

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 3094**

5 (By Delegates Smith, Jones, L. Phillips, D. Poling, Longstreth,
6 Shaver, Walker, Fragale, Caputo, Martin and Staggers)

7
8 [Passed March 10, 2011; in effect ninety days from passage.]
9

10 AN ACT to amend and reenact §9-2-6 of the Code of West Virginia,
11 1931, as amended, relating to requiring the Secretary of the
12 Department of Health and Human Services to use existing
13 department funds to develop a program to compensate employees
14 for personal property loss in work related incidents.

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

16 That §9-2-6 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND**
19 **RESPONSIBILITIES GENERALLY.**

20 **§9-2-6. Powers of secretary.**

21 Within limits of state appropriations and federal grants and
22 subject to provisions of state and federal laws and regulations,
23 the secretary, in addition to all other powers, duties and
24 responsibilities granted and assigned to that office in this
25 chapter and elsewhere by law, is authorized and empowered to:

26 (1) Promulgate, amend, revise and rescind department rules

1 respecting the organization and government of the department and
2 the execution and administration of those powers, duties and
3 responsibilities granted and assigned by this chapter and elsewhere
4 by law to the department and the secretary.

5 (2) Promulgate, amend, revise and rescind department rules and
6 regulations respecting qualifications for receiving the different
7 classes of welfare assistance consistent with or permitted by
8 federal laws, rules and policies, but not inconsistent with state
9 law: *Provided*, That such rules and policies respecting
10 qualifications shall permit the expenditure of state funds to pay
11 for care rendered in any birthing center licensed under the
12 provisions of article two-e, chapter sixteen of this code by a
13 licensed nurse midwife or midwife as this occupation is defined in
14 section one, article fifteen, chapter thirty of this code and which
15 care is within the scope of duties for such licensed nurse midwife
16 or midwife as permitted by the provisions of section seven of said
17 article.

18 (3) Obtain by purchase or lease such grounds, buildings,
19 office or other space, equipment, facilities and services as may be
20 necessary for the execution and administration of those powers,
21 duties and responsibilities granted and assigned by this chapter
22 and elsewhere by law to the department and the secretary.

23 (4) Sign and execute in the name of the state by the State
24 Department of Health and Human Resources any contract or agreement
25 with the federal government or its agencies, other states,
26 political subdivisions of this state, corporations, associations,

1 partnerships or individuals.

2 (5) Establish such special funds as may be required by the
3 federal Social Security Act, as amended, or by any other Act or
4 Acts of Congress, in order for this state to take full advantage of
5 the benefits and provisions thereof relating to the federal-state
6 assistance and federal assistance programs administered by the
7 department and to make payments into and disbursements out of any
8 such special fund or funds in accordance with the requirements of
9 the federal Social Security Act, as amended, or any other Act or
10 Acts of Congress, and in accordance with applicable state law and
11 the objects and purposes of this chapter. In addition, the State
12 Department of Health and Human Resources, through the secretary, is
13 hereby authorized to accept any and all gifts or grants, whether in
14 money, land, services or materials, which gift or gifts, if in the
15 form of moneys, shall be placed in a separate fund and expended
16 solely for the purpose of public assistance programs. No part of
17 this special fund shall revert to the General Revenue Funds of this
18 state. No expenses incurred pursuant to this special fund shall be
19 a charge against the General Funds of this state.

20 (6) Establish within the department an Office of Inspector
21 General for the purpose of conducting and supervising
22 investigations and for the purpose of providing quality control for
23 the programs of the department. The Office of Inspector General
24 shall be headed by the Inspector General who shall report directly
25 to the secretary. Neither the secretary nor any employee of the
26 department may prevent, inhibit or prohibit the Inspector General

1 or his or her employees from initiating, carrying out or completing
2 any investigation, quality control review or other activity
3 oversight of public integrity by the Office of the Inspector
4 General. The secretary shall place within the Office of Inspector
5 General any function he or she deems necessary. Qualification,
6 compensation and personnel practice relating to the employees of
7 the Office of the Inspector General, including that of the position
8 of Inspector General, shall be governed by the classified service
9 provisions of article six, chapter twenty-nine of this code and
10 rules promulgated thereunder. The Inspector General shall
11 supervise all personnel of the Office of Inspector General.

12 (7) Provide at department expense a program of continuing
13 professional, technical and specialized instruction for the
14 personnel of the department.

15 (8) Pay from available funds all or part of the reasonable
16 expenses incurred by a person newly employed by the department in
17 moving his household furniture, effects and immediate family from
18 his or her place of residence in this state to his or her place of
19 employment in this state; and to pay from available funds all or
20 part of the reasonable expenses incurred by a department employee
21 in moving his or her household furniture, effects and immediate
22 family as a result of a reassignment of the employee which is
23 considered desirable, advantageous to and in the best interests of
24 the state, but no part of the moving expenses of any one such
25 employee shall be paid more frequently than once in twelve months
26 or for any movement other than from one place of employment in this

1 state to another place of employment in this state.

2 (9) Establish a program to provide reimbursement to employees
3 of the department whose items of personal property, as defined by
4 the department by policy, are damaged during the course of
5 employment or other work-related activity as a result of aggressive
6 behavior by a client or patient receiving services from the
7 department: *Provided*, That such reimbursement is limited to a
8 maximum amount of \$250.00 per claim.

9 (10) Establish and maintain such institutions as are necessary
10 for the temporary care, maintenance and training of children and
11 other persons.

12 (11) Prepare and submit state plans which will meet the
13 requirements of federal laws, rules governing federal-state
14 assistance and federal assistance and which are not inconsistent
15 with state law.

16 (12) Organize within the department a Board of Review,
17 consisting of a Chairman appointed by the secretary and as many
18 assistants or employees of the department as may be determined by
19 the secretary and as may be required by federal laws and rules
20 respecting state assistance, federal-state assistance and federal
21 assistance, such Board of Review to have such powers of a review
22 nature and such additional powers as may be granted to it by the
23 secretary and as may be required by federal laws and rules
24 respecting federal-state assistance and federal assistance.

25 (13) Provide by rules such review and appeal procedures within
26 the Department of Health and Human Resources as may be required by

1 applicable federal laws and rules respecting state assistance,
2 federal-state assistance and federal assistance and as will provide
3 applicants for, and recipients of all, classes of welfare
4 assistance an opportunity to be heard by the board of Review, a
5 member thereof, or individuals designated by the board, upon claims
6 involving denial, reduction, closure, delay or other action or
7 inaction pertaining to public assistance.

8 (14) Provide by rules, consistent with requirements of
9 applicable federal laws and rules, application forms and
10 application procedures for the various classes of public
11 assistance.

12 (15) Provide locations for making applications for the various
13 classes of public assistance.

14 (16) Provide a citizen or group of citizens an opportunity to
15 file objections and to be heard upon objections to the grant of any
16 class of public assistance.

17 (17) Delegate to the personnel of the department all powers
18 and duties vested in the secretary, except the power and authority
19 to sign contracts and agreements.

20 (18) Make such reports in such form and containing such
21 information as may be required by applicable federal laws and rules
22 respecting federal-state assistance and federal assistance.

23 (19) Invoke any legal, equitable or special remedies for the
24 enforcement of the provisions of this chapter.