WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2003

--•--

ENROLLED

House Bill No. 3016

(By Delegates Beane, G. White, Paxton, Mezzatesta, and Stalnaker)

---•---

Passed March 6, 2003

In Effect Ninety Days from Passage
AN ACT to amend and reenact section eight, article six, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the confidentiality of adult protective service records; changing the current requirement that the adult protective service agency destroy the records in two years to thirty years.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. SOCIAL SERVICES FOR ADULTS.

§9-6-8. Confidentiality of records.

1 (a) Except as otherwise provided in this section, all records of the department, state and regional long-term care ombudsmen, nursing home or facility administrators, the office of
health facility licensure and certification and all protective
services agencies concerning an adult or facility resident under
this article shall be confidential and shall not be released,
except in accordance with the provisions of section eleven of
this article.

(b) Unless the adult concerned is receiving adult protective
services or unless there are pending proceedings with regard to
the adult, the records maintained by the adult protective
services agency shall be destroyed thirty years following their
preparation. A circuit court or the supreme court of appeals may
subpoena such records, but shall, before permitting their use in
connection with any court proceeding, review the same for
relevancy and materiality to the issues in the proceeding, and
may issue such order to limit the examination and use of such
records or any part thereof, having due regard for the purposes
of this article and the requirements of the litigation as shall be
just.
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 20th day of March, 2003.

Governor