WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1974

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ENROLLED

HOUSE BILL No. 213

(By Mr. Seibert)

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PASSED May 24, 1974

In Effect 90 days from Passage

In the Office of the Secretary of State

EDGAR F. WISEMAN III
SECRETARY OF STATE

THIS DATE 6-7-74
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.

The purpose of this article is to provide for the continuation, development and expansion of services for handicapped children. The state department shall formulate and apply administrative policies coordinating the care, treatment, and rehabilitation of physically handicapped children.

In the development of administrative policies, the state department shall cooperate with health services and mental health administration of the department of health, education and welfare and shall comply with the regulations that agency prescribed under the authority of the “Social Security Act,” (42 U.S.C. 301 et. seq.) and is hereby authorized to receive 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 provisions of this article in the department of welfare and services provided for handicapped children under the maternal and child health division of the state department of health shall be available to all handicapped children who are residents of West Virginia without any limitations as to financial status and without regard to the place of residence in this state of such handicapped children or their proximity to a particular clinic, but all payments from any corporation, association, program or fund providing insurance coverage or other payment for medicines, medical, surgical and hospital treatment, crutches, artificial limbs and such other and additional approved mechanical appliances and devices as may be reasonably required for a handicapped child shall be made to the state department of welfare or state department of health when such covered services and items are rendered by either department or any such clinic thereof.

§49-4-3. Powers of state department.

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

4 (1) Locate handicapped children requiring medical, surgical, or other corrective treatment and provide competent diagnosis to determine the treatment required.

7 (2) Supply to handicapped children treatment, including hospitalization and aftercare leading to correction and rehabilitation.


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

1 The commissioner shall designate a board of seven physicians, of recognized ability, to serve in an advisory capacity in giving effect to the provisions of this article; three of these physicians shall be board certified orthopedic surgeons; one shall
be a doctor of podiatric medicine; the remaining three physicians shall be selected from other specialty boards representative of the major portions of the program other than orthopedic. In addition to the seven board members, physicians representing other board specialties and representatives of paramedical professions such as nursing and medical social work may be appointed to serve the board in an ad hoc capacity at the commissioner's discretion. The board members and ad hoc appointees shall serve without pay, except for actual expenses incurred.

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

The board shall:

(1) Consult with the state board and state commissioner with respect to the plans, policies and methods of the state department for giving effect to this article.

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

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


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

The report shall be solely for the use of government agencies 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 departments of health, education, vocational rehabilitation, mental health, and institutions shall be available to the state department for the purposes of this article.

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

1 The state department shall cooperate with private agencies and organizations engaged in rendering similar services to handicapped children.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR

Date 5/31/74
Time 1:55 p.m.