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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4123

(By Delegates Compton, Leach, Hubbard,
Staton, Hatfield, Susman and Douglas)



Passed February 25, 2002

In Effect Ninety Days from Passage

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H. B. 4123

(BY DELEGATES COMPTON, LEACH, HUBBARD,
STATON, HATFIELD, SUSMAN AND DOUGLAS)

[Passed February 25, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article five-1, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the education and training requirements for a regional long-term care ombudsman.

Be it enacted by the Legislature of West Virginia:

That section seven, article five-1, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5L. EARLY INTERVENTION SERVICES FOR CHILDREN WITH DEVELOPMENTAL DELAYS.

§16-5L-7. Regional long-term care ombudsmen; qualifications; duties; training; certification.

1 (a) Each regional long-term care ombudsman program shall
2 employ one or more regional long-term care ombudsmen to
3 effect the purposes of this article. The regional long-term care
4 ombudsman shall have either: (1) At least a bachelor's degree
5 in gerontology, social work, health, or a related field and
6 demonstrated experience in one of the following areas: (A) The
7 field of aging; (B) health care or social service programs; (C)
8 community programs; or (D) long-term care issues; or (2) at
9 least a bachelor's degree in any field and at least three years of
10 experience in gerontology, social work, health or a related field.
11 Experience in gerontology, social work, health or a related field
12 may be substituted for up to two years (sixty hours) of college
13 on a year-for-year basis. The supervising ombudsman must
14 have at least a bachelor's degree in gerontology, social work,
15 health or a related field and demonstrated experience in one of
16 the following areas: (A) The field of aging; (B) health care or
17 social service programs; (C) community programs; and (D)
18 long-term care issues. Persons employed in a designated
19 regional long-term care ombudsman program on the date of
20 enactment of this article may be given a waiver from these
21 requirements provided that within one year from the date of
22 enactment of this article they enter into a program leading to a
23 degree in gerontology, social work, health or a related field or
24 complete fifty hours of continuing education units in gerontol-
25 ogy, social work, health or a related field every two calendar
26 year periods. The regional long-term care ombudsman shall
27 participate in ongoing training programs related to his or her
28 duties or responsibilities. The regional long-term care ombuds-
29 man may not have been employed within the past two years
30 prior to the date of his or her employment under this section by
31 any association of long-term care facilities. If a regional
32 long-term care ombudsman has been employed within the past
33 two years prior to the date of his or her employment under this
34 section by a long-term care facility, or by any organization or

35 corporation that directly or indirectly regulates, owns or
36 operates a long-term care facility, that ombudsman may not act
37 with the authority of a regional long-term care ombudsman in
38 the facility of prior employment or in any other facility regu-
39 lated, owned or operated by the same ownership as the facility
40 of prior employment.

41 (b) Neither the regional long-term care ombudsman nor any
42 member of his or her immediate family may have, or have had
43 within the two years preceding his or her employment under
44 this section, any pecuniary interest in the provision of long-term
45 care. For the purposes of this section, the term “immediate
46 family” shall mean the spouse, children, natural mother, natural
47 father, natural brothers or natural sisters of the regional long-
48 term care ombudsman.

49 (c) The duties of the regional long-term care ombudsman
50 shall include, but are not limited to, the following:

51 (1) Regularly monitoring long-term care facilities and
52 investigating complaints filed on behalf of a resident, or filed
53 on the regional long-term care ombudsman’s own initiative,
54 relating to the health, safety, welfare and rights of such resi-
55 dents, in accordance with complaint investigation procedures
56 developed by the state long-term ombudsman care program:
57 *Provided*, That nothing in this section shall be construed as to
58 grant a regional long-term care ombudsman the right of entry
59 to a long-term care facility’s drug rooms or to treatment rooms
60 occupied by a resident unless prior consent has been obtained
61 from the resident;

62 (2) Monitoring the development and implementation of
63 federal, state and local laws, regulations and policies with
64 respect to long-term care facilities;

65 (3) Training certified volunteers in accordance with the
66 training and certification program developed by the state long-
67 term care ombudsman program;

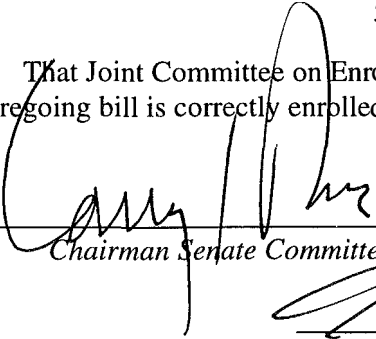
68 (4) Encouraging, cooperating with, and assisting the
69 development and operation of referral services which can
70 provide current, valid and reliable information on long-term
71 care facilities and alternatives to institutionalization to persons
72 in need of these services and the general public;

73 (5) Submitting reports as required by the state long-term
74 care ombudsman program; and

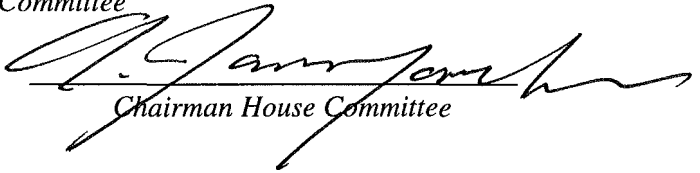
75 (6) Other duties as mandated by the Older Americans Act
76 of 1965, as amended.

77 (d) The state long-term care ombudsman shall develop and
78 implement procedures for training and certification of regional
79 long-term care ombudsmen. Regional long-term care ombuds-
80 men who satisfactorily complete the training requirements shall
81 be certified by the state commission on aging and shall be given
82 identification cards which shall be presented to employees of a
83 long-term care facility upon request. No regional long-term care
84 ombudsman may investigate any complaint filed with the West
85 Virginia long-term care ombudsman program unless the person
86 has been certified by the state commission on aging. Consistent
87 with the provisions of this article and any rules promulgated
88 pursuant to section twenty-one, certified regional long-term
89 ombudsmen shall be representatives of the state long-term care
90 ombudsman program.

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



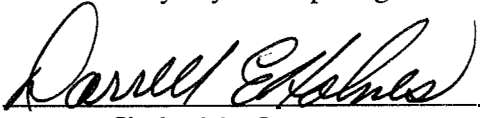
Chairman Senate Committee



Chairman House Committee

Originating in the House.

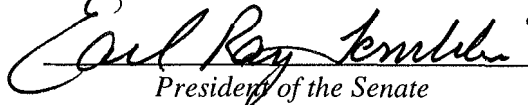
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

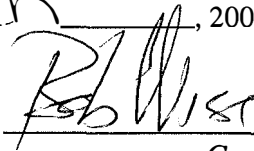


President of the Senate



Speaker of the House of Delegates

The within is approved this the 17th
day of March, 2002.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/1/02

Time 1:45 pm