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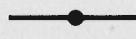
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



# ENROLLED

SENATE BILL NO. 562

(By Senator Walker, et al)



PASSED March 2, 1996

In Effect 90 days from Passage

OFFICE OF THE CLERK  
STATE OF WEST VIRGINIA

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**E N R O L L E D**

**Senate Bill No. 562**

(BY SENATORS WALKER, ANDERSON, BAILEY, ROSS,  
WOOTON, JACKSON, PLYMALE, BLATNIK, SHARPE, DITTMAR,  
BOWMAN, OLIVERIO, MINEAR, KIMBLE, YODER, WHITLOW,  
HELMICK AND TOMBLIN, MR. PRESIDENT)

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[Passed March 2, 1996; in effect ninety days from passage.]

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AN ACT to amend and reenact sections one, two, three, four, five and six, article four, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to children with special health care needs.

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

That sections one, two, three, four, five and six, article four, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 4. HANDICAPPED CHILDREN.**

**§49-4-1. Purpose.**

1 The purpose of this article is to provide for the contin-

2 uation and development of services for children with  
3 special health care needs. The state bureau of public  
4 health within the department of health and human  
5 resources shall formulate and apply administrative  
6 policies concerning the care and treatment of children  
7 with special health care needs and shall cooperate with  
8 other agencies responsible for such care and treatment.

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

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

1 It is the intention of this article that services for  
2 children with special health care needs shall be extended  
3 only to those children for whom adequate care, treat-  
4 ment and rehabilitation are not available from other  
5 than public sources.

**§49-4-3. Powers of state bureau.**

1 In the care and treatment of children with special  
2 health care needs the state bureau of public health shall,  
3 so far as funds are available for the purpose:

4 (1) Locate children with special health care needs  
5 requiring medical, surgical or other corrective treatment  
6 and provide competent diagnosis to determine the  
7 treatment required.

8 (2) Supply to children with special health care needs  
9 treatment, including hospitalization and aftercare  
10 leading to correction and rehabilitation.

11 (3) Guide and supervise children with special health  
12 care needs to assure adequate care and treatment.

**§49-4-4. Report of birth of special health care needs 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  
4 bureau of public health, on forms prescribed by them,  
5 the birth of such child.


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

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

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

**§49-4-6. Cost of treatment.**

1 All payments from any corporation, association,  
2 program or fund providing insurance coverage or other  
3 payment for medicine, medical, surgical and hospital  
4 treatment, crutches, artificial limbs and such other and  
5 additional approved mechanical appliances and devices  
6 as may be reasonably required for a child with special  
7 health care needs, shall be applied toward the total cost  
8 of treatment.



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

*Kandy Schooner*  
.....  
Chairman Senate Committee

*Ready Deacon*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Carroll Phelps*  
.....  
Clerk of the Senate

*Gregory W. Brown*  
.....  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
.....  
President of the Senate

*Rob Coker*  
.....  
Speaker House of Delegates

The within *is approved* this the *7<sup>th</sup>*  
*March*  
day of ....., 1996.

*Gaston Caputo*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/6/96

Time 9:21am