WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 604

(By Mr. Queen and Mr. Fantasia)

PASSED FEBRUARY 23, 1972

In Effect JULY 1, 1972

Filed in the office of
ROY D. ROUSSEAU, II
SECRETARY OF STATE
THIS DATE 3-1-72
ENROLLED

House Bill No. 604

(By Mr. Queen and Mr. Fantasia)

[Passed February 23, 1972; in effect July 1, 1972.]

AN ACT to amend and reenact section two, article one; sections two and four, article four; section ten, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definition of “state assistance,” “medical services fund,” the abolition of the special fund known as the “General Relief Fund of __________ County” with the assumption by the state of total fiscal responsibility for general relief and authorizing county courts to make voluntary contributions to the state department of welfare.

Be it enacted by the Legislature of West Virginia:

That section two, article one; sections two and four, article four; section ten, article five, 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 1. LEGISLATIVE PURPOSE AND DEFINITIONS.

§9-1-2. Definitions.

The following words and terms when used in this chapter shall have the meaning hereafter ascribed to them unless the context clearly indicates a different meaning:

(a) The term “department” shall mean the state department of welfare.

(b) The term “commissioner” shall mean the commissioner of welfare.

(c) The term “federal-state assistance” shall mean and
include (1) all forms of aid, care, assistance and services
to or on behalf of persons, which are authorized by, and
who are authorized to receive the same under and by
virtue of, sub-chapters one, four, five, ten, fourteen, six-
teen, eighteen and nineteen, chapter seven, Title 42,
United States Code, as those subchapters have heretofore
been and may hereafter be amended, supplemented and
revised by acts of Congress, and as those subchapters so
amended, supplemented and revised have heretofore been
and may hereafter be supplemented by valid rules and
regulations promulgated by authorized federal agents
and agencies, and as those subchapters so amended, sup-
plemented and revised have heretofore been and may
hereafter be supplemented by rules and regulations pro-
mulgated by the state department of welfare, which de-
partment rules and regulations shall be consistent with
federal laws, rules and regulations, but not inconsistent
with state law, and (2) all forms of aid, care, assistance
and services to persons, which are authorized by, and who
are authorized to receive the same under and by virtue of,
any act of Congress, other than the federal Social Security
Act, as amended, for distribution through the state de-
partment of welfare to recipients of any form of aid, care,
assistance and services to persons designated or referred
to in (1) of this definition and to recipients of state assis-
tance, including by way of illustration, surplus food and
food stamps, which Congress has authorized the secre-
tary of agriculture of the United States to distribute to
needy persons.

(d) The term “federal assistance” shall mean and in-
clude all forms of aid, care, assistance and services to or
on behalf of persons, which are authorized by, and who
are authorized to receive the same under and by virtue
of, any act of Congress for distribution through the state
department of welfare, the cost of which is paid entirely
out of federal appropriations.

(e) The term “state assistance” shall mean and include
all forms of aid, care, assistance, services and general re-
lief made possible solely out of state, county and private
appropriations to or on behalf of indigent persons, which
are authorized by, and who are authorized to receive the
same under and by virtue of, department rules and regulations.

(f) The term "welfare assistance" shall mean the three classes of assistance administered by the department, namely: Federal-state assistance, federal assistance and state assistance.

(g) The term "indigent person" shall mean any person who is domiciled in this state and who is actually in need as defined by department rules and regulations and has not sufficient income or other resources to provide for such need as determined by the department.

(h) The term "domiciled in this state" shall mean being physically present in West Virginia accompanied by an intention to remain in West Virginia for an indefinite period of time, and to make West Virginia his or her permanent home. The department may by rules and regulations supplement the foregoing definition of the term "domiciled in this state," but not in such a manner as would be inconsistent with federal laws, rules, and regulations applicable to and governing federal-state assistance.

(i) The term "medical services" means medical, surgical, dental and nursing services, and other remedial services recognized by law, in the home, office, hospital, clinic and any other suitable place, provided or prescribed by persons permitted or authorized by law to give such services; such services to include drugs and medical supplies, appliances, laboratory, diagnostic and therapeutic services, nursing home and convalescent care and such other medical services and supplies as may be prescribed by such persons.

(j) The term "general relief" shall mean cash or its equivalent in services or commodities expended for care and assistance to an indigent person other than for care in a county infirmary, child shelter, or similar institution.

ARTICLE 4. STATE ADVISORY BOARD; MEDICAL SERVICES FUND; ADVISORY COUNCIL; GENERAL RELIEF FUND.

§9-4-2. Medical services fund.
1 The special fund known as the state of West Virginia public assistance medical services fund established by
chapter one hundred forty-three, acts of the Legislature,
regular session, one thousand nine hundred fifty-three,
as amended by chapter two, acts of the Legislature, first
extraordinary session, one thousand nine hundred sixty,
and chapter forty-nine, acts of the Legislature, regular
session, one thousand nine hundred sixty-six, shall be
continued in accordance with the provisions of this sec-
tion so long as the same may be required by federal
laws, rules and regulations applicable to federal-state
assistance and thereafter so long as the commissioner
shall deem such fund to be otherwise necessary or desir-
able, and henceforth such special fund shall be known
as the department of welfare medical services fund, here-
inafter referred to as the fund.

The fund shall consist of payments made into the fund
out of state appropriations for medical services to re-
cipients of specified classes of welfare assistance and such
federal grants-in-aid as are made available for specified
classes of welfare assistance. Any balance in the fund
at the end of any fiscal year shall remain in the fund
and shall not expire or revert. Payments shall be made
out of the fund upon requisition of the commissioner by
means of a warrant signed by the auditor and treasurer.

Recipients of those classes of welfare assistance as are
specified by the department, consistent with applicable
federal laws, rules and regulations, shall be entitled to
have costs of necessary medical services paid out of the
fund, in the manner and amounts, to the extent, and
for the period determined from time to time to be fea-
sible by the commissioner pursuant to rules, regulations
and standards established by him. Such rules, regula-
tions and standards shall comply with requirements of
applicable federal laws, rules and regulations and shall
be established on the basis of money available for the
purpose, the number of recipients, the experience with
respect to the incidence of illness, disease, accidents, and
other causes among such recipients causing them to re-
quire medical services and the costs thereof, the amounts
which recipients require otherwise in order to maintain
a subsistence compatible with decency and health, and
any other factor considered relevant and proper by the commissioner.

§9-4-4. State general relief fund.

The special fund known as the “General Relief Fund of County,” established by chapter one, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-six, shall be abolished as of June thirty, one thousand nine hundred seventy-two.

The state general relief fund, established by chapter one, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-six, shall be continued and the fiscal responsibility for said fund shall be the responsibility of the state on and after July one, one thousand nine hundred seventy-two as provided by this section and rules and regulations promulgated by the commissioner.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-10. Continuation of present aid.

Except as otherwise provided in this chapter, aid or assistance rendered under existing law shall not be deemed to be discontinued.

County courts may contribute in-kind services or money into a special fund of the state department of welfare to expand the general welfare programs for citizens of its county. No part of this fund shall revert to the general revenue of the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Phyllis Rutledge

Chairman House Committee

Originated in the House.

Takes effect July 1, 1972.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 29th day of February, 1972.

Governor