

# WEST VIRGINIA CODE: §18-10L-4

## §18-10L-4. Program requirements.

(a) To be eligible for assistance from the Ron Yost personal assistance program, a recipient must have a physical, mental or sensory impairment that affects one or more major life activity, and who:

(1) Experiences any physical, mental or sensory impairment, or combination of impairments, which can be expected to recur or last for a period of not less than twelve months as determined by the evaluation conducted using the Ron Yost personal assistance program functional assessment tool;

(2) Requires assistance to complete functions of daily living, self-care and mobility, including, but not limited to, those functions included in the definition of personal assistance services;

(3) Must apply for Medicaid and provide written documentation of eligibility or denial to the board; and

(4) Is currently not receiving personal assistance services through Medicaid.

(b) The Division of Rehabilitation Services shall, directly or through contract approved by the Ron Yost personal assistance services board:

(1) Administer the personal assistance services program in accordance with the state plan for independent living established pursuant to the provisions of section seven, article ten-m of this chapter; and

(2) Provide training, information, and referral services relating to state and federal payroll taxes, deductions and withholding, and wage withholding for child support and workers' compensation, to recipients as necessary.

(c) The West Virginia statewide independent living council, established pursuant to section six, article ten-m of this chapter, shall:

(1) Appoint members to the Ron Yost personal assistance services board to fulfill the functions as set forth in subsection (d) of this section. The board shall be composed of individuals with disabilities: Provided, That one member shall be a representative of the West Virginia statewide independent living council with a disability; and

(2) Develop and update as necessary, the Ron Yost personal assistance program functional assessment tool.

(d) The Ron Yost personal assistance services board shall:

- (1) Determine eligibility and approve hours of service for all applicants based on functional assessments conducted using the Ron Yost personal assistance program functional assessment tool. Each determination shall be in writing, a copy of which shall be provided to the applicant;
  - (2) Monitor disbursements and utilization of the program;
  - (3) Survey consumer satisfaction and recommend program revisions to the Division of Rehabilitation Services;
  - (4) Develop and maintain a waiting list for those eligible individuals who cannot be served immediately;
  - (5) Contract with public or private entities to assist in fulfilling the functions set forth in this subsection;
  - (6) Approve contracts proposed by the Division of Rehabilitation Services with a public or private entity for the fiscal management of the program established under this article; and
  - (7) Establish operating procedures.
- (e) No member of the board is eligible to receive personal assistance services through the program provided for in this article.
- (f) Recipients shall:
- (1) Apply for services through Medicaid and provide a copy of that determination to the board;
  - (2) Comply with the employer responsibilities of hiring, supervising and, if needed, terminating the employment of a personal assistant;
  - (3) Manage his or her own financial and legal affairs regarding the Ron Yost personal assistance program; and
  - (4) Designate an individual, if necessary, to assist in fulfilling the functions set forth in this subsection.