

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 171**

4 (By Senators Miller, Foster, Helmick, Plymale, Hall, Unger,  
5 Jenkins, Stollings and Wills)

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7 [Originating in the Committee on Health and Human Resources;  
8 reported January 18, 2012.]  
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11  
12 A BILL to amend and reenact §16-5P-6 of the Code of West Virginia,  
13 1931, as amended, relating generally to the creation of an in-  
14 home direct care worker registry; clarifying the duties of the  
15 Commissioner of the Bureau of Senior Services as executive and  
16 administrative head of the Bureau of Senior Services;  
17 requiring the Bureau of Senior Services to develop and  
18 maintain an in-home direct care worker registry; and granting  
19 rule-making authority.

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

21 That §16-5P-6 of the Code of West Virginia, 1931, as amended,  
22 be amended and reenacted to read as follows:

23 **ARTICLE 5P. SENIOR SERVICES.**

24 **§16-5P-6. Powers and duties generally.**

25 The commissioner ~~shall be~~ is the executive and administrative

1 head of the bureau and ~~shall have~~ has the power and duty to:

2 (a) Exercise general supervision of the bureau;

3 (b) Propose legislative rules for the effective and  
4 expeditious performance and discharge of the duties and  
5 responsibilities placed upon the commissioner by law;

6 (c) Conduct and coordinate studies of the problems of the  
7 state's older people;

8 (d) Encourage and promote the establishment of local programs  
9 and services for the aging;

10 (e) Conduct programs of public education on the problems of  
11 the aging;

12 (f) Review state programs for the aging and annually make  
13 recommendations to the Governor and the Legislature;

14 (g) Encourage and assist governmental and private agencies to  
15 coordinate effective efforts on behalf of the aging;

16 (h) Coordinate statewide local and voluntary efforts to serve  
17 the aging and develop programs at the local level;

18 (I) Supervise fiscal management and responsibilities of the  
19 bureau;

20 (j) Keep an accurate and complete record of all bureau  
21 proceedings, record and file all bonds and contracts and assume  
22 responsibility for the custody and preservation of all papers and  
23 documents of the bureau;

24 (k) Submit an annual report to the Governor on the condition,  
25 operation and functioning of the bureau;

1 (l) Invoke any legal or special remedy for the enforcement of  
2 orders or the provisions of this chapter;

3 (m) Standardize administration, expedite bureau business,  
4 revise rules and promote the efficiency of the service;

5 (n) Provide a program of continuing professional, technical  
6 and specialized instruction for the personnel of the bureau and  
7 local service providers; and

8 (o) Receive on behalf of the state any grant or gift and  
9 accept the same, so that the title shall pass to the state. All  
10 moneys from grants or gifts shall be deposited with the State  
11 Treasurer in a special fund and shall be used for the purposes set  
12 forth in the grant or gift.

13 (p) Create and maintain a registry of certified in-home direct  
14 care workers that details qualifications and experience of in-home  
15 direct care workers in West Virginia. The bureau shall propose  
16 rules for legislative approval in accordance with the provisions of  
17 article three, chapter twenty-nine-a of this code, to establish the  
18 following: (1) the definition of "in-home direct care worker" and  
19 (2) the requirements for certification as an "in-home direct care  
20 worker", including educational requirements and the completion of  
21 a criminal background check.