

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 435

(SENATORS CHAFIN, YOST AND WILLS, *original sponsors*)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §16-5C-18 of the Code of West Virginia, 1931, as amended, relating to the conveyance of personal funds upon death of nursing home residents.

Be it enacted by the Legislature of West Virginia:

That §16-5C-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5C. NURSING HOMES.

§16-5C-18. Separate accounts for residents' personal funds; consent for use; records; penalties.

1 (a) Each nursing home subject to the provisions of this
2 article shall hold in a separate account and in trust each
3 resident's personal funds deposited with the nursing home.

4 (b) No person may use or cause to be used for any
5 purpose the personal funds of any resident admitted to any
6 such nursing home unless consent for the use thereof has

7 been obtained from the resident or from a committee or
8 guardian or relative.

9 (c) Each nursing home shall maintain a true and com-
10 plete record of all receipts for any disbursements from the
11 personal funds account of each resident in the nursing home,
12 including the purpose and payee of each disbursement, and
13 shall render a true account of such record to the resident or
14 his or her representative upon demand and upon termination
15 of the resident's stay in the nursing home.

16 (d) Any person or corporation who violates any subsec-
17 tion of this section is guilty of a misdemeanor and, upon
18 conviction thereof, shall be fined not more than \$1,000, or
19 imprisoned in jail not more than one year, or both fined and
20 imprisoned.

21 (e) Reports provided to review organizations are confi-
22 dential unless inaccessibility of information interferes with
23 the director's ability to perform his or her oversight function
24 as mandated by federal regulations and this section.

25 (f) Notwithstanding subsection (b) of this section or any
26 other provision of this code, upon the death of a resident, any
27 funds remaining in his or her personal account shall be made
28 payable to the person or probate jurisdiction administering
29 the estate of said resident: *Provided*, That if after thirty days
30 there has been no qualification over the decedent resident's
31 estate, those funds are presumed abandoned and are report-
32 able to the State Treasurer pursuant to the West Virginia
33 Uniform Unclaimed Property Act, section one, article eight,
34 chapter thirty-six of this code, *et sequella*.

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2012.

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Governor