

FILED

2010 APR -2 PM 4: 10

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2010**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

—●—  
**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 286**

(SENATORS MINARD, SNYDER, PREZIOSO, UNGER,  
BOLEY, AND K. FACEMYER, *original sponsors*)

[Passed March 13, 2010; in effect from passage.]

SB 286

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OFFICE OF THE CLERK  
WEST VIRGINIA  
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COMMITTEE SUBSTITUTE

FOR

# Senate Bill No. 286

(SENATORS MINARD, SNYDER, PREZIOSO,  
UNGER, BOLEY AND K. FACEMYER, *original sponsors*)

[Passed March 13, 2010; 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; 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 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 Health Care Authority to promulgate a legislative rule relating to hospital ambulatory health care facilities; authorizing the Department of Health and Human Resources to promulgate

a legislative rule relating to Grade “A” pasturized milk; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the distribution of state aid funds to local boards of health; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the nurse aid abuse registry; and authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school time child care center licensing requirements.

*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 July 15,  
2 2009, authorized under the authority of section four,  
3 article two-d, chapter sixteen of this code, modified by the  
4 Health Care Authority to meet the objections of the  
5 Legislative Rule-Making Review Committee and refiled in  
6 the State Register on August 14, 2009, relating to the  
7 Health Care Authority (Hospital Ambulatory Health Care  
8 Facilities, 65 CSR 27), is authorized.

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

1 (a) The legislative rule filed in the State Register on July  
2 31, 2009, authorized under the authority of section five,  
3 article seven, chapter sixteen of this code, modified by the  
4 Department of Health and Human Resources to meet the  
5 objections of the Legislative Rule-Making Review Com-

6 mittee and refiled in the State Register on November 30,  
7 2009, relating to the Department of Health and Human  
8 Resources (Grade “A” Pasturized Milk, 64 CSR 34), is  
9 authorized.

10 (b) The legislative rule filed in the State Register on July  
11 31, 2009, authorized under the authority of section eleven,  
12 article one, chapter sixteen of this code, modified by the  
13 Department of Health and Human Resources to meet the  
14 objections of the Legislative Rule-Making Review Com-  
15 mittee and refiled in the State Register on November 30,  
16 2009, relating to the Department of Health and Human  
17 Resources (Fees for Services, 64 CSR 51), is authorized.

18 (c) The legislative rule filed in the State Register on July  
19 31, 2009, authorized under the authority of section four,  
20 article one, chapter sixteen of this code, modified by the  
21 Department of Health and Human Resources to meet the  
22 objections of the Legislative Rule-Making Review Com-  
23 mittee and refiled in the State Register on November 30,  
24 2009, relating to the Department of Health and Human  
25 Resources (Distribution of State Aid Funds to Local  
26 Boards of Health, 64 CSR 67), is authorized.

27 (d) The legislative rule filed in the State Register on July  
28 31, 2009, authorized under the authority of section two,  
29 article six, chapter nine of this code, modified by the  
30 Department of Health and Human Resources to meet the  
31 objections of the Legislative Rule-Making Review Com-  
32 mittee and refiled in the State Register on November 20,  
33 2009, relating to the Department of Health and Human  
34 Resources (Nurse Aid Abuse Registry, 69 CSR 6), is  
35 authorized with the following amendments:

36 On page seven, section nine, by striking out “§69-6-9”  
37 and inserting in lieu thereof “§69-6-8”,

38 And, by renumbering the remaining sections.

39 (e) The legislative rule filed in the State Register on July  
40 31, 2009, authorized under the authority of section four,  
41 article two-b, chapter forty-nine of this code, modified by  
42 the Department of Health and Human Resources to meet  
43 the objections of the Legislative Rule-Making Review  
44 Committee and refiled in the State Register on January 20,  
45 2010, relating to the Department of Health and Human  
46 Resources (Out-of-School-Time Child Care Center Licens-  
47 ing Requirements, 78 CSR 21), is authorized with the  
48 following amendment:

49 On page three, subsection 3.7., after the word “except”  
50 by striking out the colon and subdivisions 3.7.a. through  
51 3.7.f. in their entirety and inserting in lieu thereof the  
52 words “those facilities, centers, programs, and individuals  
53 set forth in W. Va. Code §49-2B-3(e)”.

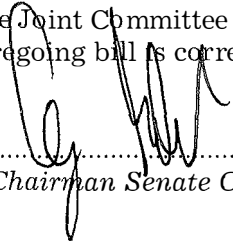
54 On page five, subsection 3.27, line six, by striking the  
55 words “was regulated care and”;

56 On page nineteen, paragraph 7.9.a.3, by striking the  
57 paragraph in its entirety and renumbering the remaining  
58 paragraphs;

59 On page nineteen, paragraph 7.9.b.3, by striking the  
60 paragraph in its entirety and renumbering the remaining  
61 paragraphs; and

62 On page nineteen, paragraph 7.9.c.3, by striking the  
63 paragraph in its entirety and renumbering the remaining  
64 paragraphs.


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

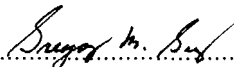
  
.....  
Chairman Senate Committee

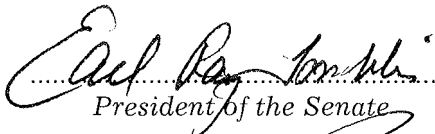
  
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Chairman House Committee


Originated in the Senate.

In effect from passage.

  
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Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *2nd*  
Day of *April* ....., 2010.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 01 2010

Time 11:25hr