

Senate Bill No. 106

(By Senators McCabe, Miller, Cann, Jenkins, Laird, Stollings and
Beach)

[Introduced February 13, 2013; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

**Interim
Bill**

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

1 Services an in-home care worker registry which is to be maintained
2 by the bureau. The purpose of the registry is to provide the
3 public a list of in-home care workers, along with their
4 qualifications, who voluntarily agree to be included and who have
5 ~~passed~~ obtained a criminal background check.

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

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

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

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

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

23 ~~(4) Requirement of completion and passage~~ (3) Requiring an

1 applicant to obtain of a state or federal criminal background
 2 check, as determined in legislative rule by the bureau; ~~consisting~~
 3 ~~of checking the National Instant Criminal Background Check System~~
 4 ~~and the West Virginia criminal history record responses. If an~~
 5 ~~in-home care worker is included on the list with a criminal history~~
 6 ~~indicated on his or her criminal back ground check, that~~
 7 ~~information shall be noted on the registry. The bureau may not~~
 8 ~~remove a person from the registry if the criminal background check~~
 9 ~~reveals any negative information;~~

10 ~~(5)~~ (4) How a person obtains information from the registry;

11 and

12 ~~(6)~~ (5) Any other requirement necessary to implement the
 13 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.