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2012 MAR 22 PM 3:29

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

AD-1000

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H. B. 4062

(BY DELEGATES WILLIAMS, D. CAMPBELL, CANN, MOYE, PERDUE,
PINO, STEPHENS, WALKER, 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.

- 1 (a) There is established within the Bureau of Senior
2 Services an in-home care worker registry which is to be

3 maintained by the bureau. The purpose of the registry is to
4 provide the public a list of in-home care workers, along with
5 their qualifications, who voluntarily agree to be included and
6 who have passed a criminal background check.

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

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

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

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

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

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

33 (5) How a person obtains information from the registry;
34 and

35 (6) Any other requirement necessary to implement the
36 provisions of this section.

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



Michael D. Sorenson

Chairman, House Committee

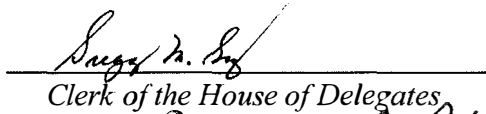


Robert J. Taylor

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.



Susan D. Spivey

Clerk of the House of Delegates



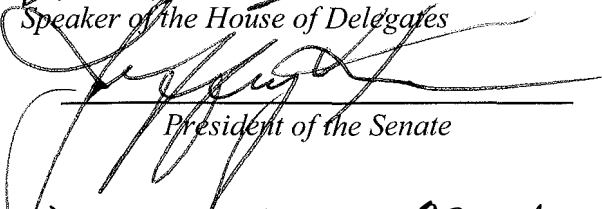
Darrell E. Holmes

Clerk of the Senate



Robert P. Taylor

Speaker of the House of Delegates



Robert J. Taylor

President of the Senate

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



Carl Roy Tomblin

Governor

PRESENTED TO THE GOVERNOR

MAR 19 2012

Time 11:10 pm