WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979

ENROLLED

HOUSE BILL No. 715

(By Mr. Caudle)

Passed March 6, 1979

In Effect Ninety Days From Passage
AN ACT to amend and reenact section two, article five-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to nursing and personal care homes; definitions; and deleting the definition of "mental impairment" from the definitions as used in article five-c.

Be it enacted by the Legislature of West Virginia:

That section two, article five-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5C. NURSING AND PERSONAL CARE HOMES.

§16-5C-2. Definitions.

1. As used in this article, unless a different meaning appears from the context:

   (a) The term "director" means the director of the West Virginia state department of health or his designee;

   (b) The term "facility" means any nursing home or personal care home as defined in subdivisions (c) and (d) of this section: Provided, That the care or treatment in a household, whether for compensation or not, of any person related by blood or marriage, within the degree of consanguinity of second cousin to the head of the household, or his or her spouse, may not be deemed to constitute a nursing home or
personal care home within the meaning of this article. Nothing contained in this article shall apply to hospitals, as defined under section one, article five-b of this chapter, or state institutions as defined under section six, article one, chapter twenty-seven or section three, article one, chapter twenty-five, all of this code, or institutions operated for the treatment and care of alcoholic patients, or offices of physicians, or hotels, boarding homes or other similar places that furnish to their guests only board and room, or extended care facilities operated in conjunction with a hospital;

(c) The term “nursing home” means any institution, residence or place, or any part or unit thereof, however named, in this state which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing accommodations and care, for a period of more than twenty-four hours, for three or more persons who are ill or otherwise incapacitated and in need of nursing care due to physical or mental impairment, or which provides services for the rehabilitation of persons who are convalescing from illness or incapacitation;

(d) The term “personal care home” means any institution, residence or place, or any part or unit thereof, however named, in this state which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing accommodations and personal assistance, for a period of more than twenty-four hours, to six or more persons who are dependent upon the services of others by reason of physical or mental impairment but who do not require nursing care;

(e) The term “nursing care” means those procedures commonly employed in providing for the physical, emotional and rehabilitational needs of the ill or otherwise incapacitated which require technical skills and knowledge beyond that which the untrained person possesses, including, but not limited to, such procedures as: Irrigations; catheterization; application of dressings; supervision of special diets; objective observation of changes in patient condition as a means of analyzing and
determining nursing care required and the need for further medical diagnosis and treatment; special procedure contributing to rehabilitation; administration of medication by any method ordered by a physician such as hypodermically, rectally, or orally and carrying out other treatments prescribed by a physician which involve a like level of complexity and skill in administration;

(f) The term "personal assistance" means personal services, including, but not limited to, the following: Help in walking, bathing, dressing, feeding, or getting in or out of bed, or supervision required because of the age or mental impairment of the patient;

(g) The term "patient" means an individual under care in a nursing home or personal care home;

(h) The term "sponsor" means the person or agency legally responsible for the welfare and support of a patient;

(i) The term "person" means an individual and every form of organization, whether incorporated or unincorporated, including any partnership, corporation, trust, association or political subdivision of the state.

The director may define in regulations any term used herein which is not expressly defined.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Proctor  
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 25th day of March, 1979.

Governor