

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

SENATE BILL NO. 65

(By Mr. Originating in the Committee  
on the Judiciary)

PASSED Feb. 9, 1966

In Effect from Passage



FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 2-15-66

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AN ACT to repeal section twenty-three, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal section two-a, article five-a of said chapter; to amend and reenact sections one, two, six-a, sixteen and thirty, article five of said chapter; to amend and reenact sections one, two, three and five, article five-a of said chapter; and to amend and reenact section sixteen, article eleven of said chapter, relating to public assistance, medical services to the medically indigent, and the state of West Virginia public assistance medical services fund, and repealing any requirement that an aged person, as a condition of receiving public assistance, shall assign to the department of welfare any life insurance policy.

*Be it enacted by the Legislature of West Virginia:*

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article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section two-a, article five-a of said chapter be repealed; that sections one, two, six-a, sixteen and thirty, article five of said chapter be amended and reenacted; that sections one, two, three and five, article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

**Article 5. Public Assistance and Medical Services to the Medically Indigent.**

**Section 1. Purpose.**—The purpose of this article is to  
2 provide public assistance for the indigent aged, the in-  
3 digent blind, dependent children, the indigent relative  
4 with whom any dependent child is living, the indigent  
5 permanently and totally disabled, and medical services  
6 to the medically indigent, that will conform to the re-  
7 quirements for federal grants-in-aid under the federal  
8 “Social Security Act”, as amended.  
9 Public assistance and medical services to the medically

10 indigent shall be granted only:

11 (1) To the extent that funds are available for the pur-  
12 pose.

13 (2) To those actually in need.

14 (3) To the extent necessary to safeguard a decent and  
15 healthful subsistence.

**Sec. 2. Definitions.**—Unless the context clearly requires

2 a different meaning, when used in this chapter:

3 “Public assistance” shall mean money payments to, or in  
4 behalf of, aged persons, blind persons, dependent children,  
5 the relative with whom any dependent child is living, or  
6 permanently and totally disabled persons. Public assist-  
7 ance may also include medical care or other type of  
8 remedial care recognized by law: *Provided*, That public  
9 assistance shall not include medical services for the medi-  
10 cally indigent.

11 “Resources” shall mean all property, real and personal,  
12 tangible and intangible, and all income, whether in the  
13 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     “Medically indigent person” shall mean any person  
19     with net income or liquid assets of not more than the  
20     amount set from time to time by rules and regulations of  
21     the director, based upon services available and the num-  
22     ber of persons who can be served within the limits of  
23     available funds.

**Sec. 6-a. Commissioner’s Rule-making Powers.**—The  
2     rule-making powers of the commissioner of welfare shall  
3     include authority to establish rules and regulations modi-  
4     fying eligibility requirements for public assistance and  
5     medical services to the medically indigent, and, in addi-  
6     tion, shall include authority to provide the necessary pro-  
7     cedures for the preparation of plans and for classifying  
8     and reporting expenditures made with respect to recipi-  
9     ents of public assistance and medical services to the medi-  
10    cally indigent to the extent necessary and in such manner  
11    as to permit the state and its citizens to obtain the maxi-  
12    mum benefits provided under the federal social security  
13    act and any laws amendatory of or supplementary there-  
14    to that may hereafter be enacted.

**Sec. 16. Hearing by Board of Review.**—An applicant

2 for or a recipient of public assistance or medical services  
3 to the medically indigent under this chapter shall be  
4 afforded an opportunity for a hearing before the board  
5 of review of the state department when:

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

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

10 (3) His grant of assistance is not forthcoming with rea-  
11 sonable promptness after he has been determined to be  
12 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 re-  
17 cipients in writing of their right to a hearing, and such a  
18 hearing shall be afforded upon request in writing setting  
19 forth the reasons for which it is desired.

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

2 ance or medical services to the medically indigent shall

3 be subject 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 5A. 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 medically indigent  
6 persons for medical care or any other type of remedial  
7 care recognized by law, the state department of welfare  
8 may establish a special fund to be known as “The State  
9 of West Virginia Public Assistance Medical Services  
10 Fund”, hereinafter referred to as “the fund”. The fund  
11 shall be only for the purpose of providing necessary medi-  
12 cal services for recipients of assistance and other medi-  
13 cally indigent persons, and any balance in the fund at  
14 the end of any fiscal year shall remain in the fund and

15 shall not expire or revert. Payments shall be made out  
16 of the fund upon requisition of the director by means of  
17 a warrant signed by the auditor and treasurer.

**Sec. 2. Payments into Medical Services Fund.**—The fund  
2 shall consist of payments made into the fund with respect  
3 to recipients of assistance and recipients of medical serv-  
4 ices to the medically indigent out of state money ap-  
5 propriated for the purposes of providing medical services  
6 to recipients of public assistance and to the medically  
7 indigent, and such federal grants-in-aid as are available  
8 for these purposes under the Federal Social Security Act,  
9 as amended.

**Sec. 3. Payments from Medical Services Fund.**—Recipi-  
2 ents of assistance and medically indigent persons shall  
3 be entitled to have costs of necessary medical services  
4 paid out of the fund, in such amounts, and to the extent  
5 and in the manner determined from time to time to be  
6 feasible by the director pursuant to rules, regulations and  
7 standards established by him. Such rules, regulations and  
8 standards shall be established on the basis of money  
9 available for the purpose, the number of recipients, the



10 experience with respect to the incidence of illness, disease,  
11 accidents, and other causes among such recipients causing  
12 them to require medical services and the costs thereof,  
13 the amounts which recipients require otherwise in order  
14 to maintain a subsistence compatible with decency and  
15 health, and any other factors considered relevant and  
16 proper by the director.

**Sec. 5. Definitions.**—As used in this article and in  
2 article five of this chapter:

3 (1) “Medical services” means medical, surgical, dental  
4 and nursing services, and other remedial services recog-  
5 nized by law, in the home, office, hospital, clinic and any  
6 other suitable place, provided or prescribed by persons  
7 permitted or authorized by law to give such services;  
8 such services to include drugs and medical supplies,  
9 appliances, laboratory, diagnostic and therapeutic services,  
10 nursing home and convalescent care and such other medi-  
11 cal services and supplies as may be prescribed by such  
12 persons.

13 (2) “Costs of necessary medical services” means such  
14 fees and charges as are approved and scheduled by the

15 director upon consultation with the advisory council.

**Article 11. General Provisions.**

**Section 16. Public Assistance Lists and Records; Misuse.**

2 —The department of public assistance shall make avail-  
3 able for public inspection by the tenth of each month a  
4 separate alphabetical list of the names and addresses  
5 of all persons receiving any form of relief assistance  
6 except services to the medically indigent during the  
7 preceding month together with the amounts of such re-  
8 lief assistance. This information shall be delivered to  
9 the clerk of each county court in the state who shall im-  
10 mediately 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 of  
13 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, as-  
19 sociation, 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 of official duties.  
27 The violation of this provision is a misdemeanor, punish-  
28 able upon conviction, by a fine of not more than one thou-  
29 sand dollars or imprisonment of not more than six months,  
30 or both.

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

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

*O Roy Parker*  
Chairman Senate Committee

*James W. Lorp*  
Chairman House Committee

Originated in the Senate.

Takes effect *from* Passage.

*William Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard Roberson*  
President of the Senate

*N. Labaw White*  
Speaker House of Delegates

The within *Approved* this the *15<sup>th</sup>*  
day of *February*, 1966.

*Frederic C. Smith*  
Governor



FEB 15 9 21 PM '66  
OFFICE OF THE GOVERNOR

PRESENTED TO THE  
GOVERNOR

Date 2/14/66

Time 10:50 AM

FILED

FEB 15 7 55 PM '66

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA