

**H. B. 2395**

(By Delegates Williams, D Campbell, Moye,  
Perdue, Pino and Ellington)

[Introduced February 13, 2013; referred to the  
Committee on Senior Citizen Issues then Government  
Organization.]

A BILL to amend and reenact §16-5P-15 of the Code of West Virginia,  
1931, as amended, relating to senior services; the in-home  
care registry; eliminating the requirement of a rule  
established fee schedule; and permitting the Bureau of Senior  
Services to determine whether an applicant needs to obtain a  
state or federal criminal background check.

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

That §16-5P-15 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 5P. SENIOR SERVICES.**

**§16-5P-15. Establishment of In-home Care Registry.**

(a) There is ~~established~~ continued within the Bureau of Senior  
Services an in-home care worker registry which is to be maintained  
by the bureau. The purpose of the registry is to provide the  
public a list of in-home care workers, along with their

1 qualifications, who voluntarily agree to be included and who have  
2 ~~passed~~ obtained a criminal background check.

3 (b) "In-home care worker" means an unlicensed person who  
4 provides personal care or other services and supports to persons  
5 with disabilities or to the elderly in order to enhance their  
6 well-being and which involves face-to-face direct contact with the  
7 person. Functions performed may include, but are not limited to,  
8 assistance and training in activities of daily living, personal  
9 care services, and job-related supports.

10 (c) The bureau shall propose rules for legislative approval in  
11 accordance with the provisions of article three, chapter  
12 twenty-nine-a of this code, to establish the following:

13 (1) The registry of in-home care workers;

14 (2) The requirements for inclusion on the registry as an  
15 'in-home care worker,' including educational attainment;

16 ~~(3) A fee schedule of proposed rates for those services and  
17 supports provided by the in-home care worker based upon  
18 qualifications of the in-home care workers, such as educational  
19 attainment;~~

20 ~~(4) Requirement of completion and passage~~ (3) Requiring an  
21 applicant to obtain of a state or federal criminal background  
22 check, as determined in legislative rule by the bureau; ~~consisting~~  
23 ~~of checking the National Instant Criminal Background Check System~~

1 ~~and the West Virginia criminal history record responses. If an~~  
2 ~~in-home care worker is included on the list with a criminal history~~  
3 ~~indicated on his or her criminal back ground check, that~~  
4 ~~information shall be noted on the registry. The bureau may not~~  
5 ~~remove a person from the registry if the criminal background check~~  
6 ~~reveals any negative information;~~

7       ~~(5)~~ (4) How a person obtains information from the registry;  
8 and

9       ~~(6)~~ (5) Any other requirement necessary to implement the  
10 provisions of this section.

NOTE: The purpose of this bill is to permit the Bureau of Senior Services to determine whether an applicant needs to obtain a state or federal criminal background check. It also eliminates the requirement of a rule to charge fees.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

This bill has been recommended for passage during the 2013 Regular Session by the Select Committee on PEIA, Seniors and Long Term Care.