

# **E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

## **H. B. 2395**

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(BY DELEGATE(S) WILLIAMS, D CAMPBELL, MOYE,  
PERDUE, PINO AND ELLINGTON)

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[Passed April 10, 2013; in effect ninety days from passage.]

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AN ACT to amend and reenact §16-5P-15 of the Code of West Virginia, 1931, as amended, relating to senior services in-home care registry; providing for sixty-day waiver of initial registration fee; clarifying rule-making authority for the Bureau of Senior Services to require an applicant to obtain a state or federal criminal background check; and requiring legislative rules to be proposed for legislative approval during the 2014 legislative session.

*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.**

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

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

14 (c) The bureau shall propose rules for legislative approval  
15 during the 2014 legislative session in accordance with the  
16 provisions of article three, chapter twenty-nine-a of this code to  
17 establish the following:

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

19 (2) The requirements for inclusion on the registry as an  
20 “in-home care worker”, including educational attainment;

21 (3) A fee schedule: *Provided*, That the Commissioner of the  
22 Bureau of Senior Services shall waive the initial registration fee  
23 for the first sixty days the registration is active;

24 (4) Requiring an applicant to obtain a state or federal  
25 criminal background check, as determined in legislative rule by  
26 the bureau;

27 (5) How a person obtains information from the registry; and

28 (6) Any other requirement necessary to implement the  
29 provisions of this section.

That 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.

In 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*

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The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2013.

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*Governor*

