

H. B. 3094

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(By Delegates Smith, Jones, L. Phillips,
D. Poling, Longstreth, Shaver, Walker, Fragale,
Caputo, Martin and Staggers)
[Introduced February 10, 2011; referred to the
Committee on Government Organization then Finance.]

**FISCAL
NOTE**

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

Be it enacted by the Legislature of West Virginia:

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

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

§9-2-6. Powers of secretary.

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

(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,

1 political subdivisions of this state, corporations, associations,
2 partnerships or individuals.

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

21 (6) Establish within the department an Office of Inspector
22 General for the purpose of conducting and supervising
23 investigations and for the purpose of providing quality control for
24 the programs of the department. The Office of Inspector General
25 shall be headed by the Inspector General who shall report directly

1 to the secretary. Neither the secretary nor any employee of the
2 department may prevent, inhibit or prohibit the Inspector General
3 or his or her employees from initiating, carrying out or completing
4 any investigation, quality control review or other activity
5 oversight of public integrity by the Office of the Inspector
6 General. The secretary shall place within the Office of Inspector
7 General any function he or she deems necessary. Qualification,
8 compensation and personnel practice relating to the employees of
9 the Office of the Inspector General, including that of the position
10 of Inspector General, shall be governed by the classified service
11 provisions of article six, chapter twenty-nine of this code and
12 rules promulgated thereunder. The Inspector General shall
13 supervise all personnel of the Office of Inspector General.

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

17 (8) Pay from available funds all or part of the reasonable
18 expenses incurred by a person newly employed by the department in
19 moving his household furniture, effects and immediate family from
20 his or her place of residence in this state to his or her place of
21 employment in this state; and to pay from available funds all or
22 part of the reasonable expenses incurred by a department employee
23 in moving his or her household furniture, effects and immediate
24 family as a result of a reassignment of the employee which is
25 considered desirable, advantageous to and in the best interests of

1 the state, but no part of the moving expenses of any one such
2 employee shall be paid more frequently than once in twelve months
3 or for any movement other than from one place of employment in this
4 state to another place of employment in this state.

5 (9) Establish a program, using existing department funds, to
6 compensate employees for expenses incurred related to loss of
7 personal property in work related incidents.

8 ~~(9)~~ (10) Establish and maintain such institutions as are
9 necessary for the temporary care, maintenance and training of
10 children and other persons.

11 ~~(10)~~ (11) Prepare and submit state plans which will meet the
12 requirements of federal laws, rules governing federal-state
13 assistance and federal assistance and which are not inconsistent
14 with state law.

15 ~~(11)~~ (12) Organize within the department a Board of Review,
16 consisting of a Chairman appointed by the secretary and as many
17 assistants or employees of the department as may be determined by
18 the secretary and as may be required by federal laws and rules
19 respecting state assistance, federal-state assistance and federal
20 assistance, such Board of Review to have such powers of a review
21 nature and such additional powers as may be granted to it by the
22 secretary and as may be required by federal laws and rules
23 respecting federal-state assistance and federal assistance.

24 ~~(12)~~ (13) Provide by rules such review and appeal procedures
25 within the Department of Health and Human Resources as may be

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

8 ~~(13)~~ (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 ~~(14)~~ (15) Provide locations for making applications for the
13 various classes of public assistance.

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

17 ~~(16)~~ (17) Delegate to the personnel of the department all
18 powers and duties vested in the secretary, except the power and
19 authority to sign contracts and agreements.

20 ~~(17)~~ (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 ~~(18)~~ (19) Invoke any legal, equitable or special remedies for
24 the enforcement of the provisions of this chapter.

NOTE: The purpose of this bill is to require the Secretary of the Department of Health and Human Services to use existing department funds to develop a program to compensate employees for personal property loss in work related incidents.

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