

No. 707 ✓

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1985

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

1985 MAY -3 AM 10:44

PROCESSED

ENROLLED

SENATE BILL NO. 707

*(Originating in  
Committee on the Judiciary)*

PASSED April 13 1985

In Effect from Passage



**ENROLLED**

**Senate Bill No. 707**

(Originating in the Committee on the Judiciary)

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[Passed April 13, 1985; in effect from passage.]

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AN ACT to amend and reenact article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections thirteen and fourteen, all relating to vocational rehabilitation, continuation of social security disability determination section; and providing duties of assistant director of social security disability determination section.

*Be it enacted by the Legislature of West Virginia:*

That article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections thirteen and fourteen, all to read as follows:

**ARTICLE 10A. VOCATIONAL REHABILITATION.**

**§18-10A-13. Social security disability determination section.**

1 The disability determination section of the division  
2 of vocational rehabilitation created pursuant to the pro-  
3 visions of section three, article ten-a, chapter eighteen of  
4 this code, is hereby continued and shall be named the  
5 social security disability determination section.

6 The social security disability determination section  
7 shall be subject to chapter twenty-nine-a of this code.

**§18-10A-14. Duties of assistant director of social security disability determination section.**

- 1 In addition to duties imposed by other federal and  
2 state laws, the assistant director shall:
- 3 (1) Ensure that each client of the agency who is denied  
4 benefits is
- 5 (a) advised of his right to appeal an agency decision  
6 to an administrative law judge,
- 7 (b) advised of proper procedures for filing and pur-  
8 suing an appeal, and
- 9 (c) encouraged to exercise his right of appeal when  
10 he feels a decision was made in error and is unjust;
- 11 (2) Promulgate rules establishing criteria for granting  
12 promotion and salary increases which are to be based on  
13 merit;
- 14 (3) Prepare and submit to the state board, and the  
15 social security disability board, an annual report show-  
16 ing compliance and noncompliance with the provisions  
17 of this section. A copy of the report shall be filed with  
18 the secretary of state's office to be made available for  
19 public inspection;
- 20 (4) Ensure that physicians evaluating medical im-  
21 pairments are qualified by experience and educational  
22 specialty to make proper medical judgments on the  
23 medical impairments they are assigned to evaluate; and
- 24 (5) Ensure that the evaluation of the claimant's per-  
25 sonal physician is given due consideration in the dis-  
26 ability determination process.

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

Harold E. Helms  
Chairman Senate Committee

Floyd Fuller  
Chairman House Committee

Originated in the Senate.

In effect from passage.

Fred C. Mills  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Sam Tomlinson  
President of the Senate

Joseph P. Albright  
Speaker House of Delegates

The within approved this the 2<sup>nd</sup>  
day of May, 1985.

Archa. Prange, Jr.  
Governor



PRESENTED TO THE

GOVERNOR

Date 4/19/85

Time 8:19 p.m.