

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-25-79

Time 1:20 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979

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ENROLLED

HOUSE BILL No. 715

(By Mr. Candle)

— ● —

Passed March 6, 1979

In Effect Ninety Days From Passage



No. 715

ENROLLED

H. B. 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
2 from the context:

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

5 (b) The term "facility" means any nursing home or personal
6 care home as defined in subdivisions (c) and (d) of this sec-
7 tion: *Provided*, That the care or treatment in a household,
8 whether for compensation or not, of any person related by
9 blood or marriage, within the degree of consanguinity of
10 second cousin to the head of the household, or his or her
11 spouse, may not be deemed to constitute a nursing home or

12 personal care home within the meaning of this article. Noth-
13 ing contained in this article shall apply to hospitals, as de-
14 fined under section one, article five-b of this chapter, or state
15 institutions as defined under section six, article one, chapter
16 twenty-seven or section three, article one, chapter twenty-five,
17 all of this code, or institutions operated for the treatment and
18 care of alcoholic patients, or offices of physicians, or hotels,
19 boarding homes or other similar places that furnish to their
20 guests only board and room, or extended care facilities operat-
21 ed in conjunction with a hospital;

22 (c) The term "nursing home" means any institution, resi-
23 dence or place, or any part or unit thereof, however named,
24 in this state which is advertised, offered, maintained or operat-
25 ed by the ownership or management, whether for a considera-
26 tion or not, for the express or implied purpose of providing
27 accommodations and care, for a period of more than twenty-
28 four hours, for three or more persons who are ill or otherwise
29 incapacitated and in need of nursing care due to physical or
30 mental impairment, or which provides services for the reha-
31 bilitation of persons who are convalescing from illness or in-
32 capacitation;

33 (d) The term "personal care home" means any institution,
34 residence or place, or any part or unit thereof, however named,
35 in this state which is advertised, offered, maintained or oper-
36 ated by the ownership or management, whether for a consider-
37 ation or not, for the express or implied purpose of providing
38 accommodations and personal assistance, for a period of more
39 than twenty-four hours, to six or more persons who are de-
40 pendent upon the services of others by reason of physical or
41 mental impairment but who do not require nursing care;

42 (e) The term "nursing care" means those procedures com-
43 monly employed in providing for the physical, emotional and
44 rehabilitational needs of the ill or otherwise incapacitated
45 which require technical skills and knowledge beyond that which
46 the untrained person possesses, including, but not limited to,
47 such procedures as: Irrigations; catheterization; application of
48 dressings; supervision of special diets; objective observation
49 of changes in patient condition as a means of analyzing and

50 determining nursing care required and the need for further
51 medical diagnosis and treatment; special procedure contribut-
52 ing to rehabilitation; administration of medication by any
53 method ordered by a physician such as hypodermically, rect-
54 ally, or orally and carrying out other treatments prescribed by
55 a physician which involve a like level of complexity and skill
56 in administration;

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

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

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

66 (i) The term "person" means an individual and every form
67 of organization, whether incorporated or unincorporated, in-
68 cluding any partnership, corporation, trust, association or
69 political subdivision of the state.

70 The director may define in regulations any term used herein
71 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

Lawrence C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. McConaughy
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. B. B. B. B.
President of the Senate

Clide M. Lee Jr.
Speaker House of Delegates

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

John D. R. R. R.
Governor



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