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APPROVED AND SIGNED BY THE GOVERNOR

'9 MAR 27 P11: 44 Date 3-27-79

Time 9:15 A.M.

OFFICE
OF THE
CLERK OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979

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ENROLLED

SENATE BILL NO. 211

(By Mr. Goettner)

—•—

PASSED March 9, 1979

In Effect ninty days from Passage



No. 211

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ENROLLED

Senate Bill No. 211

(By MR. BOETTNER)

[Passed March 9, 1979; 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 the welfare of handicapped children; formulation of an advisory board of physicians; setting the terms and requirements for board members; reporting the birth of a handicapped child; and cost of treatment of handicapped children.

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. HANDICAPPED CHILDREN.

§49-4-1. Purpose.

1 The purpose of this article is to provide for the con-
2 tinuation and development of services for handicapped
3 children. The state department shall formulate and
4 apply administrative policies concerning the care and
5 treatment of physically handicapped children and shall
6 cooperate with other agencies responsible for such care
7 and treatment.

8 In the development of administrative policies, the
9 state department shall cooperate with the United States
10 department of health, education and welfare and shall
11 comply with the regulations that agency prescribes under
12 the authority of the "Social Security Act," and is hereby
13 authorized to receive and expend federal funds for these
14 services.

§49-4-2. Children to whom article applies.

1 It is the intention of this article that services for handi-
2 capped children shall be extended only to those children
3 for whom adequate care, treatment and rehabilitation are
4 not available from other than public sources.

§49-4-3. Powers of state department.

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

4 (1) Locate handicapped children requiring medical,
5 surgical, or other corrective treatment and provide com-
6 petent diagnoses to determine the treatment required.

7 (2) Supply to handicapped children treatment, in-
8 cluding hospitalization and aftercare leading to correction
9 and rehabilitation.

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

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

1 The state commissioner shall designate a board of
2 seven physicians, of recognized ability, to serve in an
3 advisory capacity in giving effect to the provisions of
4 this article. These physicians shall be board certified
5 specialists representing the various major medical com-
6 ponents of the program. In addition to the seven board
7 members, physicians representing other board specialties
8 and representatives of paramedical professions such as
9 nursing and medical social work may be appointed to
10 serve the board in an ad hoc capacity at the commis-
11 sioner's discretion. The board members and ad hoc ap-
12 pointees shall serve without pay, except for reasonable
13 expenses actually incurred. The members of the board
14 shall be appointed for terms of four years, except that,
15 as to the original appointments, three members shall
16 be appointed for terms of four years each; two members
17 shall be appointed for terms of three years each; two
18 members shall be appointed for terms of two years each.
19 As the term of each original appointee expires, his suc-
20 cessor shall be appointed for a term of four years. The
21 member shall serve until a successor is named. No

22 member shall be eligible for appointment to more than
23 two consecutive terms. Any vacancy shall be filled by
24 appointment of the commissioner within sixty days from
25 the date of vacancy.

26 The board shall:

27 (1) Consult with the state board and state commis-
28 sioner with respect to the plans, policies and methods of
29 the state department for giving effect to this article.

30 (2) Examine the credentials and confirm the appoint-
31 ment of physicians servicing the program.

32 (3) Examine the facilities and recommend the institu-
33 tions in which handicapped children may be hospitalized
34 by the state department.

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

1 Within thirty days after the birth of a child with a
2 congenital deformity, the physician, midwife, or other
3 person attending the birth shall report to the state depart-
4 ment, on forms prescribed by them, the birth of such
5 child.

6 The report shall be solely for the use of the state
7 department 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
2 state departments of health, education, vocational re-
3 habilitation and corrections shall be available to the state
4 department for the purposes of this article.

§49-4-7. Cost of treatment.

1 All payments from any corporation, association, pro-
2 gram or fund providing insurance coverage or other pay-
3 ment for medicine, medical, surgical and hospital treat-
4 ment, crutches, artificial limbs and such other and addi-
5 tional approved mechanical appliances and devices as
6 may be reasonably required for a handicapped child, shall
7 be applied toward the total cost of treatment.

Enr. S. B. No. 2117 P || : || 4

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

James L. Davis
Chairman Senate Committee

Clarence C. Chuteau Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. S. Sillou Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. B. Blanton Jr.
President of the Senate

Clide H. Lee Jr.
Speaker House of Delegates

The within is approved this the 27
day of March, 1979.

John P. Ralston
Governor

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