

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972



ENROLLED

HOUSE BILL No. 604

(By Mr. Doed and Mr. FANTASIA)



PASSED FEBRUARY 23, 1972

In Effect JULY 1, 1972 Passage—



FILED IN THE OFFICE
OF THE SECRETARY OF STATE
AT CHARLESTON, WEST VIRGINIA
THIS DATE 3-1-72

604

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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.

- 1 The following words and terms when used in this chap-
- 2 ter shall have the meaning hereafter ascribed to them
- 3 unless the context clearly indicates a different meaning:
- 4 (a) The term "department" shall mean the state de-
- 5 partment of welfare.
- 6 (b) The term "commissioner" shall mean the commis-
- 7 sioner of welfare.
- 8 (c) The term "federal-state assistance" shall mean and

9 include (1) all forms of aid, care, assistance and services
10 to or on behalf of persons, which are authorized by, and
11 who are authorized to receive the same under and by
12 virtue of, sub-chapters one, four, five, ten, fourteen, six-
13 teen, eighteen and nineteen, chapter seven, Title 42,
14 United States Code, as those subchapters have heretofore
15 been and may hereafter be amended, supplemented and
16 revised by acts of Congress, and as those subchapters so
17 amended, supplemented and revised have heretofore been
18 and may hereafter be supplemented by valid rules and
19 regulations promulgated by authorized federal agents
20 and agencies, and as those subchapters so amended, sup-
21 plemented and revised have heretofore been and may
22 hereafter be supplemented by rules and regulations pro-
23 mulgated by the state department of welfare, which de-
24 partment rules and regulations shall be consistent with
25 federal laws, rules and regulations, but not inconsistent
26 with state law, and (2) all forms of aid, care, assistance
27 and services to persons, which are authorized by, and who
28 are authorized to receive the same under and by virtue of,
29 any act of Congress, other than the federal Social Security
30 Act, as amended, for distribution through the state de-
31 partment of welfare to recipients of any form of aid, care,
32 assistance and services to persons designated or referred
33 to in (1) of this definition and to recipients of state assis-
34 tance, including by way of illustration, surplus food and
35 food stamps, which Congress has authorized the secre-
36 tary of agriculture of the United States to distribute to
37 needy persons.

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

45 (e) The term "state assistance" shall mean and include
46 all forms of aid, care, assistance, services and general re-
47 lief made possible solely out of state, county and private
48 appropriations to or on behalf of indigent persons, which
49 are authorized by, and who are authorized to receive the

50 same under and by virtue of, department rules and reg-
51 ulations.

52 (f) The term "welfare assistance" shall mean the
53 three classes of assistance administered by the depart-
54 ment, namely: Federal-state assistance, federal assistance
55 and state assistance.

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

61 (h) The term "domiciled in this state" shall mean be-
62 ing physically present in West Virginia accompanied by
63 an intention to remain in West Virginia for an indefinite
64 period of time, and to make West Virginia his or her per-
65 manent home. The department may by rules and regu-
66 lations supplement the foregoing definition of the term
67 "domiciled in this state," but not in such a manner as
68 would be inconsistent with federal laws, rules, and regu-
69 lations applicable to and governing federal-state assis-
70 tance.

71 (i) The term "medical services" means medical, sur-
72 gical, dental and nursing services, and other remedial
73 services recognized by law, in the home, office, hospital,
74 clinic and any other suitable place, provided or prescribed
75 by persons permitted or authorized by law to give such
76 services; such services to include drugs and medical sup-
77 plies, appliances, laboratory, diagnostic and therapeutic
78 services, nursing home and convalescent care and such
79 other medical services and supplies as may be prescribed
80 by such persons.

81 (j) The term "general relief" shall mean cash or its
82 equivalent in services or commodities expended for care
83 and assistance to an indigent person other than for care
84 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
2 public assistance medical services fund established by

3 chapter one hundred forty-three, acts of the Legislature,
4 regular session, one thousand nine hundred fifty-three,
5 as amended by chapter two, acts of the Legislature, first
6 extraordinary session, one thousand nine hundred sixty,
7 and chapter forty-nine, acts of the Legislature, regular
8 session, one thousand nine hundred sixty-six, shall be
9 continued in accordance with the provisions of this sec-
10 tion so long as the same may be required by federal
11 laws, rules and regulations applicable to federal-state
12 assistance and thereafter so long as the commissioner
13 shall deem such fund to be otherwise necessary or desir-
14 able, and henceforth such special fund shall be known
15 as the department of welfare medical services fund, here-
16 inafter referred to as the fund.

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

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

Handwritten note:
The fund shall be
maintained in the
fund.

43 any other factor considered relevant and proper by the
44 commissioner.

§9-4-4. State general relief fund.

1 The special fund known as the "General Relief Fund of
2 _____ County," established by chapter
3 one, acts of the Legislature, first extraordinary session,
4 one thousand nine hundred thirty-six, shall be abolished
5 as of June thirty, one thousand nine hundred seventy-
6 two.

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

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-10. Continuation of present aid.

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

4 County courts may contribute in-kind services or money
5 into a special fund of the state department of welfare
6 to expand the general welfare programs for citizens of
7 its county. No part of this fund shall revert to the general
8 revenue of the state.

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

Russell G. Beach

Chairman Senate Committee

Phyllis Rutledge

Chairman House Committee

Originated in the House.

Takes effect July 1, 1972.

Howard E. Brown

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Edw. P. Cant

President of the Senate

Lewis F. N. Kanus

Speaker House of Delegates

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

Arch A. Shaw, Jr.

Governor



PRESENTED TO THE
GOVERNOR

Date 2/25/72

Time 10:55 a.m.