

HB 2885

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2885

Compton, Hutchins, Henderson, Hubbard,
(By Delegate Caputo, Capito and Louisos)



Passed April 12, 1997

In Effect Ninety Days From Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

ENROLLED

H. B. 2885

(BY DELEGATES COMPTON, HUTCHINS, HENDERSON, HUBBARD,
CAPUTO, CAPITO AND LOUISOS)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact sections two, three and four, article five-k, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to early intervention services for children with developmental delays; modifying definitions; increasing responsibilities of the department of health and human resources to include personnel development; and authorizing additions to the interagency coordinating council.

Be it enacted by the Legislature of West Virginia:

That sections two, three and four, article five-k, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 5K. EARLY INTERVENTION SERVICES FOR CHILDREN WITH DEVELOPMENTAL DELAYS.

§16-5K-2. Definitions.

- 1 Unless the context clearly otherwise indicates, as used
- 2 in this article:
- 3 (a) "Cabinet" means the governor's cabinet on chil-
- 4 dren and families.

5 (b) "Council" means the governor's early interven-
6 tion interagency coordinating council.

7 (c) "Department" means the department of health
8 and human resources.

9 (d) "Early intervention services" means develop-
10 mental services which:

11 (1) Are designed to meet the developmental needs of
12 developmentally delayed infants and toddlers and the
13 needs of the family related to enhancing the child's
14 development;

15 (2) Are selected in collaboration with the parents;

16 (3) Are provided under public supervision in
17 conformity with an individualized family service plan, and
18 at no cost to families;

19 (4) Meet the state's early intervention standards, as
20 established by the department of health and human
21 resources with the assistance of the governor's early
22 intervention interagency coordinating council;

23 (5) Include assistive technology, audiology, audi-
24 ology case management, family training, counseling and
25 home visits, health services necessary to enable a child to
26 benefit from other early intervention services, medical
27 services only for diagnostic or evaluation purposes,
28 nursing services, nutrition services, occupational therapy,
29 physical therapy, psychological services, social work
30 services, special instruction, speech-language pathology,
31 vision and transportation; and

32 (6) Are provided by licensed or otherwise qualified
33 personnel, including audiologists, family therapists, nurses,
34 nutritionists, occupational therapists, orientation and
35 mobility specialists, physical therapists, physicians,
36 psychologists, social workers, special educators, speech-
37 language pathologists and paraprofessionals appropriately
38 trained and supervised.

39 (e) "Infants and toddlers with developmental delay"
40 means children from birth to thirty-six months of age who

41 need early intervention services for any of the following
42 reasons:

43 (1) They are experiencing developmental delays, as
44 measured by appropriate methods and procedures, in one
45 or more of the following areas: Cognitive, physical,
46 including visual and hearing, communicative, adaptive,
47 social, language and speech, or psycho-social development
48 or self-help skills; or

49 (2) They have a diagnosed physical or mental
50 condition that has a high probability of resulting in
51 developmental delay; or

52 (3) They are at risk of having substantial develop-
53 mental delays if early intervention services are not
54 provided.

**§16-5K-3. Responsibilities of the department of health and
human resources.**

1 (a) The department of health and human resources is
2 the administering agency for the development of a
3 statewide, comprehensive, coordinated, interagency system
4 of early intervention services.

5 (b) Consistent with the provisions of Public Law
6 99-457, as enacted by the Congress of the United States,
7 the department has the following responsibilities:

8 (1) To carry out the general administration, super-
9 vision and monitoring of early intervention programs and
10 activities;

11 (2) To resolve complaints regarding the requirements
12 of Public Law 99-457;

13 (3) To identify and coordinate all available resources
14 within the state from federal, state, local and private
15 sources;

16 (4) To enter into formal interagency agreements with
17 other state agencies involved in early intervention;

18 (5) To resolve intraagency and interagency disputes
19 and to ensure that early intervention services are provided

20 in a timely manner pending the resolution of such
21 disputes; and

22 (6) To coordinate and implement a comprehensive
23 system of personnel development, including the
24 certification and credentialing of qualified personnel
25 pursuant to federal regulations or requirements;

26 (c) The department may propose rules for legislative
27 approval in accordance with the provisions of article three,
28 chapter twenty-nine-a of this code necessary to carry out
29 the purposes of this article.

30 (d) The department of health and human resources
31 and the department of education shall enter into a formal
32 interagency agreement regarding early intervention
33 services. The agreement shall define the financial
34 responsibility of each agency, describe the transition of
35 services to children and their families between service
36 systems, and establish procedures for resolving disputes.

§16-5K-4. Interagency coordinating council.

1 (a) The governor's early intervention interagency
2 coordinating council is hereby established. The council is
3 composed of at least fifteen members appointed by the
4 governor with additional ex officio members representing
5 specific agencies serving infants and toddlers with
6 developmental delays.

7 (b) The membership of the council shall consist of the
8 following:

9 (1) At least three parents of children, ages birth
10 through six years of age, who have developmental delays;

11 (2) At least three persons, representative of the public
12 or private service providers;

13 (3) At least one member of the House of Delegates
14 recommended by the speaker of the House of Delegates
15 and one member of the Senate recommended by the
16 Senate president;

17 (4) At least one person from higher education
18 involved in training individuals to provide services under
19 this article; and

20 (5) A representative of each of the agencies involved
21 in the provision of or payment for early intervention
22 services to infants and toddlers with developmental delays
23 and their families.

24 (c) The council shall meet at least quarterly and in
25 such place as it considers necessary.

26 (d) The council is responsible for the following
27 functions:

28 (1) To advise and assist the department of health and
29 human resources in the development and implementation
30 of early intervention policies;

31 (2) To assist the department in achieving the full
32 participation of all relevant state agencies and programs;

33 (3) To collaborate with the governor's cabinet on
34 children and families in the coordination of early
35 intervention services with other programs and services for
36 children and families;

37 (4) To assist the department in the effective
38 implementation of a statewide system of early intervention
39 services;

40 (5) To assist the department in the resolution of
41 disputes;

42 (6) To advise and assist the department in the
43 preparation of grant applications; and

44 (7) To prepare and submit an annual report to the
45 governor, the Legislature and the United States secretary
46 of education on the status of early intervention programs
47 within the state.

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

Ray Schoorover
Chairman Senate Committee

Nik Fantasia
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrell E. Adams
Clerk of the Senate

Bryan W. Bay
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

P. H. ...
Speaker of the House of Delegates

The within *is approved* this the *7th*
day of *May*, 1997.

Jeff D. ...
Governor

PRESENTED TO THE

GOVERNOR

Date 5/1/97

Time 3:00 pm