WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4062

(By Delegates Williams, D. Campbell, Cann, Moye, Perdue, Pino, Stephens, Walker and Hamilton)

Passed March 10, 2012
To Take Effect Ninety Days From Passage
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5P-15, relating to establishing an in-home care registry; defining terms; requiring the Bureau of Senior Services to develop and maintain the registry; providing legislative rule-making authority to the bureau; and specifying certain requirements to be provided in the legislative rule.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-5P-15, to read as follows:

ARTICLE 5P. SENIOR SERVICES.

§16-5P-15. Establishment of In-home Care Registry.

(a) There is established within the Bureau of Senior Services an in-home care worker registry which is to be
maintained by the bureau. The purpose of the registry is to provide the public a list of in-home care workers, along with their qualifications, who voluntarily agree to be included and who have passed a criminal background check.

(b) "In-home care worker" means an unlicensed person who provides personal care or other services and supports to persons with disabilities or to the elderly in order to enhance their well-being and which involves face-to-face direct contact with the person. Functions performed may include but are not limited to assistance and training in activities of daily living, personal care services, and job-related supports.

(c) The bureau shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to establish the following:

(1) The registry of in-home care workers;

(2) The requirements for inclusion on the registry as an ‘in-home care worker,’ including educational attainment;

(3) A fee schedule of proposed rates for those services and supports provided by the in-home care worker based upon qualifications of the in-home care workers, such as educational attainment;

(4) Requirement of completion and passage of a criminal background check, consisting of checking the National Instant Criminal Background Check System and the West Virginia criminal history record responses. If an in-home care worker is included on the list with a criminal history indicated on his or her criminal background check, that information shall be noted on the registry. The bureau may not remove a person from the registry if the criminal background check reveals any negative information;
(5) How a person obtains information from the registry;

and

(6) Any other requirement necessary to implement the provisions of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clare younger

Clerk of the Senate

Darrell C. Holmes

Speaker of the House of Delegates

Robert Barbin

President of the Senate

The within is approved this the 22nd day of March 2012.

Governor

Earl Ray Tomblin
PRESENTED TO THE GOVERNOR

MAR 19 2012

Time: 11:10