

2018 Regulatory Review Report

Code	Bureau	Description	Authorizing Code	Promulgation Date	Modification Date(s)	Continue, Modify or Repeal	Reasoning
64 CSR 59	BHHF	Behavioral Health Client Rights	27-5-9(g)	05/01/95	N/A	Continue	Codifies Hartley Sec. 2 (state hospital section), Medicare (CMS) put in conditions of participation in regard to patient rights that are not in this rule
64 CSR 72	BHHF	Interstate Compact on Mental Health	27-14-2	07/01/99	N/A	Continue	Adopts interstate procedure for transfer of involuntary commitments to and from WV
64 CSR 74	BHHF	Behavioral Health Consumer Rights	27-5-9(g)	07/01/00	N/A	Continue	Codifies Hartley Sec. 9 (community section). This can be folded in to the OFLAC licensing rule, 64 CSR 11.
64 CSR 86	BHHF	Surrogates for Incapacitated Persons in Health Care Facilities Operated by the Department of Health and Human Resources	16-30-8(a)(7)	07/01/03	N/A	Continue	Prompted by 8/20/2001 Hartley Letter and created to ameliorate or eliminate apparent conflicts of interest re: DHHR Staff making decisions regarding people in state facilities
64 CSR 94	BHHF	West Virginia Alzheimer's Disease Registry	16-5R-7	12/27/07	N/A	Continue	This is not a BHHF Rule but a WVU Governing Board Rule
64 CSR 98	BHHF	DUI Safety and Treatment	17A-2-9 & 17C-5A-3	05/04/12	N/A	Continue	Needed for oversight of DUI Safety and Treatment programs
64 CSR 99	BHHF	Requirements for Licensure of Nonprofit Corporations for Conservator Service	44A-1-8	05/10/11	N/A	Continue	Created in order for DHHR to comply with WV Code Sec. 44-10A-1 re: a process for licensing nonprofit corporations to serve as Conservators.
191 CSR 1	BCF	Operation of the Family Protection Advisory Board	§ 48-26-403 § 48-26-301	05/01/94	7/15/1997 9/6/1999 8/10/2000 8/11/2003 5/4/2015	Continue	The rule was recently modified. The Board continues to operate.
191 CSR 2	BCF	Family Protection Programs, Outreach Services and Shelter	§ 48-26-403	07/01/00	8/11/2003 5/4/2015	Continue	The rule was recently modified. The Family Protection Advisory Board continues to oversee this program.
191 CSR 3	BCF	Perpetrator Intervention Programs Licensure	§ 48-26-403	08/11/03	5/4/2015	Continue	The rule was recently modified. The Family Protection Advisory Board continues to oversee this program.
191 CSR 4	BCF	Monitored Parenting and Exchange Program Certifications	§ 48-26-403	05/13/03	5/4/2015	Continue	The rule was recently modified. The Family Protection Advisory Board continues to oversee this program.
191 CSR 5	BCF	Perpetrator Intervention Programs Licensure for Correctional Institutions	§ 48-26-403	05/13/03	5/4/2015	Continue	The rule was recently modified. The Family Protection Advisory Board continues to oversee this program.
78 CSR 1	BCF	Child Care Licensing	§49-2-121	06/01/82	10/1/1982 7/1/2003 7/1/2007 5/20/2009 6/1/2014 7/1/2016 4/1/2018	Continue	BCF continues to oversee the licensing of child care centers in West Virginia. The rule was recently modified.

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78 CSR 2	BCF	Child Placing Agencies Licensure	§49-2-121	06/01/82	7/1/2001 7/1/2007	Continue	Requesting to add the following provisions (1) WV CARES for background checks, (2) human trafficking provisions, (3) normalcy and prudent parent language.
78 CSR 3	BCF	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia	§49-2-121 §27-17-3 §27-1A-4(g) §27-1A-6(6) §27-1A-7	06/01/82	7/1/2001 7/1/2007 8/12/2013	Continue	Requesting to add the Family First Prevention Services Act regulations.
78 CSR 4	BCF	Incorporation of the Social Services Manual	§9-1-1 et seq. §9-6-1 et seq. §49-1-101 et seq.	10/01/85	7/1/1986	Repeal	This rule appears to be the edited version of 78 CSR 5. It could also be a scanning error. The previous version is the "Incorporation of Economic Services Manual," which does not appear in any current rule. There are no stakeholders effected because it is a technical matter.
78 CSR 5	BCF	Incorporation of the Social Services Manual	§9-1-1 et seq. §9-6-1 et seq.	10/01/85	7/1/1986	Continue	This program continues.
78 CSR 7	BCF	Incorporation of the Work & Training Program Handbook Manual	§9-2-1 et seq.	11/17/95		Continue	This program continues.
78 CSR 10	BCF	Incorporation of West Virginia State Plan for Title XIX, Medicaid		10/01/85		Continue	Programmatic
78 CSR 15	BCF	Tel-Assistance Program	§24-2C-4	07/28/86	7/2/2003	Continue	The program continues and the rule reflects the statutory requirements.
78 CSR 18	BCF	Family Child Care Facility Licensing Requirements	§49-2-121	06/23/97	7/1/2007 5/2/2012 7/1/2016 4/1/2018	Continue	This rule was updated during the 2018 Legislative Session.
78 CSR 19	BCF	Family Child Care Home Registration Requirements	§49-2-121	07/31/03	7/1/2007 5/2/2012 7/1/2016 4/1/2018	Continue	This rule was updated during the 2018 Legislative Session.
78 CSR 20	BCF	Informal and Relative Family Child Care Home Registration Requirements	§49-2-121	07/01/07	4/1/2018	Continue	This rule was updated during the 2018 Legislative Session.
78 CSR 21	BCF	Out-of-School-Time Child Care Center Licensing Requirements	§49-2-121	07/01/10	4/1/2018	Continue	This rule was updated during the 2018 Legislative Session.
78 CSR 22	BCF	Child Care Quality Rating and Improvement System	§49-2-304	05/02/12		Continue	This quality rating and improvement system continues and the rule reflects the statutory
78 CSR 23	BCF	West Virginia Works Program Sanctions	§9-9-11(d)	07/04/16		Continue	The program continues and the rule reflects the statutory requirements.
78 CSR 24	BCF	Qualifications for a Provisional License to Practice as a Social Workers within the Department of Health & Human Resources	§30-30-16(c)(2)	07/01/16		Continue	The program continues and the rule was created the advice of Higher Education Policy Commission,
78 CSR 25	BCF	Goals for Foster Children	§49-2-126(c)	07/01/16		Continue	The rule meets the statutory requirement.
78 CSR 26	BCF	Pilot Program for Drug Screening of Applicants for Cash Assistance	§9-3-6(n)	03/14/18		Continue	The rule meets the statutory requirement.

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79 CSR 1	BCF	Operating Rules and Regulations for the WV Commission on Children and Youth	§49-6C-6	03/15/86	10/6/1987	Repeal	The statute creating the WV Commission on Children and Youth was repealed. The function of the commission was to oversee the Children's Trust Fund. That oversight is now controlled by §49-2-401. Linda Watts as Acting Commissioner of the Bureau of Children and Families administers the Children's Trust Fund and awards grants, loans and loan guarantees for child abuse and neglect prevention activities from the fund.
78 CSR 6	BCSE	Incorporation by Reference as a Legislative Rules of the Child Advocate Office Policy and Procedural Manual	Legislative exempt per 29A-1-3 (c); 9-2-6; 9-3-4; 21A-6-16; 48-7 (obsol.); 48-8 (obsol.); 48-9 (obsol.)	10/01/85	2/26/1988	Repeal	Since 1988, numerous revisions to the Policy and Procedure manual have been, and continue to be, made, as well as the recodification of the authorizing statute and the names of the agency and jurisdictional court. Stakeholders are parents seeking establishment of paternity, child support, enforcement of support from a child's non-custodial parent, and alimony. Also the family court system.
97 CSR 1	BCSE	General Procedures Pertaining to Documents and Files	48-18-105 (19)	05/11/14	N/A	Continue	The BCSE has not received any complaints that its legislative rules burden the public. The rules provide a "force of law" framework in the event of fair hearings.
97 CSR 6	BCSE	Support Enforcement Activities	48-18-105 (19)	05/11/14	N/A	Continue	The BCSE has not received any complaints that its legislative rules burden the public. The rules provide a "force of law" framework in the event of fair hearings.
97 CSR 7	BCSE	Distribution of Support Payments	48-18-105 (19)	05/11/14	N/A	Continue	The BCSE has not received any complaints that its legislative rules burden the public. The rules provide a "force of law" framework in the event of fair hearings.
78 CSR 17	BMS	Estate Recovery				Repeal	Superseded by Chapter 900 of BMS' Manual
64 CSR 1	BPH	Rules of Procedure for Contested Case Hearings and Declaratory Rulings	§§16-1-4; 29A-5-1(a); 29A-4-1	01/30/11	N/A	Continue	Statutorily mandated
64 CSR 3	BPH	Public Water Systems	§§16-1-4; 16-1-9; 16-1-9a; 16-1-9c; 16-1-9d	05/01/91	3/22/2018 4/1/2015 5/2/2012 4/21/2011 6/5/2009 4/18/2007 5/8/2006 4/29/2004 7/1/2002 7/1/1999 6/1/1995 4/8/1994 5/1/1991 1/1/1983 4/2/1982 11/1/1974	Continue	Necessary for the efficient and effective implementation of a statutory mandate

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64 CSR 4	BPH	Public Water Systems Operator	§§16-1-4; 16-1-9	11/01/74	5/2/2012 4/18/200 7/1/2002 5/14/2001 7/1/1989 5/9/1983 6/7/1982 1/9/1978	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 5	BPH	Waste Water Systems and Operators	§16-1-6	11/01/74	5/2/2012 7/1/1995 5/9/1983 11/1/1974	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 7	BPH	Reportable Diseases, Events and Conditions	§§16-3-1; 16-1-4; 16-3C-1 et seq.; 16-4-1 et seq.; 16-35-4 and 16-40-7	11/03/78	8/12/2013 12/16/2010 5/8/2006 7/1/2002 7/1/1999 3/24/1994 9/9/1992 6/11/1991 2/18/1987 7/1/1985 5/8/1982 11/3/1978 3/8/1978	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 9	BPH	Sewer Systems, Sewage Treatment Systems, and Sewage Tank Cleaners	§§16-1-6; 16-1-9	07/01/62	5/1/1998 5/12/1983 8/1/1980 3/19/1980 11/2/1979 12/1/1975 12/1/1974	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 10	BPH	Methods and Standards for Chemical Tests for Intoxication	§§16-1-4; 17C-5-4; 17C-5-5; 17C-5-6; 17C-5-8	03/12/74	4/22/2005 4/6/1990 6/12/1987 5/30/1983 5/30/1975	Continue	Statutorily mandated
64 CSR 15	BPH	Cross-Connection Control and Backflow Prevention	§§16-1-4; 16-1-9; 16-1-9a	04/01/76	4/29/2004	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 16	BPH	Recreational Water Facilities	§§16-1-4; 16-1-6; 16-1-17	02/19/68	4/18/2007 7/1/2002 4/22/1992 5/5/1980 5/5/1980 7/1/1975	Continue	Necessary for the efficient and effective implementation of a statutory mandate

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64 CSR 17	BPH	Food Establishments	§§16-1-4; 16-6-2	12/29/67	4/2/2008 7/1/2000 8/1/1980	Modify	The current rule series has not been amended since 2008 and incorporates the 2005 Recommendations of the United States Public Health Service, Food and Drug Administration, (hereinafter referred to as the "Food Code") published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration. In an effort to ensure the health and safety of the citizens of the state, the Bureau proposes to amend the rule to include the 2013 Food Code. Furthermore, a federal grant will soon expire and without these amendments the State will not be in compliance with FDA standards and consequently, it is unlikely that the grant may be renewed. Stakeholders include the restaurant industry and other entities that serve food to the public.
64 CSR 18	BPH	General Sanitation	§§16-1-4; 16-1-6(b) and (m)	12/29/67	8/12/2013 7/1/1999	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 19	BPH	Water Well Regulations	§§16-1-4, 16-1-6(n); 16-1-9; 16-1-9a	03/10/84	4/2/2008 7/1/1989	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 20	BPH	State Child Fatality Review Team and County Multidisciplinary Investigative Teams	§49-5D-5(f)	12/01/01	N/A	Repeal	Statutory Authority Repealed and consolidated elsewhere in the Code. Consequently, a new rule (64 CSR 29) was promulgated making this rule obsolete. Stakeholders include Child Welfare Agencies.
64 CSR 21	BPH	Child Care Centers	§16-1-6	03/15/74	6/23/1997	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 23	BPH	Radiological Health Rules	§16-1-6	05/01/79	7/1/2001	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 24	BPH	Newborn Hearing Screening	§§16-22A-7; 16-1-6	07/01/01	N/A	Continue	Statutorily mandated
64 CSR 25	BPH	Certification of Backflow Prevention Assembly Testers	§§16-1-4; 16-1-9; 16-1-9a	04/29/04	N/A	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 27	BPH	Statewide Trauma/Emergency Care System	§16-1-6	09/27/84	4/1/2015 4/29/2004 6/11/1993 4/18/1988 7/12/1985	Continue	Statutorily mandated.
64 CSR 29	BPH	Fatality and Mortality Review Team	§§16-1-4 and 61-12a-2(c)	04/01/15	N/A	Continue	Statutorily mandated
64 CSR 30	BPH	Fees for Permits	§§16-1-4(h); 16-1-11; 16-2-11(b)(3)	05/09/83	5/8/2006 5/1/1991	Continue	Statutorily mandated

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64 CSR 32	BPH	Vital Statistics	§§16-1-4; 16-5-3	06/30/70	5/2/2012 4/18/2007 5/1/1991 6/1/1987 12/6/1981 1/1/1975	Continue	Statutorily mandated
64 CSR 34	BPH	Grade "A" Pasteurized Milk	§§16-1-4 and 16-7-5	01/01/68	8/12/2013 4/9/2010 4/22/2005 7/1/1980 7/18/1973 5/16/1973 9/1/1968	Continue	Statutorily mandated
64 CSR 40	BPH	Manufactured Home Communities	§16-1-6	10/01/71	5/2/2012 12/1/1971	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 42	BPH	Childhood Lead Screening	§§16-1-4; 16-35-4a	04/29/04	N/A	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 43	BPH	Food Manufacturing Facilities	§16-1-4; 16-7-1	12/29/67	4/21/2011	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 45	BPH	Lead Abatement Licensing	§§16-1-4; 16-35-4	07/01/99	5/8/2006	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 46	BPH	Water Well Design Standards	§§16-1-4; 16-1-6(n); 16-1-9; 16-	08/19/83	4/2/2003	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 47	BPH	Sewage Treatment and Collection System Design Standards	§§16-1-4; 16-1-9	12/01/83	7/1/2003	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 48	BPH	Emergency Medical Services	§§16-1-4, 16-4C-6, 16-4c-14, 16-4c-23	02/15/74	3/22/2018 7/1/2016 4/21/2011 4/2/2008 4/18/2007 7/1/2002 9/1/1997 4/22/1992 3/31/1986 6/8/1979 5/7/1978	Continue	Statutorily mandated
64 CSR 49	BPH	Drinking Water Treatment Revolving Fund	§16-13C-2(b)	06/01/98	N/A	Continue	Statutorily mandated
64 CSR 51	BPH	Fees for Service	§§16-1-4(h); 16-1-11(d); 16-2-11(b)(5)(6); 16-7-1 et seq.; 29B-1-3(5)	05/01/91	7/1/2016 8/12/2013 4/9/2010 4/29/2004	Continue	Statutorily mandated
64 CSR 56	BPH	Infectious Medical Waste	§§16-1-4, 20-5J-6(a), 22-18-7	06/11/93	7/1/2016 7/1/1999	Continue	Statutorily mandated
64 CSR 57	BPH	Clinical Laboratory Technician and Scientist Licensure and Certification	§§16-1-4 and 16-5J-10	08/01/97	6/1/2017 5/11/2014 7/1/1998	Continue	Statutorily mandated
64 CSR 61	BPH	Public Water Systems Capacity Development	§16-1-9a	05/14/99	N/A	Continue	Necessary for the efficient and effective implementation of a statutory mandate

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64 CSR 63	BPH	Asbestos Abatement Licensing Rule	§16-32-3	04/06/90	5/4/1998	Continue	Statutorily mandated
64 CSR 64	BPH	AIDS-Related Medical Testing and Confidentiality	§§16-1-4, 16-1-11(a), 16-3C-8, 16-5J-3	04/06/90	7/1/2016 5/11/2014 5/2/2012 5/15/2000 4/22/1996	Continue	Statutorily mandated
64 CSR 67	BPH	Distribution of State Funds for Support of Local Boards of Health	§§16-1-4; 16-2-11	04/08/94	4/9/2010	Continue	Statutorily mandated
64 CSR 68	BPH	Cancer Registry	§§16-4, 16-1-11(a) and 16-5A-2a(e)	04/08/94	5/11/2014 4/21/2011 5/8/2006 7/1/2000 4/22/1996	Continue	Statutorily mandated
64 CSR 69	BPH	Breast and Cervical Cancer Treatment Fund	§16-33-8	05/04/98	N/A	Continue	Statutorily mandated
64 CSR 70	BPH	Primary Care Center Uncompensated Care Grants	§16-2H-2(e)	06/11/93	N/A	Continue	Statutorily mandated
64 CSR 71	BPH	Primary Care Center Seed Money Grants	§16-2H-2(e)	06/11/93	N/A	Continue	Statutorily mandated
64 CSR 73	BPH	Standards for Local Boards of Health	§16-1-6	04/22/96	N/A	Continue	Statutorily mandated
64 CSR 76	BPH	Tuberculosis Testing, Control, Treatment and Commitment	§§16-3D-2, 3 and 9	07/01/99	7/1/2016 6/5/2009	Continue	Statutorily mandated
64 CSR 77	BPH	Public Water System Design Standards	§§16-1-9; 16-1-9a; 16-1-6	07/01/00	5/2/2012	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 78	BPH	Radon Licensure	§§16-34-6; 16-1-6	07/01/99	N/A	Continue	Statutorily mandated
64 CSR 79	BPH	Primary Care Center Information Releases by the Division of Health	§16-1-6	07/01/99	N/A	Repeal	The rule is unnecessary as the provisions of the rule are covered under the West Virginia Freedom of Information Act. Stakeholder include primary care health care facilities.
64 CSR 80	BPH	Body Piercing Studio Business	§§16-37-4; 16-1-4	07/01/01	N/A	Continue	Statutorily mandated
64 CSR 81	BPH	Birth Defects Information System	§§16-1-4; 16-40-7	04/29/04	N/A	Continue	Statutorily mandated
64 CSR 82	BPH	Needlestick Injury Prevention	§16-36-2	07/01/01	N/A	Continue	Statutorily mandated
64 CSR 83	BPH	Birth Score Program	§§16-22B-4; 16-1-4	07/01/02	N/A	Continue	Statutorily mandated
64 CSR 84	BPH	Medical Examiner Requirements for Postmortem Inquires	§§61-12-3(f), 16-1-4 and 16-1-11	05/15/03	5/11/2014 6/5/2013	Continue	Statutorily mandated
64 CSR 89	BPH	Uniform Credentialing of Healthcare Practitioners	§§16-1A-2 et seq; 16-1-4; 33-				
64 CSR 89A	BPH	Forms Applicable to the Uniform Credentialing of Health Care Practitioners	§§16-1A-2; 16-1A-3(c); 16-1-4;				
64 CSR 89B	BPH	Credentialing Verification Organization	§§16-1A-9; 33-2-10				

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64 CSR 90	BPH	Repealed (Regulation of Opioid Treatment Programs) Re-promulgated as 69 CSR 7					Still shows as active on the Secretary of State's web page.
64 CSR 91	BPH	Newborn Screening System	§§16-1-4; 16-22-3; 16-22A-3	04/02/08	N/A	Modify	The current rule includes a cap on the on the fee the Bureau may charge to cover the cost of laboratory testing by the Bureau's Office of Laboratory Services (OLS). The Bureau proposes to amend the rule to remove the fee cap. If the current cap is not removed, the state will have to incur the excess costs rather than including it in the fee charged to birthing facilities. Stakeholders include hospitals that perform child births and other child birth facilities.
64 CSR 92	BPH	Clandestine Drug Laboratory Remediation	§§16-1-4 and 60A-11-3	04/02/08	6/1/2017	Continue	Statutorily mandated
64 CSR 93	BPH	Domestic Violence Fatality Review Team	§48-27A-1	08/27/07	N/A	Repeal	Statutory Authority Repealed and consolidated elsewhere in the Code. Consequently, a new rule (64 CSR 29) was promulgated making this rule obsolete. Stakeholders include Law-enforcement, courts and domestic violence prevention advocacy entities..
64 CSR 95	BPH	Immunization Requirements and Recommendations for Children Attending School and Enrolled in State-Regulated Child Care	§§16-3-1, 16-3-4(c), 5-16-9(i) and 16-1-4	02/28/08	9/3/2015 5/29/2014 3/12/2011	Continue	Necessary for the efficient and effective implementation of a statutory mandate
64 CSR 96	BPH	Infant and Maternal Mortality Review Team	§§16-4-1 and 48-25A-1	10/09/08	12/21/2012	Repeal	Statutory Authority Repealed and consolidated elsewhere in the Code. Consequently, a new rule (64 CSR 29) was promulgated making this rule obsolete. Stakeholders include Health care practitioners and facilities and Child Welfare Agencies.
64 CSR 97	BPH	Maternal Risk Screening	§§16-1-4; 16-4E-4	04/21/11	N/A	Continue	Statutorily mandated
64 CSR 100	BPH	Pulse Oximetry Newborn Screening	§§16-4-1, 16-44-1 and 16-44-2	08/12/13	N/A	Continue	Statutorily mandated
64 CSR 101	BPH	Use of the E-Directives Registry by Emergency Medic Services	§29A-3-1 et seq	09/03/15	N/A	Continue	It is the purpose of this interpretive rule to ensure that the right of a person to self-determination
64 CSR 102	BPH	Farmers Market Vendors	§19-35-4	07/01/16	N/A	Repeal	Statutory authority has been repealed. See S.B. 375 (RS 2018). Stakeholders include farmers market vendors, local health departments and consumers of goods purchased at farmers markets.
64 CSR 103	BPH	Expedited Partner Therapy	§16-4f-5	06/01/17	N/A	Continue	Statutorily mandated
64 CSR 104	BPH	Certification of Opioid Overdose Prevention and Treatment Training Programs	§§16-1-4 & 16-46-6	07/01/16	N/A	Continue	Statutorily mandated

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64 CSR 108	BPH	Local Board of Health Plans of Combination Procedure	§§16-2-5 & 8	11/25/17	N/A	Continue	This procedural rule include procedures for the approval by the Commissioner of the Bureau for Public Health of applications by two or more appointing authorities who are seeking to combine local boards of health. These rules provide procedures for submission, evaluation and approval of local board of health plans of combination.
70 CSR 1	BPH	Cancer Advisory Committee	§§6-9A-3 & 16-5A-2a(d)	08/09/93	N/A	Continue	Statutorily mandated
72 CSR 1	Catastrophic Illness	Eligibility Standards for Economic Assistance from James "Tiger" Morton Catastrophic Illness Fund	16-5Q-2(d)	05/07/04		Modify	Technical Amendment to correct citations and web address
192 CSR 1	Deaf/Hard Hearing	Fees for Qualified Interpreters	5-14A-9	06/09/97	4/12/2012	Continue	Establishes fees for qualified interpreters for deaf persons in certain legal matters.
192 CSR 2	Deaf/Hard Hearing	Meetings and Bylaws	6-9A-3(b) and (d)	08/15/00		Continue	Procedural rule; establishes bylaws of the Commission.
192 CSR 3	Deaf/Hard Hearing	Establishment of Required Qualifications and Ethical Standards for Interpreters and Translators	§5-14-5	05/22/09	4/12/2012	Continue	Establishes qualifications and ethical standards required for interpreters.
65 CSR 1	HCA	Procedural Rules for Meetings of the Health Care Cost Review Authority	29A-2-9; 6-9A-3	06/22/83	09/16/83	Continue	Need to set forth the procedure for board meetings
65 CSR 5	HCA	Hospital Cost-Based Rate Review System	16-29B-19a, 20(j) and 20(k)	06/08/84	08/15/84, 05/20/85, 08/04/92, 04/29/93	Repeal	Statutory authority repealed. Stakeholders are WV acute care hospitals and the WV Hospital Association
65 CSR 6	HCA	Cooperative Agreement Approval and Compliance	16-29B-28(g) and 16-29B-28(g)(1)	07/26/18 (agency approved)		Continue	Rule is currently in the rule making process with public comments being filed in July, 2018. Stakeholders are hospitals involved in cooperative agreements which currently includes Cabell Huntington Hospital and St. Mary's Hospital.
65 CSR 10	HCA	Fee Schedule for Certificate of Need Matters	16-2D-5(f)	09/17/87	05/31/91, 11/09/09	Repeal	Statutory authority repealed. Fees codified in code presently. Stakeholders any party filing CON.
65 CSR 11	HCA	Exemptions from Certificate of Need Review	16-2D-8; 16-2D-6c; 16-2D-4e thru h; 16-29B-11	07/07/87	08/31/87, 09/03/87, 01/27/88, 05/23/88	Repeal	Statutory authority repealed. Exemptions are codified in W.Va. Code 16-2D-11
65 CSR 12	HCA	Coverage of Financial Disclosure Acts and Utilization Review Requirements	16-29B-8, 17, 18 and 23; 16-5F-3(a)	07/28/88		Repeal	Statutory Authority repealed. Specialty Hospitals such as psychiatric hospitals and rehabilitation hospitals. Interpretative Rule

Code	Bureau	Description	Authorizing Code	Promulgation Date	Modification Date(s)	Continue, Modify or Repeal	Reasoning
65 CSR 13	HCA	Financial Disclosure Rule	16-29B-24, 16-29B-8	07/09/88	09/19/88, 02/21/89, 06/14/89, 06/17/91, 08/09/91, 01/10/92, 01/22/92, 04/10/92, 06/27/17, 07/28/17, 10/25/17, 03/14/18	Continue	Rule required to set forth the orderly administration of the reproting requiremets of covered entities.
65 CSR 14	HCA	Expedited Review for Rate Changes	16-29B-20(K)	06/22/89	08/14/89, 12/05/89, 04/05/90	Repeal	Statutory Authority Repealated. Staleholders are Acute Care Hospitals having more than 100 beds
65 CSR 15	HCA	Exemption for Conversion of Acute Care Beds to Skilled Nursing Care Beds	16-2D-6	08/03/89	09/11/89, 12/05/89, 04/05/90	Repeal	Statutory Authority Repealed. Exemption regarding conversion of acute care beds codified in W.Va. Code 16-2D-11(c)(14). Stakeholders such as hospitals, skilled nursing facilities and relevant associations.
65 CSR 16	HCA	Exemption for Shared Services	16-2D-4(f); 16-2D-8	06/11/90	07/30/90, 09/25/90, 04/08/91, 06/24/91, 08/09/91, 10/16/91, 04/10/92	Repeal	Statutory Authority Repealed. Exemption codified at W.Va. Code 16-2D-11(c)(5) regarding shared services between 2 or more hospitals licensed in WV providing health services made available through existing technology that can reasonably be mobile-not to include mobile cath. Hospitals, physicians, relevant associations.
65 CSR 17	HCA	Health Services Offered by Health Professionals	16-2D-4(a)(1); 16-2D-8(c)	06/16/90	07/31/90, 09/25/90, 04/08/91, 06/24/91, 08/09/91, 11/08/91, 04/10/92, 06/30/99, 08/06/99, 09/23/99, 07/01/00, 05/24/06, 07/28/06, 01/18/07, 03/29/07	Repeal	Statutory Authority Repealed. Exemption codified at W.Va. Code 16-2D-10. Stakeholders hospitals, physicians, and relvant associations.
65 CSR 19	HCA	Review for Automatic Rate Changes	16-29B-20(j); 16-29B-8(a)(1)	03/25/91	05/01/91, 07/22/91, 04/10/92	Repeal	Statutory Authority Repealed. Stakeholders. WV acute care hospitals
65 CSR 20	HCA	Conversion of Acute Care Beds to Skilled Nursing Care Beds	16-2D-5(1); 16-2D-8	04/23/91	06/27/91, 09/23/91, 04/10/92	Repeal	Statutory Authority Repealed. Exemption codified at W.Va. Code 16-2D-11(c)(14) regarding conversion of acute Care beds. Hospitals and skilled nursing facilities.
65 CSR 21	HCA	Development of Life Care Retirement Centers	16-2D-5(j); 16-2D-8	04/23/91	06/27/91, 09/23/91, 04/10/92	Repeal	Statutory Authority Repealed. Exemption codified at W.Va. Code 16-2D-11(c)(25) relating to assisted living facilities. Stakeholders skilled nursing facilities and relevant associations.

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65 CSR 22	HCA	Temporary Approval of Discount Contracts for Border Hospitals	16-29B-8(a); 16-29B-19a thru 20	07/15/92	09/09/92, 02/01/93, 06/24/93	Repeal	Statutory authority repealed. Stakeholders are WV acute care hospitals and the WV Hospital Association
65 CSR 23	HCA	Exemptions for New Primary Care Services	16-2D-4(a)(5) and (8)	09/18/92	11/20/92, 06/24/93	Repeal	Statutory Authority Repealed. Exemption W.Va. Code 16-2D-11(c)(26) Stakeholders are primary care centers, rural health clinics, private office practices, hospitals and relevant associations.
65 CSR 24	HCA	Exemption for Birthing Centers	16-2D-4(a)(6), (7) and (8)	09/18/92	11/20/92, 06/24/93	Repeal	Statutory Authority Repealed. Exemption codified at W.Va. Code 16-2D-11(c)(2)(A)-(B). Primary care centers, rural health clinics, private office practices, hospitals and relevant associations.
65 CSR 26	HCA	Benchmarking and Discount Contract Rule		10/28/98	12/18/98, 01/22/99, 04/02/99, 07/26/02, 12/02/02, 04/01/03, 08/27/04, 02/14/05, 04/25/05	Repeal	Statutory Authority Repealed. Stakeholders are Acute care hospitals and WV Hospital Assoc.
65 CSR 27	HCA	Hospital Ambulatory Health Care Facilities	16-2D-4(e), (f) and (g)	07/15/09	08/14/09, 04/07/10	Repeal	Statutory Authority Repealed. Hospitals, private office practice, and related associations.
65 CSR 28	HCA	West Virginia Health Information Network Rule	16-29G-7; 16-29B-8(a)(1)	02/08/12	05/14/12, 07/19/12, 08/12/13, 07/26/13, 09/04/13, 05/18/14	Repeal	Statutory Authority Repealed. Hospitals relevant associations
65 CSR 29	HCA	Exemption from Certificate of Need	16-2D-4(a)(2), 16-29B-11; 16-29B-8(a)(1)	06/10/18	08/22/16, 01/06/17, 06/01/17	Continue	Rule required to set forth the orderly administration of the exemption application process as required by W.Va. Code 16-2D-
65 CSR 32	HCA	Certificate of Need Rule	16-2D-4(a)(1), (4) and (7); 16-29B-8(a)(1)	06/10/16	08/23/16, 12/19/16, 06/01/17	Continue	Rule request to set for the orderly administration of the Certificate of Need program requirements.
77 CSR 1	Human Rights	Rules Regarding Discrimination Against Individuals with Disabilities	5-11-8(h), 5-11A-20	06/17/71	8/1/82, 5/19/94	Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.
77 CSR 2	Human Rights	Rules of Practice and Procedure Before the West Virginia Human Rights Commission	5--11-8(h)	02/17/77	9/6/85, 1/15/96, 1/1/99, 6/30/90, 6/1/96, 5/7/14	Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.
77 CSR 3	Human Rights	Rules Regarding Religious Discrimination	5-11-8(h)	04/29/92		Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.

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77 CSR 4	Human Rights	Rules Regarding Sexual Harassment	5-11-8(h)	09/06/85	4/29/1992	Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.
77 CSR 5	Human Rights	Rules Regarding Exemption of Private Clubs	5-11-8(h)	04/29/92		Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.
77 CSR 6	Human Rights	Rules Regarding Waiver of Rights Under the WV Human Rights Act	5-11-8(h)	04/29/92	8/12/2002	Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.
77 CSR 7	Human Rights	The Definition of Employee Under the WV Human Rights Act	5-11-8(h)	08/12/02		Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.
77 CSR 8	Human Rights	Rules for the Processing of Complaints and for Administrative Proceedings Under the WV Fair Housing Act	5-11-8(h), 5-11A-8, 5-11A-9, 5-11A-13, 5-11A-20	09/28/92		Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.
77 CSR 9	Human Rights	Housing Discrimination Against Persons with Disabilities Who Utilize Assistance Animals	5-11-8(h), 5-11A-5, 5-11A-9, 5-11A-13, 5-11A-20	05/04/12		Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.
77 CSR 10	Human Rights	Pregnant Workers' Fairness Act	5-11B-4	07/20/16		Continue	The Human Rights Commission's rules do not add any regulatory burdens on state residents. They merely clarify the statutory requirements and help guarantee that W. Va.'s laws are substantially similar to the federal regulations.
69 CSR 13	ODCP	Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities Within the State	16-1-4 and 16-53-3	7/20/2017 (Emergency)	3-22-18 (Final File)	Continue	Implements Ryan Brown Addiction Prevention and Recovery Fund
69 CSR 14	ODCP	Collection and Exchange of Data Related to Overdoses	16-5T-5	7-20-17 (Emergency)	3-22-18 (Final File)	Modify	Implements WV Drug Control Policy Act. Modify to align with Legislative statutory changes.
64 CSR 2	OIG	Licensure of Medical Adult Day Care Centers	16-5B; 16-1-4(k)	07/01/09	None	Continue	Necessary to ensure the health and wellbeing of elderly and incapacitated adults in adult day care centers. Stakeholders include BCF, BMS, OHFLAC, WV ADA office, Bureau of Senior Services, Disability Rights of WV.

Code	Bureau	Description	Authorizing Code	Promulgation Date	Modification Date(s)	Continue, Modify or Repeal	Reasoning
64 CSR 11	OIG	Behavioral Health Centers Licensure	64-2-27(9)(1)	03/10/84	8/1/1987; 4/6/1990; 7/1/2000	Modify	The rule is necessary to ensure the health and wellbeing of those receiving behavioral health services. It needs to be updated to fit modern needs. Stakeholders include BCF, BMS, BPH, OHFLAC, ADA office, BoSS, DMAPS, Office of the Hartley Court Monitor, WVSCA, Provider/professional associations, Behavioral Health Planning Council, Depression and Bipolar Support Alliance, GACSA, the ARC of WV, DD Council, Disability Rights of WV, Fair Shake Network, Long-term Care Ombudsman, Behavioral Health Advocates, Prosecutors and court personnel
64 CSR 12	OIG	Hospital Licensure	16-5B-8	07/01/87	7/1/94; 5/1/2006; 6/1/18	Continue	The rule is necessary to ensure the necessary standards are met by hospitals in order to be licensed, to protect the health and welfare of its patients. Stakeholders include BPH, BMS, Provider/Professional groups, Office of Hartley Court Monitor.
64 CSR 13	OIG	Nursing Home Licensure	16-1-4, 16-5C-5, and 16-5C21(b)	07/01/62	3/1/73; 6/6/83; 4/6/90; 8/1/97; 7/1/01; 7/1/07; 6/29/15	Continue	Necessary to ensure the health and wellbeing of elderly and incapacitated adults in nursing homes. Stakeholders include: BoSS, Long-term Care Ombudsman, Health Care Association, other provider and professional associations.
64 CSR 14	OIG	Assisted Living Residences	16-5D-5, 16-5D-17, and 16-1-4	11/28/71	8/15/96; 4/29/04; 5/1/06	Modify	The rule must be updated to reflect statutory changes. Continuation of the rule is necessary to ensure the safety, health, and wellbeing of residents of assisted living facilities. Stakeholders include: BoSS, Long-term Care Ombudsman, provider and professional associations.
64 CSR 31	OIG	Birthing Center Licensures	16-2E-3	05/18/84	None	Modify	Necessary to ensure standards of health and safety of birthing centers; amendments needed to delete obsolete statutory references and other out of date language. Stakeholders include: providers of obstetrical care.
64 CSR 50	OIG	Legally Unlicensed Health Care Homes	16-5E-1a(a)	07/01/99	None	Continue	Necessary to ensure the health and wellbeing of residents of legally unlicensed care homes. Stakeholders include: BoSS, Disability Advocates,
64 CSR 54	OIG	Hospice Licensure Rules	16-5I-1 et seq	08/01/86	7/1/1989; 5/1/2008	Continue	Necessary to ensure the proper care and safety of hospice patients and regulation of hospice facilities. Stakeholders include: Hospital associations, providers,

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64 CSR 60	OIG	Medication Administration and Performance of Health Maintenance Tasks by Approved Medication Assistive Personnel	16-5O-11	07/01/99	6/7/2014; 6/29/2015	Continue	Necessary to ensure the safe administration of medication to patients in West Virginia. Stakeholders include: medical professional associations,
64 CSR 75	OIG	Residential Care Communities	16-5N-3(k)	07/01/99	None	Continue	Necessary to ensure the health, safety, and protection of rights of residents of residential care homes. Providers, Health Care Association.
64 CSR 85	OIG	Alzheimer's/Dementia Special Care Units and Programs	16-1-4; 16-5R-5(a)	07/01/02	5/1/2006	Continue	Necessary for the health, safety, and well being of the people of West Virginia, as well as provide standards and procedures to provide health, safety, and protection of the rights and dignity of individuals served by Alzheimer's/dementia special care units and programs. Stakeholders include all facility types that maintain Alzheimer's/Dementia Special Care Units, individuals served by these special units, legal representatives of individuals served by these special units, and West Virginia Health Care Association.
69 CSR 1	OIG	Rules of Hearings Under the Administrative Procedures Act	5F-2-2; 16-1-15; 29A-5-1, et seq.	02/26/90	8/17/2015	Continue	Necessary for the health, safety, and well being of the people of West Virginia, as well as setting forth the procedures for administrative hearings conducted by DHHR. Stakeholders include all DHHR agencies that avail themselves of the hearing process through the Board of Review under this rule, outside claimants that request a hearing and are subject to this rule, and attorneys practicing under these procedures.
69 CSR 2	OIG	Implementation of Omnibus Health Care A	16-29D-7	04/11/90	6/3/2005	Continue	Necessary for the health, safety, and well being of the people of West Virginia, as well as the implementation of the Omnibus Health Care Act. Stakeholders include BMS, PEIA, PEIA recipients, Medicaid recipients, workers' compensation fund, recipients of workers' compensation fund, Division of Rehabilitation Services.
69 CSR 3	OIG	Implementation of Omnibus Health Care Act Payment Provisions	16-29D-7	04/11/90	6/3/2005	Continue	Necessary for the health, safety, and well being of the people of West Virginia, as well as to summarize the methodology used by the actuary to develop an 80th percentile maximum fee schedule using the PEIA 1988 claims data. Stakeholders include BMS, PEIA, PEIA recipients, Medicaid recipients, workers' compensation fund, recipients of workers' compensation fund, Division of Rehabilitation Services.

Code	Bureau	Description	Authorizing Code	Promulgation Date	Modification Date(s)	Continue, Modify or Repeal	Reasoning
69 CSR 6	OIG	Nurse Aide Abuse and Neglect Registry	9-6-2; 16-5B-8; 16-5C-5	07/01/03	07/01/2010; 06/29/2015	Continue	Necessary for the health, safety, and well being of the people of West Virginia, as well as establishing specific standards and procedures for maintenance of the Nurse Aide Abuse and Neglect Registry to protect certain rights of facility residents and nurse aides. Stakeholders include active nurse aides in West Virginia, nursing homes that employ nurse aides, and residents receiving care in nursing homes from nurse aides.
69 CSR 7	OIG	Regulation of Opioid Treatment Program				Repealed	SB 165 (2018)
69 CSR 8	OIG	Chronic Pain Management Clinic Licensure	16-1-4; 16-5H-9	04/01/15	5/1/2016	Continue	Necessary for the health, safety, and well being of the people of West Virginia, as well as ensuring all West Virginia pain management clinics conform to a common set of standards and procedures. Stakeholders include providers, patients, West Virginia Board of Medicine, West Virginia Board of Osteopathic Medicine, Board of Pharmacy, prosecutors, DEA.
69 CSR 9	OIG	Neonatal Abstinence Centers	16-1-4; 16-2M-2	07/04/16	None	Continue	Necessary for the health, safety, and well being of the people of West Virginia, as well as implementing state law governing the licensing, operation, and standards of care in neonatal abstinence centers in West Virginia. Stakeholders include providers, patients, West Virginia Hospital Association, communities where facilities are located.
69 CSR 10	OIG	West Virginia Clearance for Access: Registry and Employment Screening (WV CARES)	16-49-9	05/01/16	3/1/2018	Continue	Necessary for the health, safety, and well being of the people of West Virginia, as well as protecting West Virginia's vulnerable population by requiring registry prescreening and state and federal criminal background checks for all direct access personnel covered providers and covered contractors. Stakeholders include covered providers, covered contractors, employees/potential employees, law enforcement agencies, prosecutors, BMS, BCF.

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69 CSR 11	OIG	Medication Assisted Treatment – Opioid Treatment Programs	16-5Y-1	06/01/17	None	Continue	Necessary for the health, safety, and well being of the people of West Virginia, as well as ensuring all West Virginia opioid treatment programs-MAT programs conform to a common set of minimum standards and procedures to ensure the care, treatment, health, safety, and welfare of patients therein. Stakeholders include providers, patients, communities where providers are located, law enforcement agencies, BMS, BHHF, Board of Pharmacy, West Virginia Board of Medicine, West Virginia Board of Osteopathic Medicine, professionals allowed to perform counseling under licensing act and rule.
69 CSR 12	OIG	Medication-Assisted Treatment – Office-Based Medication-Assisted Treatment	16-5Y-1	06/01/17	None	Modify	Modification needed to conform the rule with updates to the authorizing act and to continue to ensure all West Virginia office-based medication-assisted treatment programs conform to a common set of minimum standards and procedures to ensure care, treatment, health, safety, and welfare of patients therein. Stakeholders include physicians eligible to prescribe buprenorphine products, patients, Board of Pharmacy, West Virginia Board of Medicine, West Virginia Board of Osteopathic Medicine, communities where these practices may be located, those eligible to provide counseling to patients of OBMATs, various Bureaus within DHHR.
98 CSR 1	Women's Commission	Meetings and Bylaws	29-20-5	08/01/98		Modify	Technical Amendment to correct code citation