

H. B. 2369

(By Delegates M. Poling and Paxton)

[Introduced January 12, 2011; referred to the
Committee on Health and Human Resources then Government
Organization.]

A BILL to amend and reenact §9-2-6a of the Code of West Virginia,
1931, as amended, relating to an increase in human resource
budgets for program areas; developing caseload standards for
the Department of Health and Human Resources program areas;
requiring the proposal of rules for legislative approval by
the secretary on or before June 30, 2011; providing for
periodic review of caseload standards; requiring caseload
standards committees to comply with open meeting laws;
clarifying that employee representatives may serve an advisory
role to a caseload standards committee; establishing maximum
staffing caseloads; providing that caseload standards be
adopted using recognized standards for each program area;
providing that caseload standards may be used to justify
budget requests; and making stylistic corrections.

Be it enacted by the Legislature of West Virginia:

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

3 **ARTICLE 9. ~~COMMISSIONER OF HUMAN SERVICES;~~ SECRETARY OF HEALTH AND
4 HUMAN RESOURCES; POWERS, DUTIES AND
5 RESPONSIBILITIES GENERALLY.**

6 **§9-2-6a. ~~Commissioner~~ Secretary to develop caseload standards;
7 committee; definitions.**

8 ~~The commissioner shall develop~~ (a) On or before June 30, 2011,
9 the secretary shall propose rules for legislative approval in
10 accordance with the provisions of article three, chapter twenty-
11 nine-a of this code, specifying program caseload standards based on
12 the actual duties of employees in each program area of each agency,
13 bureau and division within the department and which may take into
14 consideration existing professional caseload standards for each
15 position and classification. Standards shall be reasonable and
16 achievable.

17 (b) A caseload standards committee shall be established and
18 composed of two employees from each program area in each region.
19 The members shall be elected by the employees from each program
20 area from among all the employees in the program area. ~~a~~
21 ~~subcommittee composed of the members from each program of services~~
22 ~~provided~~ On or before May 1, 2011, each program area caseload
23 standards committee shall meet with the appropriate office director

1 to develop caseload standards for each program. The committee
2 shall meet at least twice yearly to review the effectiveness of the
3 caseload standards adopted pursuant to this section and shall
4 report recommendations to the ~~commissioner through the personnel~~
5 ~~advisory committee representative under existing procedures~~
6 secretary through the caseload standards committee established
7 pursuant to this section.

8 (c) All meetings of the caseload standards committee are
9 subject to the open government meeting requirements of article nine-
10 a, chapter six of this code. Representatives of an employee
11 organization may serve in an advisory role on all caseload standards
12 committees.

13 ~~The caseload standards which are developed establishing minimum~~
14 ~~and maximum caseloads shall be advisory for the department in the~~
15 ~~hiring of staff and in individual caseload assignments, and may be~~
16 ~~used as a basis of the Department of Health and Human Resources~~
17 ~~personal services budget request to the Governor and the~~
18 ~~Legislature.~~

19 (d) All caseload standards developed as required by this
20 section shall establish, at a minimum, the maximum level of staff
21 to patient caseloads and the maximum level of staff to client
22 caseloads. Caseload standards may use any professional caseload
23 standard guidelines established by professional organizations as
24 these are applicable to a program area and may not exceed a maximum

1 average threshold of the recognized applicable professional caseload
2 standards for any program area.

3 (e) Caseload standards established pursuant to this section may
4 be used by the secretary as a basis for requesting increases to any
5 Department of Health and Human Resources program area budget in
6 order to meet the staff census levels as specified by caseload
7 standards adopted pursuant to this section.

8 (f) As used in this section:

9 (1) "Caseload standards" means a measurable, numerical minimum
10 and maximum workload which an employee can reasonably be expected
11 to perform in a normal workday or workweek, based on the number,
12 variety and complexity of cases handled or number of different job
13 functions performed.

14 (2) "Professional caseload standards" means standards
15 established by national standard setting authorities when ~~they~~ these
16 exist or caseload standards used in other states which have similar
17 job titles.

NOTE: The purpose of this bill is to require the Secretary of the Department of Health and Human Resources to propose rules for legislative approval on or before June 30, 2011, to establish caseload standards for the program areas within the department and to provide for periodic review of caseload standards; require caseload standards committees to comply with open meeting laws; clarify that employee representatives may serve an advisory role to a caseload standards committee; establish maximum staffing caseloads; provide that caseload standards be adopted using recognized standards for each program area; and provide that

caseload standards may be used to justify budget requests.

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