rule filed in the State Register on August 28, 2008, 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 October 27, 2008, relating to the Department of Health and Human Resources (public water systems, 64 CSR 3), is authorized.

9 (b) The legislative rule filed in the State Register on August 27, 2008, authorized under the authority of section eight, article five-b, 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 December
3.17, 2008, relating to the Department of Health and Human Resources (licensure of medical adult day care centers, 64 CSR 2), is authorized with the following amendments:

On page five, section three, by inserting a new subsection, designated 3.39, to read as follows:

3.39. Substantial compliance. The Medical Adult Day Care Center has no violation of which, as the secretary determines, would present an imminent danger to the health, safety or welfare of any resident or a probability that death or serious physical harm could result, and has no ongoing violation of a regulation where there is a direct or immediate relationship to the health, safety or welfare of the resident(s);

And renumbering the remaining subsections;

On page twenty-three, section eight, by striking out all of 8.4.a and inserting in lieu thereof a new 8.4.a, to read as follows:

8.4.a. The licensee shall ensure that all participant care and treatment is provided by appropriate individuals as required by state and federal law;

And,

On page thirty, section fourteen, by striking out all of subsection 14.1 and inserting in lieu thereof a new subsection 14.1, to read as follows:

14.1. The Secretary may suspend or revoke a medical adult day care center license according to the provision of Chapter 16, Article 5B, Section 6 of the West Virginia Code.

(c) The legislative rule filed in the State Register on August 28, 2008, authorized under the authority of section nine, article three-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 October 27, 2008, relating to the Department of Health and Human Resources (tuberculosis testing, control treatment and commitment, 64 CSR 76), is authorized.


The legislative rule filed in the State Register on August 27, 2008, authorized under the authority of section five, article fourteen, chapter five of this code, modified by the Commission for the Deaf and Hard of Hearing to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 21, 2008, relating to the Commission for the Deaf and Hard of Hearing (establishment of required qualifications and ethical standards for interpreters and transliterators, 192 CSR 3), is authorized.

§64-5-3. Division of Human Services.

The legislative rule filed in the State Register on August 26, 2008, authorized under the authority of section four, 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 November 21, 2008, relating to the Division of Human Services (child care center licensing, 78 CSR 1), 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

President of the Senate

Speaker House of Delegates

The within is approved this the...

Day of... 2009.

Governor
PRESENTED TO THE GOVERNOR

MAY 5 2009

Time 11:05 A.M.