

HB 3094

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OFFICE OF THE CLERK  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2011



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 3094**

(By Delegates Smith, Jones, L. Phillips, D. Poling,  
Longstreth, Shaver, Walker, Fragale, Caputo, Martin  
and Stagers)



Passed March 10, 2011

In Effect Ninety Days From Passage

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

OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES  
SECRETARY OF STATE

COMMITTEE SUBSTITUTE

FOR

**H. B. 3094**

(BY DELEGATES SMITH, JONES, L. PHILLIPS, D. POLING,  
LONGSTRETH, SHAVER, WALKER, FRAGALE, CAPUTO, MARTIN  
AND STAGGERS)

[Passed March 10, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of the Department of Health and Human Services to use existing department funds to develop a program to compensate employees for personal property loss in work related incidents.

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

That §9-2-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. COMMISSIONER OF HUMAN SERVICES;  
P O W E R S , D U T I E S A N D  
R E S P O N S I B I L I T I E S G E N E R A L L Y .**

**§9-2-6. Powers of secretary.**

1           Within limits of state appropriations and federal grants  
2 and subject to provisions of state and federal laws and  
3 regulations, the secretary, in addition to all other powers,  
4 duties and responsibilities granted and assigned to that office  
5 in this chapter and elsewhere by law, is authorized and  
6 empowered to:

7           (1) Promulgate, amend, revise and rescind department  
8 rules respecting the organization and government of the  
9 department and the execution and administration of those  
10 powers, duties and responsibilities granted and assigned by  
11 this chapter and elsewhere by law to the department and the  
12 secretary.

13           (2) Promulgate, amend, revise and rescind department  
14 rules and regulations respecting qualifications for receiving  
15 the different classes of welfare assistance consistent with or  
16 permitted by federal laws, rules and policies, but not  
17 inconsistent with state law: *Provided*, That such rules and  
18 policies respecting qualifications shall permit the expenditure  
19 of state funds to pay for care rendered in any birthing center  
20 licensed under the provisions of article two-e, chapter sixteen  
21 of this code by a licensed nurse midwife or midwife as this  
22 occupation is defined in section one, article fifteen, chapter  
23 thirty of this code and which care is within the scope of  
24 duties for such licensed nurse midwife or midwife as  
25 permitted by the provisions of section seven of said article.

26           (3) Obtain by purchase or lease such grounds, buildings,  
27 office or other space, equipment, facilities and services as  
28 may be necessary for the execution and administration of  
29 those powers, duties and responsibilities granted and assigned  
30 by this chapter and elsewhere by law to the department and  
31 the secretary.

32 (4) Sign and execute in the name of the state by the State  
33 Department of Health and Human Resources any contract or  
34 agreement with the federal government or its agencies, other  
35 states, political subdivisions of this state, corporations,  
36 associations, partnerships or individuals.

37 (5) Establish such special funds as may be required by  
38 the federal Social Security Act, as amended, or by any other  
39 Act or Acts of Congress, in order for this state to take full  
40 advantage of the benefits and provisions thereof relating to  
41 the federal-state assistance and federal assistance programs  
42 administered by the department and to make payments into  
43 and disbursements out of any such special fund or funds in  
44 accordance with the requirements of the federal Social  
45 Security Act, as amended, or any other Act or Acts of  
46 Congress, and in accordance with applicable state law and the  
47 objects and purposes of this chapter. In addition, the State  
48 Department of Health and Human Resources, through the  
49 secretary, is hereby authorized to accept any and all gifts or  
50 grants, whether in money, land, services or materials, which  
51 gift or gifts, if in the form of moneys, shall be placed in a  
52 separate fund and expended solely for the purpose of public  
53 assistance programs. No part of this special fund shall revert  
54 to the General Revenue Funds of this state. No expenses  
55 incurred pursuant to this special fund shall be a charge  
56 against the General Funds of this state.

57 (6) Establish within the department an Office of Inspector  
58 General for the purpose of conducting and supervising  
59 investigations and for the purpose of providing quality  
60 control for the programs of the department. The Office of  
61 Inspector General shall be headed by the Inspector General  
62 who shall report directly to the secretary. Neither the  
63 secretary nor any employee of the department may prevent,  
64 inhibit or prohibit the Inspector General or his or her  
65 employees from initiating, carrying out or completing any  
66 investigation, quality control review or other activity

67 oversight of public integrity by the Office of the Inspector  
68 General. The secretary shall place within the Office of  
69 Inspector General any function he or she deems necessary.  
70 Qualification, compensation and personnel practice relating  
71 to the employees of the Office of the Inspector General,  
72 including that of the position of Inspector General, shall be  
73 governed by the classified service provisions of article six,  
74 chapter twenty-nine of this code and rules promulgated  
75 thereunder. The Inspector General shall supervise all  
76 personnel of the Office of Inspector General.

77 (7) Provide at department expense a program of  
78 continuing professional, technical and specialized instruction  
79 for the personnel of the department.

80 (8) Pay from available funds all or part of the reasonable  
81 expenses incurred by a person newly employed by the  
82 department in moving his household furniture, effects and  
83 immediate family from his or her place of residence in this  
84 state to his or her place of employment in this state; and to  
85 pay from available funds all or part of the reasonable  
86 expenses incurred by a department employee in moving his  
87 or her household furniture, effects and immediate family as  
88 a result of a reassignment of the employee which is  
89 considered desirable, advantageous to and in the best  
90 interests of the state, but no part of the moving expenses of  
91 any one such employee shall be paid more frequently than  
92 once in twelve months or for any movement other than from  
93 one place of employment in this state to another place of  
94 employment in this state.

95 (9) Establish a program to provide reimbursement to  
96 employees of the department whose items of personal  
97 property, as defined by the department by policy, are  
98 damaged during the course of employment or other work-  
99 related activity as a result of aggressive behavior by a client  
100 or patient receiving services from the department: *Provided,*

101 That such reimbursement is limited to a maximum amount of  
102 \$250.00 per claim.

103 (10) Establish and maintain such institutions as are  
104 necessary for the temporary care, maintenance and training  
105 of children and other persons.

106 (11) Prepare and submit state plans which will meet the  
107 requirements of federal laws, rules governing federal-state  
108 assistance and federal assistance and which are not  
109 inconsistent with state law.

110 (12) Organize within the department a Board of Review,  
111 consisting of a Chairman appointed by the secretary and as  
112 many assistants or employees of the department as may be  
113 determined by the secretary and as may be required by  
114 federal laws and rules respecting state assistance, federal-  
115 state assistance and federal assistance, such Board of Review  
116 to have such powers of a review nature and such additional  
117 powers as may be granted to it by the secretary and as may be  
118 required by federal laws and rules respecting federal-state  
119 assistance and federal assistance.

120 (13) Provide by rules such review and appeal procedures  
121 within the Department of Health and Human Resources as  
122 may be required by applicable federal laws and rules  
123 respecting state assistance, federal-state assistance and  
124 federal assistance and as will provide applicants for, and  
125 recipients of all, classes of welfare assistance an opportunity  
126 to be heard by the board of Review, a member thereof, or  
127 individuals designated by the board, upon claims involving  
128 denial, reduction, closure, delay or other action or inaction  
129 pertaining to public assistance.

130 (14) Provide by rules, consistent with requirements of  
131 applicable federal laws and rules, application forms and  
132 application procedures for the various classes of public  
133 assistance.

134 (15) Provide locations for making applications for the  
135 various classes of public assistance.

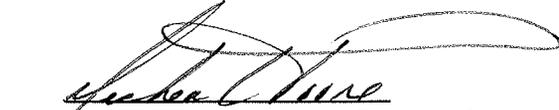
136 (16) Provide a citizen or group of citizens an opportunity  
137 to file objections and to be heard upon objections to the grant  
138 of any class of public assistance.

139 (17) Delegate to the personnel of the department all  
140 powers and duties vested in the secretary, except the power  
141 and authority to sign contracts and agreements.

142 (18) Make such reports in such form and containing such  
143 information as may be required by applicable federal laws  
144 and rules respecting federal-state assistance and federal  
145 assistance.

146 (19) Invoke any legal, equitable or special remedies for  
147 the enforcement of the provisions of this chapter.

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

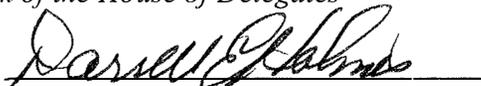
  
Chairman, House Committee

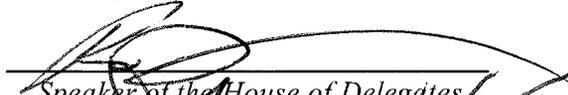
  
Chairman, Senate Committee

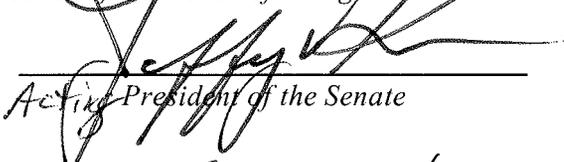
Originating in the House.

To take effect ninety days from passage.

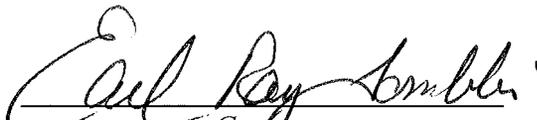
  
Clerk of the House of Delegates

  
Clerk of the Senate

  
Speaker of the House of Delegates

  
Acting President of the Senate

The within is approved this the 24th  
day of March, 2011.

  
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2011

Time 11:10 AM