WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

ENROLLED

SENATE BILL NO. 393

(By Senator Burdette, Mr. President, et al)

PASSED March 7, 1991
In Effect 90 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 administration of programs for handicapped children by the bureau of public health.

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 continuation and development of services for handicapped children. The state bureau of public health within the department of health and human resources shall formulate and apply administrative policies concerning the care and treatment of physically handicapped children and shall cooperate with other agencies responsible for such care and treatment.

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

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

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

§49-4-3. Powers of state bureau.

In the care and treatment of handicapped children the state bureau of public health shall, so far as funds are available for the purpose:

(1) Locate handicapped children requiring medical, surgical, or other corrective treatment and provide competent diagnosis to determine the treatment required.

(2) Supply to handicapped children treatment, including hospitalization and aftercare leading to correction and rehabilitation.


Within thirty days after the birth of a child with a congenital deformity, the physician, midwife, or other person attending the birth shall report to the state bureau of public health, on forms prescribed by them, the birth of such child.

The report shall be solely for the use of the state department of health and human resources and shall not be open for public inspection.

§49-4-5. Assistance by other agencies.

So far as practicable, the services and facilities of the state departments of health, education, vocational
3 rehabilitation and corrections or their successors shall
4 be available to the state bureau of public health for
5 the purposes of this article.

1 All payments from any corporation, association,
2 program or fund providing insurance coverage or
3 other payment for medicine, medical, surgical and
4 hospital treatment, crutches, artificial limbs and such
5 other and additional approved mechanical appliances
6 and devices as may be reasonably required for a
7 handicapped child, shall be applied toward the total
8 cost of treatment.
Enr. S. B. No. 393]

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

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 15th day of , 1991.

Governor