WEST VIRGINIA CODE: §16-35-4A

§16-35-4a. Duty of director to establish program for early identification of lead poisoning in children.

(a) The director shall establish a program for early identification of cases of lead poisoning. The program shall include a systematic screening of all children under six years of age for the presence of lead poisoning. The director shall, after consultation with recognized professional medical groups and such other sources as he deems appropriate, propose legislative rules establishing: (1) The means by which and the intervals at which children under six years of age shall be screened for lead poisoning; and (2) guidelines for the medical follow-up of children found to be lead poisoned. Such identification program shall, to the extent that all children residing in this state are not systematically screened, give priority in screening to children residing, or who have recently resided, in areas where significant numbers of lead poisoning cases have recently been reported or where other reliable evidence indicates that significant numbers of lead poisoning cases may be found. If the director is informed of any person having a medically confirmed elevated blood-lead level, the director shall cause to have screened all other children under six years of age, and such other children as he or she finds advisable to screen, residing or recently residing in the household of the victim, unless the parents of such child object to the screening because it conflicts with their religious beliefs and practices. The results of the screenings shall be reported to the director, to the person or agency reporting the original case and to such other persons or agencies as the director deems advisable.

(b) The director shall maintain comprehensive records of all screenings conducted pursuant to this section. The records shall be geographically indexed in order to determine the location of areas of relatively high incidence of lead poisoning. The records shall be public records, except that the names of screened individuals may not be public. A summary of the results of all screenings conducted pursuant to this section shall be released quarterly, or more frequently if the director so determines, to all interested parties.

(c) All cases or probable cases of lead poisoning, as defined by legislative rule proposed by the director, found in the course of screenings conducted pursuant to this section shall be reported immediately to the affected individual, to a child's parent or legal guardian if the child is a minor, and to the director. The director shall inform such persons or agencies as the director determines is advisable of the existence of the case or probable case of lead poisoning.

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