

# **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

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## H. B. 4062

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

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[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.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*