

**FILED**

2003 MAR 20 P 5: 24

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# **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

FILED

2003 MAR 20 P 5: 25

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

**H. B. 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
- 2 of the department, state and regional long-term care ombuds-
- 3 men, nursing home or facility administrators, the office of

4 health facility licensure and certification and all protective  
5 services agencies concerning an adult or facility resident under  
6 this article shall be confidential and shall not be released,  
7 except in accordance with the provisions of section eleven of  
8 this article.

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

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

*Larry J. Pines*

Chairman Senate Committee

*Sharon Spear*  
Chairman House Committee

Originating in the House.

In effect ninety days from passage

*Dorell Edwards*

Clerk of the Senate

*Barry W. Gray*  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
President of the Senate

*[Signature]*  
Speaker of the House of Delegates

The within is approved this the 20<sup>th</sup> day of March 2003.

*Bob Wise*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/14/03

Time 9:40am