

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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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
RESPONSIBILITIES GENERALLY.**

§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

President of the Senate

The within _____ this the _____
day of _____, 2011.

Governor