

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4585**

By Delegate C. Pritt

[Introduced January 10, 2024; Referred  
to the Committee on Health and Human Resources  
then Judiciary ]

1 A BILL to amend and reenact §49-2-602 of the Code of West Virginia, 1931, as amended, relating  
 2 to prohibiting a COVID-19 vaccination requirement for individuals who provide respite  
 3 care.

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

**ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**

**§49-2-602. Family support services; responsibilities; funds; case management; outreach; differential fees.**

1 (a) The regional family support agency, designated under article two of this chapter, shall  
 2 direct and be responsible for the individual assessment of each developmentally disabled person  
 3 which it has designated and shall prepare a service plan with the developmentally disabled  
 4 person's family. The needs and preferences of the family will be the basis for determining what  
 5 goods and services will be made available within the resources available.

6 (b) The family support program may provide funds to families to purchase goods and  
 7 services included in the family service plan. Those goods and services related to the care of the  
 8 developmentally disabled person may include, but are not limited to:

- 9 (1) Respite care;
- 10 (2) Personal and attendant care;
- 11 (3) Child care;
- 12 (4) Architectural and vehicular modifications;
- 13 (5) Health-related costs not otherwise covered;
- 14 (6) Equipment and supplies;
- 15 (7) Specialized nutrition and clothing;
- 16 (8) Homemaker services;
- 17 (9) Transportation;
- 18 (10) Utility costs;
- 19 (11) Integrated community activities; and

20 (12) Training and technical assistance.

21 (c) As part of the family support program, the regional family support agency, designated  
22 under section six hundred two of this article, shall provide case management for each family to  
23 provide information, service coordination and other assistance as needed by the family.

24 (d) The family support program shall assist families of developmentally disabled adults in  
25 planning and obtaining community living arrangements, employment services and other resources  
26 needed to achieve, to the greatest extent possible, independence, productivity and integration of  
27 the developmentally disabled adult into the community.

28 (e) The family support program shall conduct outreach to identify families in need of  
29 assistance and shall maintain a waiting list of individuals and families in the event that there are  
30 insufficient resources to provide services to all those who request them.

31 (f) The family support program may provide for differential fees for services under the  
32 program or for appropriate cost participation by the recipient families consistent with the goals of  
33 the program and the overall financial condition of the family.

34 (g) Funds, goods or services provided to eligible families by the family support program  
35 under this article shall not be considered as income to those families for any purpose under this  
36 code or under the rules and regulations of any agency of state government.

37 (h) Notwithstanding any other provision of law to the contrary, no individual who provides  
38 respite care with the family support program shall be required or mandated to have a COVID-19  
39 vaccination or vaccination booster.

NOTE: The purpose of this bill is to prohibit a COVID-19 vaccination requirement for individuals who provide respite care.

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