

COMMITTEE SUBSTITUTE

FOR

**H. B. 4062**

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

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(Originating in the Committee on Finance)  
[January 27, 2012]

A BILL 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:

**§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 who  
5        voluntarily agree to be included and their qualifications, who  
6        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. Should an in-home care worker be  
26 included on the list with a criminal history indicated on his  
27 or her criminal back ground check, such information will be  
28 noted on the registry. A person may not be removed from  
29 the registry if the criminal background check reveals any  
30 negative information;

31 (5) How a person obtains information from the registry;  
32 and,

33 (6) Any other requirement necessary to implement the  
34 provisions of this section.