

WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1974

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ENROLLED

HOUSE BILL No. 213

(By Mr. Seibert)

— ● —

PASSED May 24, 1974

In Effect 90 days from Passage



C 641

FILED IN THE OFFICE
EDGAR F. NEISHELL III
SECRETARY OF STATE
THIS DATE 6-7-74

✓ 65-213

ENROLLED

H. B. 213

(By MR. SEIBERT)

[Passed May 24, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact article four, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to provision of care to crippled children; expansion of such services; children to whom article applies; powers of state department of welfare; advisory board; assistance by other state agencies and cooperation with private agencies.

Be it enacted by the Legislature of West Virginia:

That article four, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. CRIPPLED CHILDREN.

§49-4-1. Purpose.

1 The purpose of this article is to provide for the continua-
2 tion, development and expansion of services for handicapped
3 children. The state department shall formulate and apply ad-
4 ministrative policies coordinating the care, treatment, and re-
5 habilitation of physically handicapped children.

6 In the development of administrative policies, the state de-
7 partment shall cooperate with health services and mental
8 health administration of the department of health, education
9 and welfare and shall comply with the regulations that agency
10 prescribed under the authority of the "Social Security Act,"
11 (42 U.S.C. 301 et. seq.) and is hereby authorized to receive
12 and expend federal funds for these services.

§49-4-2. Services available to handicapped children; payments to department of welfare or state department of health.

1 The services provided for handicapped children under the
2 provisions of this article in the department of welfare and ser-
3 vices provided for handicapped children under the maternal
4 and child health division of the state department of health shall
5 be available to all handicapped children who are residents of
6 West Virginia without any limitations as to financial status
7 and without regard to the place of residence in this state of
8 such handicapped children or their proximity to a particular
9 clinic, but all payments from any corporation, association, pro-
10 gram or fund providing insurance coverage or other payment
11 for medicines, medical, surgical and hospital treatment, crutch-
12 es, artificial limbs and such other and additional approved
13 mechanical appliances and devices as may be reasonably re-
14 quired for a handicapped child shall be made to the state de-
15 partment of welfare or state department of health when such
16 covered services and items are rendered by either department
17 or any such clinic thereof.

§49-4-3. Powers of state department.

1 In the care and treatment of handicapped children the state
2 department shall, so far as funds and facilities are available for
3 the purpose:

4 (1) Locate handicapped children requiring medical, sur-
5 gical, or other corrective treatment and provide competent
6 diagnosis to determine the treatment required.

7 (2) Supply to handicapped children treatment, including
8 hospitalization and aftercare leading to correction and reha-
9 bilitation.

10 (3) Guide and supervise handicapped children to assure
11 adequate care and treatment.

§49-4-4. Advisory board of physicians.

1 The commissioner shall designate a board of seven physi-
2 cians, of recognized ability, to serve in an advisory capacity in
3 giving effect to the provisions of this article; three of these phy-
4 sicians shall be board certified orthopedic surgeons; one shall

5 be a doctor of podiatric medicine; the remaining three physi-
6 cians shall be selected from other specialty boards representa-
7 tive of the major portions of the program other than ortho-
8 pedic. In addition to the seven board members, physicians
9 representing other board specialties and representatives of par-
10 amedical professions such as nursing and medical social work
11 may be appointed to serve the board in an ad hoc capacity at
12 the commissioner's discretion. The board members and ad hoc
13 appointees shall serve without pay, except for actual expenses
14 incurred.

15 The members of the board shall be appointed for terms of
16 four years, except that as to the original appointment, three
17 members shall be appointed for terms of four years each; two
18 members shall be appointed for terms of three years each; two
19 members shall be appointed for terms of two years each.
20 As the terms of each original appointee expires, his successor
21 shall be appointed for a term of four years. The member shall
22 serve until a successor is named. Any vacancy shall be filled
23 by appointment of the commissioner within sixty days for the
24 unexpired term of the member whose office shall be vacant.

25 The board shall:

26 (1) Consult with the state board and state commissioner
27 with respect to the plans, policies and methods of the state de-
28 partment for giving effect to this article.

29 (2) Examine credentials and confirm the appointment of
30 physicians and podiatrists servicing the program.

31 (3) Examine the facilities and recommend the institutions
32 in which handicapped children may be hospitalized by the
33 state department.

§49-4-5. Report of birth of a handicapped child.

1 Within thirty days after the birth of a child with a congenital
2 deformity, the physician, midwife, or other person attending
3 the birth shall report the deformity upon a form prescribed to
4 the state department.

5 The report shall be solely for the use of government agencies
6 and shall not be open for public inspection.

§49-4-6. Assistance by other agencies.

1 So far as practicable, the services and facilities of the state
2 departments of health, education, vocational rehabilitation,
3 mental health, and institutions shall be available to the state
4 department for the purposes of this article.

§49-4-7. Cooperation with private agencies.

1 The state department shall cooperate with private agencies
2 and organizations engaged in rendering similar services to
3 handicapped children.

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

H. Darrel Darby
Chairman Senate Committee

Clarence C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard T. W. Brown
Clerk of the Senate

C. A. Blackwelder
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Lewis M. M. M. M. M.
Speaker House of Delegates

The within disapproved this the 6th
day of June, 1974.

Arch A. Pharr Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 5/31/74

Time 1:55 p.m.