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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000

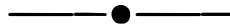


# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4471**

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)  
[By Request of the Executive]



Passed March 11, 2000

In Effect Ninety Days from Passage

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FOR

## H. B. 4471

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)  
[BY REQUEST OF THE EXECUTIVE]

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article five-r, relating to the establishment of the Older West Virginians Act; declaring purpose and objectives, defining terms, establishing role of bureau of senior services; establishing area agencies, establishing requirements of service providers; requiring support services, nutrition services and other services and programs; and establishing special activities.

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

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

**ARTICLE 5R. OLDER WEST VIRGINIANS.**

**§16-5R-1. Short title.**

1 This article may be cited as the “Older West Virginians Act  
2 of 2000.”

**§16-5R-2. Purpose and objectives.**

1 (a) The purpose of this article is to provide guidance and  
2 assistance in the development of new or improved activities and  
3 programs to help older West Virginians maintain independence,  
4 honor and dignity, within available federal and state funds.

5 (b) This article establishes an array of services which are to be  
6 provided at a no cost or at a reasonable cost for senior citizens:  
7 *Provided*, That nothing in this article may be construed to require  
8 the provision of any service by the bureau. The service packages  
9 shall be prioritized first to in-home, community based clients to  
10 enable them to remain independent for as long as possible in local  
11 settings. Second level priority services shall be those which are  
12 preventive and supportive in nature.

13 (c) Management practice shall integrate programs with service  
14 providers and service options through a statewide delivery system.

15 (d) Programs shall recognize the strengths of the older  
16 population, especially in the areas of volunteerism and leadership,  
17 to improve the status of all older individuals in West Virginia.

**§16-5R-3. Definitions.**

1 For the purpose of this article:

2 (a) “Aging network” means the network of the bureau of  
3 senior services, area agencies on aging, and local providers of  
4 direct services to older individuals;

5 (b) “Bureau” refers to the bureau of senior services;

6 (c) “Commissioner” refers to the commissioner of the bureau  
7 of senior services;

8 (d) “Focal point” means a facility established to encourage  
9 the maximum collocation and coordination of services for older  
10 individuals;

11 (e) “Older individual” or “older West Virginian” or “senior”  
12 or “senior citizen” means an individual who is sixty years of age  
13 or older;

14 (f) “State agency” refers to the bureau of senior services.

**§16-5R-4. Powers and duties of the commissioner.**

1 For purposes of this article, the commissioner shall have the  
2 powers and duties set forth in section six, article five-p of this  
3 chapter. In addition, the commissioner shall ensure the bureau  
4 fulfills the requirements of section twelve, article five-p of this  
5 chapter, relating to federal government programs.

**§16-5R-5. Powers and duties of the bureau of senior services.**

1 The bureau shall be the designated state agency to:

2 (a) Develop and administer the state plan as required by the  
3 federal administration on aging;

4 (b) Be the primary agency responsible for the planning, policy  
5 development, administration, coordination, priority setting and  
6 evaluation of activities related to this article;

7 (c) Serve as an effective and visible advocate for older West  
8 Virginians;

9 (d) Divide the state into distinct planning and service areas  
10 and designate for each area a public or private nonprofit agency or  
11 organization as the area agency on aging as required by the federal  
12 administration on aging;

13 (e) Provide technical assistance and information to area  
14 agencies on aging and local service providers as appropriate and  
15 conduct monitoring of area agencies on aging to insure compli-  
16 ance with applicable rules, regulations and standards;

17 (f) Maintain client and service data using a standardized  
18 computer client tracking system through which all providers shall  
19 report required information; and

20 (g) Maintain letters of agreement with the state department of  
21 health and human resources to provide program operations of the  
22 personal care and aged and disabled waiver programs.

23 (h) Maintain a registry of companies and organizations that  
24 provide free medications or provide assistance to persons in  
25 securing medications, and make this information available to  
26 consumers through all local senior programs.

**§16-5R-6. Area agencies on aging.**

1 The area agencies on aging designated by the bureau shall be  
2 charged with the following:

3 (a) Prepare and develop an area plan in a format provided by  
4 the bureau and as required by the federal administration on aging;

5 (b) Enter into agreements and contracts with local service  
6 providers for the provision of supportive services and nutrition  
7 services funded through the federal administration on aging;

8 (c) Designate, where feasible, a focal point for service  
9 delivery in each community;

10 (d) Establish an advisory council in accordance with the  
11 requirements of the federal administration on aging;

12 (e) Serve as an effective and visible advocate for older West  
13 Virginians; and

14 (f) Provide appropriate technical assistance and information  
15 to local service providers and conduct monitoring of local service  
16 providers to insure compliance with applicable rules, regulations  
17 and standards.

**§16-5R-7. Local service providers.**

1 (a) Service providers who offer “Older West Virginians Act”  
2 and related services funded through the federal administration on  
3 aging shall:

4 (1) Determine the needs of seniors in the particular geographic  
5 area covered by gaining input from the seniors themselves, their  
6 families and care givers;

7 (2) Develop a plan of service based on the needs of the seniors  
8 in a format provided by the area agency;

9 (3) Provide supportive services, nutrition services and senior  
10 centers which shall, within available funding, meet the identified  
11 needs of seniors;

12 (4) Serve as an effective and visible advocate for older West  
13 Virginians; and

14 (5) Participate in the bureau's client tracking system.

15 (b) Service providers who offer medicaid reimbursed services  
16 shall:

17 (1) Comply with appropriate medicaid regulations and  
18 policies including provider agreements, program manuals and  
19 program instructions;

20 (2) Maintain client files, provider information and report as  
21 required for the determination of compliance with established  
22 program standards as determined by the Bureau for Medical  
23 Services; and

24 (3) Participate in the bureau's client tracking system.

**§16-5R-8. Supportive services.**

1 Supportive services funded through the federal administration  
2 on aging for older West Virginians may include, but are not  
3 limited to: Adult day care, assessment, assisted transportation,  
4 care training, chore, counseling, discount, home repair, housing  
5 assistance, information and assistance, instruction/training, legal  
6 assistance, letter/writing, reading, material aid, nutrition education,  
7 outreach, telephoning, transportation and visiting, all as defined by  
8 the bureau and the federal administration on aging.

**§16-5R-9. Nutrition services.**

1 All congregate meals and home delivered meals shall contain  
2 one third of the recommended daily allowance for vitamins and  
3 minerals. Congregate meal sites may include senior centers,  
4 community buildings, schools, churches and elderly housing  
5 complexes. Home delivered meals are to be delivered to eligible  
6 individuals, in accordance with guidelines and standards estab-  
7 lished by the bureau and the federal administration on aging.

**§16-5R-10. Other services.**

1 The bureau shall also coordinate and provide older West  
2 Virginians the following:

3 (a) In-home services for those who are frail or at risk of  
4 becoming institutionalized; and

5 (b) Disease prevention and health screening services.

**§16-5R-11. Programs and special activities for older West Virginians.**

1 (a) The bureau shall continue and maintain its long-term care  
2 ombudsman program codified in article five-1, chapter sixteen of  
3 this code. The bureau shall also design and implement programs  
4 for the benefit of older West Virginians relating to: elder abuse,  
5 neglect and exploitation; elder rights and legal assistance; in-home  
6 personal care for medicaid and non-medicaid eligible senior  
7 citizens; direct services established by the Legislative Initiatives  
8 For the Elderly (LIFE), senior health insurance network as  
9 established by the United States Health Care Financing Adminis-  
10 tration and a foster grandparent program as established by the  
11 Corporation for National and Community Service.

12 (b) The bureau may sponsor the following special activities  
13 for older West Virginians: governor's golden mountaineer  
14 program, a discount program for goods and services at participat-  
15 ing merchants, an annual senior citizens conference providing

16 educational and entertainment opportunities, a governor's summit  
17 on aging, a silver haired legislature and an annual senior day at the  
18 Legislature. The bureau may sponsor additional special activities  
19 as necessary.




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



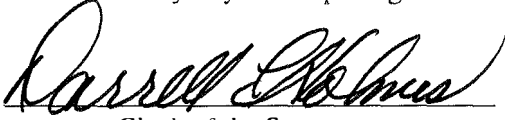
*Chairman Senate Committee*



*Chairman House Committee*

Originating in the House.

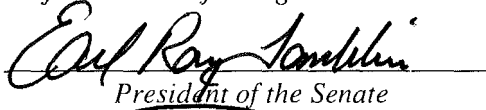
In effect ninety days from passage.



*Clerk of the Senate*



*Clerk of the House of Delegates*

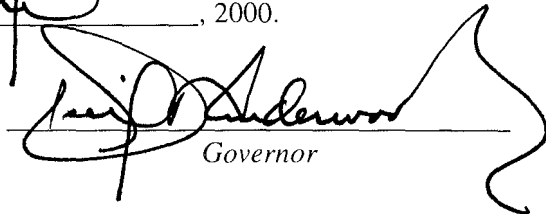


*President of the Senate*



*Speaker of the House of Delegates*

The within approved this the 4th  
day of April, 2000.



*Governor*

PRESENTED TO THE

GOVERNOR

Date 3/31/00

Time 4:30 pm