

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-8-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

ENROLLED

HOUSE BILL No. 1771

(By Mr. Stephoe + Mr. Williams)

— ● —

Passed February 24, 1982

In Effect Ninety Days From Passage

ENROLLED

H. B. 1771

(By MR. STEPTOE and MR. GILLIAM)

[Passed February 24, 1982; in effect ninety days from passage.]

AN ACT to amend article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight-a, relating to the department of welfare and granting them the authority to apply for subpoenas and subpoenas duces tecum when investigating medical assistance programs.

Be it enacted by the Legislature of West Virginia:

That article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight-a, to read as follows:

§9-5-8a. Authority to subpoena witnesses and documents when investigating the provision of medical assistance programs.

1 The commissioner and every duly appointed hearing ex-
2 aminer shall have the power to apply, on behalf of any party,
3 to the circuit court of the county in which the hearing is to
4 be held, or the circuit court in which the subpoena or sub-
5 poena duces tecum is to be served, or the judge of either
6 such court in vacation, for the issuance of a subpoena or
7 subpoena duces tecum to compel the attendance of witnesses
8 or the production of documents, before any hearing or ad-
9 ministrative tribunal convened to consider suspension or
10 termination of any person or corporation from providing

11 services under the medical assistance programs administered
12 by the department of welfare. The application for a subpoena
13 duces tecum shall state with particularity any papers or docu-
14 ments requested and upon hearing, the applicant or party
15 shall notify the court or judge, as the case may be, of the
16 necessity therefor in such hearing. The court or judge thereof,
17 prior to issuing the requested subpoena or subpoena duces
18 tecum, may make any order which justice requires to pro-
19 tect a party or person from annoyance, embarrassment, op-
20 pression or undue burden or expense. The party who applies
21 for the subpoena or subpoena duces tecum shall pay the
22 sheriff's fees required for service of these documents.

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

R. P. Baylor
Chairman Senate Committee

Tommy E. Whitton
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Welch
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

Warren R. McBrat
President of the Senate

Walter M. Lee, Jr.
Speaker House of Delegates

The within is approved this the 8
day of March, 1982.

James R. Royster
Governor

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OFFICE OF THE GOVERNOR

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OFFICE
SECY. OF STATE