

HB 3336

FILED

2009 MAY -6 PM 1:30

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 3336**

(By Delegate Perdue)



Passed April 11, 2009

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 3336

(BY DELEGATE PERDUE)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §16-5K-2 and §16-5K-6 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau for Public Health to continue providing early intervention services to families with developmentally delayed infants and toddlers; authorizes the ability to charge fees on a sliding scale and to bill third party payers; and established that any fees or payments by third party payers will go into the Birth-to-Three Fund.

Be it enacted by the Legislature of West Virginia:

That §16-5K-2 and §16-5K-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

**ARTICLE 5K. EARLY INTERVENTION SERVICES FOR
CHILDREN WITH DEVELOPMENTAL
DELAYS.**

§16-5K-2. Definitions.

1 Unless the context clearly otherwise indicates, as used in
2 this article:

3 (a) "Bureau" means the Bureau for Children and Families
4 Public Health within the Department of Health and Human
5 Resources.

6 (b) "Council" means the Governor's Early Intervention
7 Interagency Coordinating Council.

8 (c) "Department" means the Department of Health and
9 Human Resources.

10 (d) "Early intervention services" means developmental
11 services which:

12 (1) Are designed to meet the developmental needs of
13 developmentally delayed infants and toddlers and the needs
14 of the family related to enhancing the child's development;

15 (2) Are selected in collaboration with the parents;

16 (3) Are provided under public supervision in conformity
17 with an individualized family service plan;

18 (4) Are provided either at no charge, fees based on a
19 sliding scale, or charges to third party payers and do not
20 restrict access or services because of a client's financial
21 limitations;

22 (5) Meet the state's early intervention standards, as
23 established by the Department of Health and Human
24 Resources with the assistance of the Governor's Early
25 Intervention Interagency Coordinating Council;

26 (6) Include assistive technology, audiology, audiology
27 case management, family training, counseling and home
28 visits, health services necessary to enable a child to benefit
29 from other early intervention services, medical services only
30 for diagnostic or evaluation purposes, nursing services,
31 nutrition services, occupational therapy, physical therapy,
32 psychological services, social work services, special
33 instruction, speech-language pathology, vision and
34 transportation; and

35 (7) Are provided by licensed or otherwise qualified
36 personnel, including audiologists, family therapists, nurses,
37 nutritionists, occupational therapists, orientation and mobility
38 specialists, physical therapists, physicians, psychologists,
39 social workers, special educators, speech-language
40 pathologists and paraprofessionals appropriately trained and
41 supervised.

42 (e) "Infants and toddlers with developmental delay"
43 means children from birth to thirty-six months of age who
44 need early intervention services for any of the following
45 reasons:

46 (1) They are experiencing developmental delays, as
47 measured by appropriate methods and procedures, in one or
48 more of the following areas: Cognitive, physical, including
49 visual and hearing, communicative, adaptive, social,
50 language and speech, or psycho-social development or self-
51 help skills; or

52 (2) They have a diagnosed physical or mental condition
53 that has a high probability of resulting in developmental
54 delay; or

55 (3) They are at risk of having substantial developmental
56 delays if early intervention services are not provided.

§16-5K-6. West Virginia Birth-to-Three Fund.

1 (a) There is hereby created in the state treasury a fund to
2 be known as the “West Virginia Birth-to-Three Fund” that
3 shall be an interest-bearing account established and
4 maintained to pay costs, fees and expenses incurred, or to be
5 incurred, for early intervention services for children who are
6 developmentally delayed.

7 (b) Funds deposited into this account shall be derived
8 from the following sources:

9 (1) Any appropriations by the Legislature;

10 (2) Fund transfers from any fund of the divisions of the
11 department of health and human resources that, in whole or
12 in part, supports early intervention services;

13 (3) All public funds transferred by any public agency as
14 permitted by applicable law;

15 (4) Any private funds contributed, donated or bequeathed
16 by corporations, individuals or other entities; and

17 (5) All proceeds from fees paid by the client or third
18 party payers; and

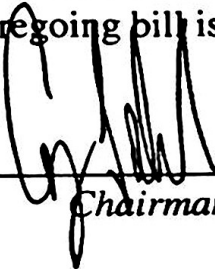
19 (6) All interest or return on investments accruing to the
20 fund.

21 (c) Moneys deposited in this fund shall be used
22 exclusively to provide early intervention services to
23 accomplish the purposes of this article. Expenditures of
24 moneys deposited in this fund are to be made in accordance
25 with appropriation by the Legislature and in accordance with
26 article three, chapter twelve of this code and upon the

27 fulfillment of the provisions of article two, chapter five-a of
28 this code: *Provided*, That for the fiscal year ending the
29 thirtieth day of June, two thousand three, expenditures are
30 authorized from deposits rather than pursuant to
31 appropriation by the Legislature.

32 (d) Any balance remaining in this fund at the end of any
33 state fiscal year shall not revert to the state treasury but shall
34 remain in this fund and shall be used only in a manner
35 consistent with this article.

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



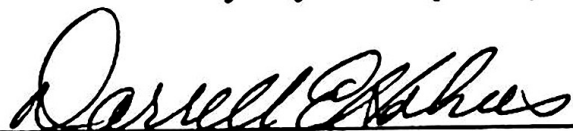
Chairman Senate Committee



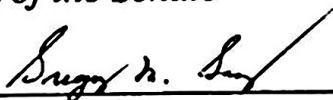
Chairman House Committee

Originating in the House.

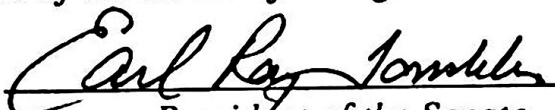
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

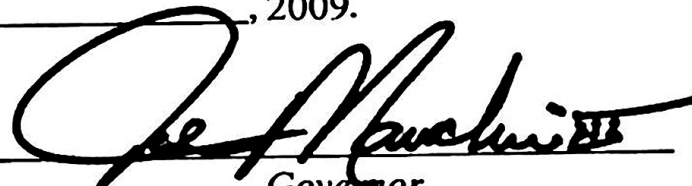


President of the Senate



Speaker of the House of Delegates

The within is appended this the 6th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

MAY 4 2009

Time 10:05 am