

WEST VIRGINIA LEGISLATURE
EXTRAORDINARY SESSION, 1960

ENROLLED

SENATE BILL NO. 1

(By Mr. Carrigan)

PASSED October 5, 1960

In Effect from Passage



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Senate Bill No. 1

(By MR. CARRIGAN)

[Passed October 5, 1960; in effect from passage.]

AN ACT to amend and reenact sections two, four, sixteen and thirty, article five; sections one, two and three, article five-a; and section sixteen, article eleven, all of chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to medical assistance to needy persons presently receiving public assistance, establishing a program of medical assistance for persons above the age of sixty-five years, exempting certain income of needy blind persons receiving public assistance to the blind from the basic determination of need, and exempting the names of recipients of medical assistance for the aged from public disclosure.

Be it enacted by the Legislature of West Virginia:

That sections two, four, sixteen and thirty, article five; sections one, two and three, article five-a; and section sixteen, article eleven, all of chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 5. Public Assistance.

Section 2. *Definitions.*—Unless the context clearly requires a different meaning, when used in this chapter, “Public Assistance” shall mean money payments to, or in behalf of, aged persons, blind persons, dependent children, the relative with whom any dependent child is living, or permanently and totally disabled persons. Public assistance may also include medical care or other type of remedial care recognized by law. *Provided, however,* That public assistance shall not include medical assistance for the aged.

“Resources” shall mean all property, real and personal, tangible and intangible, and all income, whether in the form of money or otherwise.

14 "Applicant" shall mean the person for whose use and
15 benefit application is made.

16 "Recipient" shall mean the person for whose use and
17 benefit a grant of public assistance is made.

18 "Medical Assistance for the Aged" shall mean medical
19 assistance to any aged person, sixty-five years of age and
20 over, who is not a patient in any institution as a result of
21 a diagnosis of tuberculosis or mental disease, who is not
22 an inmate of a public institution except as a patient in a
23 medical institution, with net income and liquid assets of
24 not more than the amount set from time to time by rules
25 and regulations of the director, based upon services avail-
26 able and the number of persons who can be served within
27 the limits of available funds; but in no event shall the net
28 annual income of any such recipient be more than one
29 thousand five hundred dollars.

Sec. 4. *Blind Persons.*—A blind person shall be eligible
2 for public assistance who:

3 (1) Has no vision, or has vision which is so defective
4 as to prevent the performance of ordinary activities for
5 which eyesight is essential.

6 . (2) Has been examined by an ophthalmologist or by a
7 physician skilled in the diseases of the eye or by an
8 optometrist approved or designated by the state depart-
9 ment, and the findings of the examination have been
10 certified by such examiner in the manner and form re-
11 quired by the state department.

12 (3) Has resided in the state for one year immediately
13 preceding the application for public assistance.

14 (4) Is not an inmate of a public institution (except as
15 a patient in a medical institution).

16 (5) Is not a patient in an institution for tuberculosis or
17 mental diseases, nor has been diagnosed as having tuber-
18 culosis or psychosis and is a patient in a medical institu-
19 tion as a result thereof.

20 (6) Is actually in need and has not sufficient income
21 or other resources to provide a subsistence compatible
22 with decency and health; except that in making this de-
23 termination an amount not to exceed the first eighty-five
24 dollars per month of earned income plus one-half of
25 earned income in excess of eighty-five dollars per month
26 shall be disregarded.

Sec. 16. *Hearing by Board of Review.*—An applicant
2 for or a recipient of public assistance or medical assist-
3 ance for the aged under this chapter shall be afforded an
4 opportunity for a hearing before the board of review of
5 the state department when:

6 (1) His application is denied or he is denied the oppor-
7 tunity to apply.

8 (2) His application is not acted upon with reasonable
9 promptness.

10 (3) His grant of assistance is not forthcoming with
11 reasonable promptness after he has been determined to
12 be eligible therefor.

13 (4) He deems the grant inadequate.

14 (5) The grant is revoked.

15 (6) The grant is reduced.

16 The state department shall inform applicants and
17 recipients in writing of their right to a hearing, and such
18 a hearing shall be afforded upon request in writing setting
19 forth the reasons it is desired.

Sec. 30. *Grants Conditional.*—A grant of public assis-

2 tance or medical assistance for the aged shall be subject

3 to:

4 (1) Reconsideration, revocation, or change.

5 (2) Appropriation by the legislature of public funds.

6 (3) Amendment or repeal.

7 (4) Continuation of federal grants-in-aid.

**Article 5-a. The State of West Virginia Public Assistance
Medical Services Fund.**

Section 1. *Medical Services Fund.*—In order that the
2 State of West Virginia may receive full advantage of the
3 provisions of the Federal Social Security Act, as amended,
4 whereby federal grants-in-aid may be used on behalf of
5 recipients of public assistance and recipients of medical
6 assistance for the aged for medical care or any other type
7 of remedial care recognized by law, the state department
8 of public assistance is authorized, empowered, and di-
9 rected to establish a special fund to be known as “The
10 State of West Virginia Public Assistance Medical Serv-
11 ices Fund,” hereinafter referred to as “the fund”. The
12 fund shall be only for the purpose of providing necessary
13 medical services for recipients of assistance and of medi-

14 cal assistance for the aged, and any balance in the fund
15 at the end of any fiscal year shall remain in the fund and
16 shall not expire or revert. Payments shall be made out
17 of the fund upon requisition of the director by means of
18 a warrant signed by the auditor and treasurer.

Sec. 2. *Payments Into Medical Services Fund.*—The
2 fund shall consist of payments made into the fund with
3 respect to recipients of assistance and recipients of medi-
4 cal assistance for the aged out of state money appropri-
5 ated for the purposes of old age assistance or medical
6 services and such federal grants-in-aid as are available
7 for these purposes under the federal social security act,
8 as amended. The amount of such payments into the fund
9 shall be fixed from time to time by the director, and shall
10 be sufficient to pay the costs of necessary medical services
11 as determined by the director to be feasible in accordance
12 with section three of this article.

Sec. 3. *Payments From Medical Services Fund.*—Recipi-
2 ents of assistance and recipients of medical assistance for
3 the aged shall be entitled to have costs of necessary medi-
4 cal services paid out of the fund, in such amounts, and to

5 the extent and in the manner determined from time to
6 time to be feasible by the director pursuant to rules,
7 regulations and standards established by him. Such rules,
8 regulations and standards shall be established on the
9 basis of money available for the purpose, the number of
10 recipients, the experience with respect to the incidence of
11 illness, disease, accidents, and other causes among such
12 recipients causing them to require medical services and
13 the costs thereof, the amounts which recipients require
14 otherwise in order to maintain a subsistence compatible
15 with decency and health, and any other factors consid-
16 ered relevant and proper by the director.

Article 11. General Provisions.

Sec. 16. Public Assistance Lists and Records; Misuse.—

2 The department of public assistance shall make available
3 for public inspection by the tenth of each month a sep-
4 arate alphabetical list of the names and addresses of all
5 persons receiving any form of relief assistance except
6 recipients of medical assistance for the aged during the
7 preceding month together with the amounts of such re-
8 lief assistance. This information shall be delivered to the

9 clerk of each county court in the state who shall immedi-
10 ately file the same in his office with respect to persons
11 receiving such assistance as residents of that county. Such
12 information shall be retained in the files of said clerks
13 of the county courts for a period of two years from the
14 date of receipt thereof. All information other than names,
15 addresses and amounts of such relief assistance shall be
16 considered as confidential.

17 It shall be unlawful, for commercial or political pur-
18 poses of any nature, for any person or persons, body,
19 association, firm, corporation or other agency to solicit,
20 disclose, receive, make use of, or to authorize, knowingly
21 permit, participate in, or acquiesce in the use of, any lists
22 of names of, or any information concerning, persons ap-
23 plying for or receiving relief assistance, directly or in-
24 directly derived from the records, papers, files, or com-
25 munications of the department of public assistance or
26 acquired in the course of performance duties. The viola-
27 tion of this provision is a misdemeanor, punishable upon
28 conviction, by a fine of not more than one thousand dollars
29 or imprisonment of not more than six months, or both.

30 For the protection of applicants and recipients of relief
31 assistance, the department of public assistance shall be
32 required to establish reasonable rules and regulations
33 governing the custody, use, and preservation of the rec-
34 ords, papers, files and communications of the department.



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

Thomas Davis, Jr.
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the Senate.

Takes effect passage.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

Harry R. Paulley
Speaker House of Delegates

The within *approved* this the *10th* day of *October*, 1960.

Jeff Henderson
Governor



Filed in Office of the Secretary of State
of West Virginia **OCT 10 1960**
JOE F. BURDETT
SECRETARY OF STATE